L.R.B. No. 2478
(Sec. 22)

Appendix II

LABOUR RELATIONS BOARD
NOVA SCOTIA

IN THE MATTER of the Trade Union Act of Nova Scotia, and

IN THE MATTER of Dalhousie Faculty Association,
Dalhousie University,
Halifax, Nova Scotia — Applicant

- and -

The Governors of Dalhousie College
and University,
Dalhousie University,
Halifax, Nova Scotia — Respondent

- and -

H. F. Aikens; et al — Intervenors

APPLICATION having been made to the Labour Relations Board (Nova Scotia) on April 7, 1978, for Certification of the Applicant as Bargaining Agent pursuant to the Trade Union Act;

AND the Board having conducted a vote on April 14, 1978, in accordance with Section 24 (1) of the Trade Union Act, R.S.N.S. 1972, c.19, s.24, as am. by S.N.S. 1977, c.70;

AND the Application having been contested by the Respondent and opposed by the Intervenors;

AND the Board having considered the Application and the documents filed by the Applicant and Respondent, and Intervenors, and representations made and evidence presented on behalf of the parties at Hearings held on July 4, 5 and 6, 1978;

AND the Board having been satisfied that more than forty percent of the employees of the Respondent in an appropriate Bargaining Unit are members in good standing of the Applicant in accordance with Regulation 10 Governing Procedure of the Board;

AND the Board having been satisfied that the majority of those employees voting in the Unit determined by the Board to be appropriate, cast ballots in favour of the Applicant;

THEREFORE, the Labour Relations Board (Nova Scotia) in consideration of the agreement of the parties as to the description of the bargaining unit, does hereby certify the Dalhousie Faculty Association, Dalhousie University, Halifax, Nova Scotia, as the Bargaining Agent for a Bargaining Unit consisting of all full-time and regular part-time employees of Dalhousie University who hold positions as academic staff with the rank of lecturer and above, professional librarians, and artists and musicians in residence but excluding those classifications as described in Appendix "A" and all those employees whose duties and responsibilities include fifty percent or more non-academic administration, and those employees excluded by Paragraphs (a) and (b) of Subsection (2) of Section 1 of the Trade Union Act.

MADE BY THE LABOUR RELATIONS BOARD (NOVA SCOTIA) AT HALIFAX, THIS TWENTY-FOURTH DAY OF NOVEMBER, 1978, AND SIGNED ON ITS BEHALF BY THE CHAIRMAN.

P. F. Langlois
Acting Chairman

L.R.B. No. 2478
(Sec. 22)

Appendix II

LABOUR RELATIONS BOARD
NOVA SCOTIA

Halifax, Nova Scotia
November 24, 1978

REGISTERED

Dr. R. S. Rodger
President of Dalhousie
Faculty Association
Dalhousie University
Halifax, Nova Scotia

Dear Dr. Rodger:

Re: Dalhousie Faculty Association,
Dalhousie University,
Halifax, Nova Scotia — Applicant

- and -

The Governors of Dalhousie College and
University,
Dalhousie University,
Halifax, Nova Scotia — Respondent

- and -

H. F. Aikens; et al — Intervenors

I am enclosing for your information copy of L.R.B. No. 2478 issued by the Labour Relations Board (Nova Scotia) in connection with the above-noted Application for Certification.

The Board wishes to note the agreement of the parties on the following issues:

The phrase "regular part-time" means an employee whose duties and responsibilities are fifty percent or more of those of full-time employees in the same classification in the same faculty.

Employees who are seconded from or to Government or other institutions and fifty percent or more of whose salaries and benefits are determined by Government or other institutions are out of the unit.

Associate and Assistant Deans in the Faculty of Medicine are out of the bargaining unit until a date five years from the date of their appointment, except that the Associate Dean responsible for post-graduate medical education will be out of the unit until June 30, 1981. From those dates forward these Associate and Assistant Deans will be in the unit unless they are appointed in a manner similar to, and following the same procedure as Deans, or unless they fall within any of the other categories of exclusion.

The presently existing clinical-medical departments are:

Preventive Medicine	Anaesthesia
Family Medicine	Radiology
Pyschiatry	Pathology
Urology	Otolaryngology
Neurosurgery	Obstetrics and Gynecology
Pediatrics	Surgery
Continuing Medical Education	Medicine
Ophthamology	

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LABOUR RELATIONS BOARD
NOVA SCOTIA

The Board has considered the special involvement in labour relations in Nova Scotia of Innis Christie and Peter Darby, faculty members of law at Dalhousie University, as Chairman and Vice-Chairman of the Labour Relations Board (Nova Scotia), and finds no basis under the provisions of the Trade Union Act of Nova Scotia for excluding them from the bargaining unit.

