

Memorandum of Settlement

March 5, 2002

Appeal Procedure on Hours of Work of Sessional Lecturers for the purposes of Eligibility for Employment Insurance

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The Parties hereby agree:

1. It is understood that the University currently determines that a 3-unit course requires no more than 238 hours of work in the performance of a Sessional Lecturer's duties. The parties agree that this is solely a determination of the Deans and not that of the Union. Accordingly, all Sessional Lecturers' Records of Employment will reflect no less than 238 hours per 3 unit course.
2. Sessional Lecturers claiming that the time necessary to carry out the duties of a particular 3 unit course required more than 238 hours shall be permitted to request (through the Chair or Director) that payroll ensures reflection of those increased hours on his/her record of employment. Documentation supporting such claims shall be approved and signed by both the Chair or Director and the Dean or appropriate Vice-President before this request can be approved. For clarity, should the Chair or Director give such approval, it is expected that the Dean or appropriate Vice-President will normally confirm this approval. Should the Chair or Director not give such approval, the Dean or appropriate Vice-President's role is to review that decision.
3. The Sessional Lecturer shall inform the Supervisor no later than sixty days after the first day of the commencement of classes in the relevant course that the Lecturer will require more than 238 hours per session to prepare and deliver the course.
4. The Sessional Lecturer shall submit the documentation no later than 30 days after the last day of classes in which the Sessional Lecturer has delivered the course.
5. The Union withdraws the Policy Grievance dated March 14, 1997.

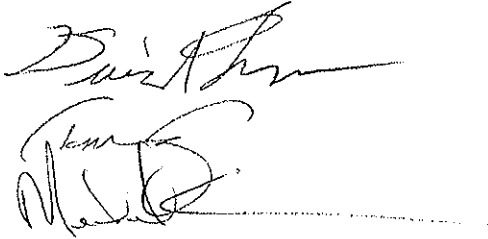
Requests, will be reviewed by the Chair or Director and the Dean or appropriate Vice-President and they will make a decision based on the merits of each particular case within ten days of the receipt of the request. Such requests shall not be unreasonably withheld. A written decision will be sent to the appellant and a copy will be forwarded to the CUPE Office as well as to the Human Resources Services Department.

The number of hours of work recorded on an employees' Record of Employment ("ROE") is not a matter that forms part of the collective agreement. A grievance may not be submitted as a result of the University's decision regarding the number of hours of work to be recorded on an employee's ROE. An arbitrator does not have jurisdiction to determine this issue. Accordingly, should the request to record more than 238 hours of work on the ROE not be approved by the University, the next step in the appeal process is through Human Resources Development Canada and Revenue Canada.

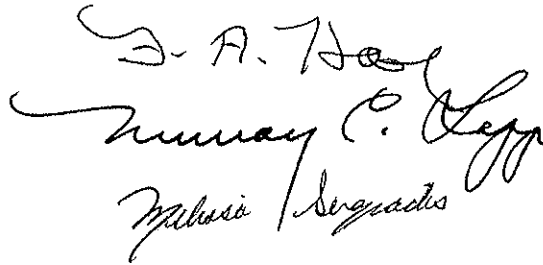
The implementation of this agreement is without prejudice to the rates provided for under any collective agreement. Without prejudice to the Union's right to negotiate further amendments to the collective agreement, the number of hours reflected on the appellants' ROE are to be used for Employment Insurance eligibility purposes only.

Signed in Hamilton on March 5, 2002.

FOR THE UNION:

Two handwritten signatures in black ink, one above the other, representing the Union.

FOR THE UNIVERSITY:

Three handwritten signatures in black ink, stacked vertically, representing the University.