

BRIEF OUTLINE OF THE HURLEY DECISION by the CMCFCA

- I. [Summary of the] Application before the Board—pp. 1-3
 - A. Overview of the parties' positions—pp. 3-6
 - 1. For the grievor—pp. 3-4
 - 2. For the employer—pp. 4-5
 - 3. For the bargaining agent—pp. 5-6
- II. Issues—pp. 6-7
- III. Summary of evidence—pp. 7-17
- IV. The *Burchill* objection—p. 17
 - A. The parties' evidence with respect to the April 2015 meeting—pp. 17-19
 - B. Evidence with respect to drafting the grievance—pp. 19-22
 - C. The grievance process—pp. 22-42
 - D. Summary of the *Burchill* arguments—pp. 44-57
 - 1. For the bargaining agent—pp. 44-49
 - 2. For the employer—pp. 49-57

[The Board's] Analysis re the *Burchill* Objection—pp. 57-61

 - 1. Applying the jurisprudence to the facts—pp. 58-61
- V. Is the grievance moot insofar as it relates to the MOA?—pp. 61-63
[The Board's] Analysis on the Mootness Issues—pp. 63-65
- VI. Are the MOA and Course Relief incorporated into the collective agreement as past practices under the terms of article 8?—p. 65
Evidence of past practice with respect to the MOA and Course Relief—pp. 65-73
The bargaining agent's arguments re past practice—pp. 73-77
The employer's arguments re past practice—pp. 77-82
[The Board's] Analysis re the Past Practice Issue—pp. 82-93
- Is the grievance premature?—pp. 93-96
The evidence—pp. 93-95
Argument of the bargaining agent—p. 95
Argument of the employer—p. 95
[The Board's] Analysis—pp. 95-96
- VII. Order—p. 96