Sincerely

K. H. Horne
Acting Chief Executive Officer

KHH/dls
Encl.

c.c. Mr. Gerald J. McConnell
Kitz, Matheson, Green & MacIsaac
P.O. Box 247
Halifax, Nova Scotia
B3J 2N9

c.c. Dr. W. A. MacKay
Vice-President
Dalhousie University
Halifax, Nova Scotia
B3H 4H6

c.c. Mr. Hector McInnes, Q.C.
McInnes, Cooper & Robertson
P.O. Box 730
Halifax, Nova Scotia
B3J 2V1

c.c. Mr. Gregory I. North
Cox, Downie, Nunn & Goodfellow
P.O. Box 2380
Halifax, Nova Scotia
B3J 3E5

c.c. Mr. Donald H. McDougall
Stewart, MacKeen & Covert
P.O. Box 997
Halifax, Nova Scotia
B3J 2X2

Appendix II

APPENDIX "A"

EXCLUSIONS

The President

Vice Presidents

Assistant to the President

Registrar

Secretary of the Senate

Members of the Board of Governors

Deans of Faculties

Associate and Assistant Deans appointed in the same manner and following the same procedure as Deans of Faculties

University Librarian

Health Sciences Librarian

Law Librarian

Associate University Librarian

Directors of the following schools, institutes and centres:

- School of Business Administration
- School of Library Service
- School of Public Administration
- Maritime School of Social Work
- School of Human Communication Disorders
- School of Nursing
- College of Pharmacy
- School of Physical Education
- School of Physiotherapy
- Institute for Resource and Environmental Studies
- Institute of Public Affairs
- The Canadian Centre for Marine Transportation
- Trace Analysis Research Centre
- Centre for Regional and International Development Projects
- Government Studies Program
- Part-time Studies and Extension

Director of Athletic & Recreation Services

Dean of Student Services

Academic Staff in the Faculty of Dentistry and the School of Dental Hygiene

Employees with primary appointments in clinical-medical departments

Director and Assistant Director of Dalhousie Legal Aid

L.R.B. No. 2885
(Sec. 26)

Appendix II

LABOUR RELATIONS BOARD
NOVA SCOTIA

IN THE MATTER of the Trade Union Act of Nova Scotia, and

IN THE MATTER of The Board of Governors of Dalhousie College & University, Dalhousie University, Halifax, Nova Scotia B3H 4H6 — Applicant

- and -

Dalhousie Faculty Association, c/o Dalhousie University, Halifax, Nova Scotia B3H 4H6 — Respondent

- and -

Dalhousie Faculty Association, c/o Dalhousie University, Halifax, Nova Scotia B3H 4H6 — Applicant

- and -

The Board of Governors of Dalhousie College & University, Dalhousie University, Halifax, Nova Scotia B3H 4H6 — Respondent

- and -

Ms. Linda L. Zambolin, 114 Regal Road, Dartmouth, Nova Scotia B2W 4H8 — Intervener

APPLICATIONS having been made to the Labour Relations Board (Nova Scotia) on September 25, 1981 and October 22, 1981, pursuant to Section 26 of the Trade Union Act to combine L.R.B. No. 2478 and L.R.B. No. 2486 into one order and to amend certain classifications in the Bargaining Unit;

AND the Application having been contested by the Respondents and opposed by the Intervener;

AND the Board having considered the Applications and documents filed by the Applicants, Respondents and Intervener and representations made and evidence presented on behalf of the parties at Hearings held on January 25, 1982, January 26, 1982 and April 13, 1982;

AND the Board having been satisfied that a community of interest exists between those employees covered by L.R.B. No. 2478 and those covered by L.R.B. No. 2486;

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby declare pursuant to its jurisdiciton under Section 26(1) of the Trade Union Act that effective July 1, 1982, the Bargaining Units contained in L.R.B. No. 2478 and L.R.B. No. 2486 are combined into one Bargaining Unit under the jurisdiction of the Dalhousie Faculty Association;

L.R.B. No. 2885
(Sec. 26)

Appendix II

LABOUR RELATIONS BOARD
NOVA SCOTIA

AND THEREFORE, the Labour Relations Board (Nova Scotia does hereby amend L.R.B. No. 2478 dated November 24, 1978 by adding in the 7th paragraph and after the words "professional librarian" the following words; instructors, demonstrators, counsellors in the Students' Counselling and Psychological Services Centre;

AND FURTHER, the Board amends the description of the Bargaining Unit as contained in L.R.B. No. 2478, noting the agreement of the parties to the classification amendments;

THEREFORE, the Labour Relations Board (Nova Scotia) in consideration of the agreement of the parties as to the description of the Bargaining Unit does hereby amend Appendix "A" to its Certification L.R.B. No. 2478 dated November 24, 1978, as follows:

After the words "Assistant to the President" add "Executive Director, Policy and Planning," "Advisor, Office of the President," "Legal Advisor, Office of the President," and "Assistant to the Executive Director, Policy and Planning";

After the words "School of Physiotherapy" as those appear immediately following the phrase "Directors of the following schools, institutes and centres" add "School of Dental Hygiene" and "School of Occupational Therapy".

