

OPAC AWARD

LEAMINGTON
Trachuk

RIGHTS
Officer M.

#15-003
Feb 9/15

IN THE MATTER OF AN ARBITRATION UNDER SECTION 40 OF THE *POLICE SERVICES ACT*

BETWEEN:

OFFICER M

AND

LEAMINGTON POLICE SERVICES BOARD

AWARD RE ADJOURNMENT REQUEST

Arbitrator:

Laura Trachuk

For (the estate of) Officer M:

Jim Mauro

For Leamington Police
Services Board:

Suzanne M. Porter

AWARD

I was appointed by the Minister of Community Safety and Correctional Services to determine the amount of severance to be paid to Officer M by the Leamington Police Services Board (the "Board") upon the abolition of the Leamington Police Service (the "Service"). Officer M passed away on January 4, 2014 and a representative of his estate is participating in this litigation. I issued an award dated January 20, 2015 with respect to this matter. In that award I determined, among other things, that Officer M had been employed by the Board until April 27, 2013 and that he was, therefore, entitled to severance for the period subsequent to that date. I also determined that the severance to which Officer M was entitled was equivalent to the package negotiated between the Leamington Police Association and the Board with respect to the other members of the Service. I did not determine the actual amount of severance payable to Officer M's estate because I require further information and submissions from the parties. The parties were directed to provide those submissions on or before February 10, 2015 and to reply to each other's submissions by February 25. Those dates were extended at the request of the estate to February 13 and 28.

The Board has advised that it will be applying for judicial review of the January 20, 2015 award and asks that this arbitration be adjourned *sine die*. Officer M's estate opposes that request.

The Board's request to adjourn this matter *sine die* is denied. I was appointed to determine the amount of severance to be paid to Officer M by the Board and I have not yet completed that task. The award dated January 20, 2015 was a preliminary award even though it determined a number of key issues including the issue of when the Board terminated Officer M. The Board argues that an adjournment would promote efficiency in the process because it will not be necessary for the parties to make any further submissions if its application for judicial review is successful. However, if the application for judicial review is unsuccessful, the parties will still have to make the submissions. I will then make a further award respecting the amount of severance payable to Officer M's estate which one or the other of the parties may then apply to review. Thus, adjourning this process might actually lead to more proceedings and, therefore, more delay and expense for the parties, not less. It is more appropriate to complete this proceeding and to determine the severance payable to Officer M's estate. The parties and the court will then have all of the relevant information before them in any judicial review proceeding.

Officer M's estate has advised that it will agree to extend the date by which the parties must provide their initial submissions until February 18 and their reply until March 2 if the Board requires such an extension. The Board should advise as to whether it is seeking that extension on or before 5:00 p.m. February 10, 2015.

The estate has requested that the Board provide it with a copy of the benefit plan and life insurance policy in which Officer M was enrolled on the date of disbandment. The board is directed to provide those documents to the estate if it has not already done so. If the benefit plan and life insurance policy in which Officer M was enrolled on April 27, 2013 was different from the one in place on December 3, 2010 the Board should provide those as well.

Dated at Toronto, February 9, 2015.



Laura Trachuk
Arbitrator