IN THE MATTER OF AN ARBITRATION UNDER THE
LABOUR RELATIONS CODE, RSBC 1996, C. 44

Between

UNIVERSITY OF BRITISH COLUMBIA
("UBC")

-and-

UNIVERSITY OF BRITISH COLUMBIA FACULTY ASSOCIATION
(the "FA")

(Career Progress for Length of Service)

CONSENT AWARD

ARBITRATOR: Greg Mullaly
COUNSEL: Michael A. Wagner for UBC
          Kas Pavanantharajah for the FA
AWARD: March 8, 2018
WHEREAS:

A. The 2010-2012 collective agreement between UBC and the FA (the “Parties”), included a new benefit for eligible faculty that would provide them with payments at years 20 and 25 of their initial appointments in eligible ranks (“LOS CPI”).

B. The Parties also agreed that the LOS CPI awards would be fully funded from within the Career Progress Increment (“CPI”) pool and the Performance Salary Adjustment “PSA” pool, and that they required no additional funding from any source.

C. With minor variations, the LOS CPI language of the collective agreement persisted though subsequent collective agreements.

D. LOS CPI payments are made at the same time as CPI (July 1). UBC at all times administered the LOS CPI awards in accordance with its understanding of the LOS CPI language which is that eligible members were allocated the LOS CPI if they had reached year 20 or year 25 by July 1.

E. By letter dated December 21, 2016, the FA filed the above-captioned grievance (the “Grievance”) claiming that UBC was, in certain circumstances, making the LOS CPI awards later than was required under its interpretation of the collective agreement.

F. Since the LOS CPI awards were fully funded from the CPI and PSA pools UBC derives no financial or other benefit from administering the LOS CPI awards regardless of whether it is allocated in keeping with the FA or UBC’s understanding.

G. I was appointed by UBC and the FA to arbitrate the Grievance.

H. UBC and the FA agree that I am properly constituted as an arbitration board and have the jurisdiction and authority to make any necessary decision, order, direction or award in respect of the Grievance.

NOW THEREFORE the following Consent Award is made pursuant to the Labour Relations Code, RSBC 1996, c. 44 by consent of UBC and the FA:

1. Effective July 1, 2018, UBC will allocate LOS CPI on July 1 of each year to faculty members reaching their actual 20th or 25th anniversary of appointment on that date, or within the coming academic year.

2. As soon as is reasonably practicable after the publication of this Consent Award, UBC will make lump sum payments to faculty who would have received their LOS CPI one year sooner if UBC had always administered the LOS CPI payments as set out in paragraph one above (the “Lump Sums”).
3. The Lump Sums will be for varying amounts depending on the year(s) in which eligible faculty would have received LOS CPI payments if UBC had always administered the LOS CPI as set out in paragraph one above.

4. The Lump Sum amounts will be as follows for faculty who would have received LOS CPI awards in 2011-2016 if UBC had always administered the LOS CPI awards as set out in paragraph one above:

<table>
<thead>
<tr>
<th>Effective Date of LOS CPI Award</th>
<th>LOS CPI Lump Sum Retro Payment</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>$539.33</td>
</tr>
<tr>
<td>2012</td>
<td>$544.00</td>
</tr>
<tr>
<td>2013</td>
<td>$561.33</td>
</tr>
<tr>
<td>2014</td>
<td>$618.00</td>
</tr>
<tr>
<td>2015</td>
<td>$625.00</td>
</tr>
<tr>
<td>2016</td>
<td>$660.33</td>
</tr>
</tbody>
</table>

5. Faculty members who will receive LOS CPI effective July 1, 2017, will receive a salary adjustment and a pro-rated lump sum payment, to the date the salary adjustment is made.

6. Faculty members who have been paid their LOS CPI after reaching their actual 20th and/or 25th anniversary year of appointment, contrary to what is described in paragraph one of this Award, will be paid according to the table in paragraph four but will not have their salaries adjusted.

7. The Lump Sums will be paid as regular earnings and will be subject to the customary deductions.

8. The Lump Sums will not be made to faculty members who are deceased. The University will send a letter to former faculty members whose current banking information is presently unknown to UBC to their address and email on record with UBC, and make a phone call to their phone number on record. The letter and phone call will advise of the settlement and their need to provide banking information/ or current address for payment to be made and provide a deadline of 60 days to respond. After doing so, UBC will provide a list to the FA of all members it did not have contact information on record for, or did not receive a response to the letter sent. The FA will then make attempts to contact these faculty members and advise them of the UBC person to contact to provide banking information. The deadline for these faculty members to provide their banking information is September 30, 2018. If after this process, UBC still is without banking information for these former faculty members, those Lump Sums will not have to be made. UBC will pay these members their Lump Sums as soon as reasonably practicable after it receives their current banking information.

9. The total cost of the Lump Sum payment will be fully funded from the 2018 and 2019 CPI pools, and 2020 if necessary.
10. The terms of this Consent Award represent a fair means of resolving the Grievance and are made on a without-precedent basis, without any finding or admission of error or wrongdoing by either Party, and without-prejudice to any other issue or dispute under the Parties’ collective agreement.

11. I will remain seized with respect to the interpretation, application and implementation of this Award.

DATED AND EFFECTIVE at Vancouver, British Columbia, this 23 day of July, 2018.

[Signature]

Greg Mullaly
Arbitrator