After the words "Dean of Student Services" add "Dean of Freshmen" and after the words "Faculty of Dentistry" delete the word "and" and substitute therefor the word "excepting".

AND the Board having been satisfied that the Intervener, Ms. Linda Zambolin, Assistant Professor, School of Dental Hygiene has a community of interest with those employees in the Bargaining Unit;

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby dismiss the Intervention of Ms. Linda Zambolin.

MADE BY THE LABOUR RELATIONS BOARD (NOVA SCOTIA) AT HALIFAX, THIS NINETEENTH DAY OF AUGUST, 1982, AND SIGNED ON ITS BEHALF BY THE CHIEF EXECUTIVE OFFICER.

K. H. Horne
Chief Executive Officer

L.R.B. No. 2885
(Sec. 26)

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LABOUR RELATIONS BOARD
NOVA SCOTIA

Halifax, Nova Scotia
August 19, 1982

CERTIFIED

Mr. Gerald J. McConnell
Kitz, Matheson, Green & MacIsaac
P.O. Box 247
Halifax, Nova Scotia
B3J 2N9

Dear Mr. McConnell:

Re: The Board of Governors of Dalhousie College & University,
Dalhousie University,
Halifax, Nova Scotia
B3H 4H6 — Applicant

- and -

Dalhousie Faculty Association,
c/o Dalhousie University,
Halifax, Nova Scotia
B3H 4H6 — Respondent

- and -

Dalhousie Faculty Association,
c/o Dalhousie University,
Halifax, Nova Scotia
B3H 4H6 — Applicant

- and -

The Board of Governors of Dalhousie College & University,
Dalhousie University,
Halifax, Nova Scotia
B3H 4H6 — Respondent

- and -

Ms. Linda L. Zambolin,
114 Regal Road,
Dartmouth, Nova Scotia
B2W 4H8 — Intervener

I am enclosing for your information copy of L.R.B. Order No. 2885 issued by the Labour Relations Board (Nova Scotia) in connection with the above noted case.

For purposes of clarity, the Board wishes to note that in accordance with the evidence presented at the Hearings, the persons while holding the positions of Chairman of Senate, Vice-Chairman of Senate and Secretary of Senate are found not to be employees within the meaning of Section 1(2)(a) of the Trade Union Act and that there is not sufficient community of interest between these aforementioned positions and those employees contained in L.R.B. No. 2478 dated November 24, 1978, to warrant the inclusion of these positions into the Bargaining Unit.

Sincerely,

K. H. Horne
Chief Executive Officer

Encl.
/cmc

c.c. Dr. R. Roger
Dalhousie Faculty Association

c.c. Mr. Harvey Morrison
McInnes, Cooper & Robertson

Mr. David Cameron

Ms. Linda L. Zambolin

L.R.B. NO. 4173
(Soc. 28)

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LABOUR RELATIONS BOARD
NOVA SCOTIA

IN THE MATTER of the Trade Union Act of Nova Scotia, and

IN THE MATTER of Board of Governors of Dalhousie College and University
Dalhousie University
Halifax, Nova Scotia B3H 4H9 — Applicant

-and-

Dalhousie Faculty Association
Dalhousie University
University Ave.
Halifax, Nova Scotia B3H 4H9 — Respondent

APPLICATION having been made to the Labour Relations Board (Nova Scotia) on July 6, 1990, to amend L.R.B. No. 2478 dated November 24, 1978 as amended by 2885 dated August 19, 1982;

AND the Application having been contested by the Respondent;

AND the parties subsequently agreeing to the following inclusions/exclusions:

1. Amend Appendix "A" of L.R.B. No. 2478 by adding to the list of exclusions from the bargaining unit in Appendix "A" the following classifications:

   Director of the School of Education
   Dean - Henson College
   Associate Dean - Henson College

2. Amend Appendix "A" of L.R.B. No. 2478 by deleting from the exclusions to the bargaining unit the following classifications:

