

Form B-2

File No.: 1201-09-R

**THE EMPLOYER MUST IMMEDIATELY POST THIS NOTICE
AND THE ATTACHED DECISION ADJACENT TO THE NOTICE
TO EMPLOYEES OF APPLICATION FOR CERTIFICATION**

LABOUR RELATIONS ACT, 1995
and
COLLEGES COLLECTIVE BARGAINING ACT, 2008

NOTICE OF VOTE

BEFORE THE ONTARIO LABOUR RELATIONS BOARD

Between:

Ontario Public Service Employees Union ("OPSEU")

Applicant,

- and -

College Compensation and Appointments Council

Responding Party.

TO ALL EMPLOYEES AND TO THE PARTIES:

The Board has directed that a representation vote be held. A copy of the Board's decision is attached.

VOTING CONSTITUENCY

The Board has established the following voting constituency:

Part time support staff includes all persons regularly employed by an employer:

- (a) for not more than 24 hours a week in positions or classifications in the office, clerical, technical, health care, maintenance, building service, shipping, transportation, cafeteria and nursery staff; and
- (b) all persons employed by an employer for a project of a non-recurring kind in positions or classifications in the office, clerical, technical, health care, maintenance, building service, shipping, transportation, cafeteria and nursery staff.

The part time support staff bargaining unit does not include:

- (a) foremen or supervisors;
- (b) persons above the rank of foreman or supervisor;
- (c) persons employed in a confidential capacity in matters related to employee relations or the formulation of a budget of a college or of a constituent campus of a college, including persons employed in clerical, stenographic or secretarial positions;
- (d) other persons employed in a managerial or confidential capacity within the meaning of section 5 of this Schedule;
- (e) students employed in a co-operative educational training program undertaken with a school, college or university;

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- (f) a graduate of a college during the period of 12 months immediately following completion of a course of study or instruction at the college by the graduate if the employment of the graduate is associated with a certification, registration or other licensing requirement;
- (g) a person who is a member of the architectural, dental, engineering, legal or medical profession, entitled to practice in Ontario and employed in a professional capacity; or
- (h) a person employed outside of Ontario.

“person employed in a managerial or confidential capacity” means a person who,

- (a) is involved in the formulation of organization objectives and policy in relation to the development and administration of programs of the employer or in the formulation of budgets of the employer,
- (b) spends a significant portion of his or her time in the supervision of employees,
- (c) is required by reason of his or her duties or responsibilities to deal formally on behalf of the employer with a grievance of an employee,
- (d) is employed in a position confidential to any person described in clause (a), (b) or (c),
- (e) is employed in a confidential capacity in matters relating to employee relations,
- (f) is not otherwise described in clauses (a) to (e) but who, in the opinion of the Ontario Labour Relations Board, should not be included in a bargaining unit by reason of his or her duties and responsibilities to the employer.

If employees believe that they are eligible to vote, or have any question as to their eligibility to vote, they should attend at a polling place and identify themselves to the Board Officer conducting the vote. If an employee's eligibility to vote is unclear or in dispute, the employee will be given an opportunity to mark a ballot, but it will be segregated. This means that the ballot will be sealed in a separate envelope until the employee's eligibility to vote has been determined.

TIME AND PLACE OF TAKING VOTE

The vote will take place as follows:

Please see attached arrangements.

Voters may cast a ballot at a polling place during the periods described.

SECRET BALLOT

The vote will be by secret ballot. The Officer conducting the vote will issue a ballot to voters who present themselves to vote at a polling place. Voters will mark their ballot in secret in a voting booth, fold it and deposit it in the ballot box provided at the polling place.

**DO NOT SIGN, NUMBER OR OTHERWISE MARK YOUR BALLOT
IN SUCH A WAY AS TO REVEAL YOUR IDENTITY.**

**IF YOU BELIEVE THAT YOU MAY HAVE SPOILED YOUR BALLOT,
SPEAK TO THE OFFICER BEFORE DEPOSITING IT IN
THE BALLOT BOX.**

**VOTERS ARE ENTITLED TO VOTE WITHOUT INTERFERENCE,
RESTRAINT OR COERCION.**

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SCRUTINEERS

One scrutineer representing each interested party may be present at each polling place. Scrutineers have the following duties and privileges:

1. To check the voters' list as voters attend to vote.
2. To assist in the identification of voters.
3. To assist in the conduct of the vote as may be required by the Board Officer.

QUESTION ON THE BALLOT

The ballot that will be provided to voters contains the following question:

IN YOUR EMPLOYMENT RELATIONS WITH YOUR EMPLOYER DO
YOU WISH TO BE REPRESENTED BY THE UNION?

DANS VOS RELATIONS DE TRAVAIL AVEC VOTRE EMPLOYEUR
DÉSIREZ-VOUS ÊTRE REPRÉSENTÉ PAR LE SYNDICAT?

If disputes about whether certain individuals should or should not be on the voters list or in the bargaining unit form any part of the outstanding issues, the hearing will likely be postponed one week. If this happens, notice providing the new hearing date will be sent to the parties, and the Board will order the Employer to post the notice beside this Notice.

If employees want to say something to the Board about this application and to participate in any meetings and/or hearings held, they must send a written statement to the Board as described on the Notice to Employees of Application for Certification (Form C-2), not later than November 3, 2009.

If you do not attend the Labour Relations Officer meeting or the hearing, the Board may decide the application without further notice to you and without considering any document you may have filed.

DATED September 18, 2009.



"Tim R. Parker"

Registrar
Ontario Labour Relations Board

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**THIS IS AN OFFICIAL NOTICE OF THE BOARD AND
MUST NOT BE REMOVED OR DEFACED.
THIS NOTICE MUST REMAIN POSTED FOR 30 DAYS.**

IMPORTANT NOTE

IN ACCORDANCE WITH THE *ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT, 2005*, THE BOARD MAKES EVERY EFFORT TO ENSURE THAT ITS SERVICES ARE PROVIDED IN A MANNER THAT RESPECTS THE DIGNITY AND INDEPENDENCE OF PERSONS WITH DISABILITIES. PLEASE TELL THE BOARD IF YOU REQUIRE ANY ACCOMMODATION TO MEET YOUR INDIVIDUAL NEEDS.

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APPENDIX "A"

Ryder Wright Blair & Holmes LLP
333 Adelaide Street West
3rd Floor
Toronto, Ontario
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Attention: Mr. Richard A. Blair
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eMail: rblair@rwbh.ca
Fax. (416)340-9250

Ontario Public Service Employees Union
5757 Coopers Avenue
Mississauga, Ontario
L4Z 1R9
Attention: Ms. Connie Huziak
Organizing Representative
Tel. (888)990-9008 ext. 3
eMail: chuziak@opseu.org
Fax. (905)712-2916

Ryder Wright Blair & Holmes LLP
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Hicks Morley Hamilton Stewart Storie LLP
Barristers and Solicitors
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College Compensation and Appointments Council
2 Carlton Street
Suite 1102
Toronto, Ontario
M5B 1J3
Attention: Ms. Sandi Johnson
Associate Director, Support
Tel. (416)325-2822
eMail: sandi.johnson@ontario.ca
Fax. (416)325-2917

College Compensation and Appointments Council
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