   Director, Institute of Public Affairs
   Director, Canadian Centre for Marine Transportation
   Director, Centre for Regional and International Development Projects
   Director, Government Studies Program
   Director, Part-time Studies Extension

3. Amend L.R.B. No. 2478 by adding to L.R.B. No. 2478, after the words "Lecturer and above" the following classifications:

   Lecturer (Continuing Education)
   Assistant Professor (Continuing Education)
   Associate Professor (Continuing Education)
   Professor (Continuing Education)
   Special Instructor (Continuing Education)

.../2

LABOUR RELATIONS BOARD
NOVA SCOTIA

4. Amend L.R.B. No. 2885 by deleting from the exclusions to the bargaining unit set out there, the following classifications:

Executive Director, Policy and Planning
Assistant to the Executive Director, Policy and Planning
Dean of Freshmen

THEREFORE, the Labour Relations Board (Nova Scotia) does hereby amend L.R.B. No. 2478 dated November 24, 1978 and L.R.B. No. 2885 dated August 19, 1982 to reflect the preceeding agreement of the parties.

MADE BY THE LABOUR RELATIONS BOARD (NOVA SCOTIA) AT HALIFAX, THIS TWENTY-FIRST DAY OF APRIL, 1993 , AND SIGNED ON ITS BEHALF BY THE CHIEF EXECUTIVE OFFICER.

K.H. Home
Chief Executive Officer

L.R.B. No. 4544
Interim Order I
(Sec. 31)

Appendix II

LABOUR RELATIONS BOARD
NOVA SCOTIA

IN THE MATTER of	the Trade Union Act of Nova Scotia, and	
IN THE MATTER of	The Governors of Dalhousie College and University ("Dalhousie") University Avenue Halifax, Nova Scotia B3H 4H6	Applicant
	-and-	
	Nova Scotia Government Employees' Union, Local 77 & Local 53A 100 Eileen Stubbs Avenue Dartmouth, NS B3B 1Y6	Respondents
	-and-	
	Canadian Union of Public Employees, Local 1392 & Local 3912 7071 Bayers road Halifax, Nova Scotia B3L 2C2	
	-and-	
	International Union of Operating Engineers, Local 968 & 968B 1379 Sackville Dr. Box 419 Lower Sackville, Nova Scotia B4C 2T2	
	-and-	
	The Governors of Dalhousie College and University ("Dalhousie") University Avenue Halifax, Nova Scotia B3H 4H6	Employers
	-and-	
	Technical University of Nova Scotia ("TUNS") P.O. Box 1000 1340 Barrington Street Halifax, Nova Scotia B3J 2X4	

AN APPLICATION having been made to the Labour Relations Board (Nova Scotia) on January 6, 1997 pursuant to Section 31 of the Trade Union Act requesting a determination of certain bargaining agents as a result of an amalgamation by statute of the Governors of Dalhousie College and University and the Technical University of Nova Scotia to form Dalhousie University which took place on or about April 1, 1997, which statute provided further that the Applicant is bound by the Collective Agreements entered into between the Respondents and the Employers;

AND the Application having been contested by the Respondent Unions;

AND the Board having considered the documents filed and representations made by the parties;

AND the Board having been satisfied that the parties have reached an agreement that there will be a Faculty Bargaining Unit to be represented by the Dalhousie Faculty Association, the designation of which is to occur without the requirement for a representational vote;

AND the Board having been satisfied that the parties have reached an agreement that there will be a Part-time Faculty and Teaching Assistant Bargaining Unit to be represented by the Canadian Union of Public Employees, Local 3912, the designation of which is to occur without the requirement for a representational vote;

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LABOUR RELATIONS BOARD
NOVA SCOTIA

AND the Board having been satisfied that the parties have reached an agreement that there will be a Staff Bargaining Unit to be represented by the Nova Scotia Government Employees Union, the designation of which is to occur without the requirement for a representational vote;

AND the Board having been satisfied that the parties have reached an agreement that there will be an Operational Support Bargaining Unit, the designation of which is to occur in accordance with a representational vote conducted by the Board;

AND the Board by agreement of the parties having conducted a representational vote of certain of the employees of the Applicant in the Operational Support Bargaining Unit on April 24, 1997;

AND the Board having been satisfied that the majority of the employees in the Operational Support Bargaining Unit who voted, voted to be represented by the International Union of Operating Engineers, Local 968 at a vote count on May 8, 1997

AND the Board having been satisfied that there is no dispute as to the Applicants' successorship to the business and/or activities of the predecessor Employers;

AND the Board having been satisfied that the Applicant should be the successor employer to the predecessor Employers, that the Applicant should be bound by the Collective Agreements entered into between the Respondent Unions andRespondent Employers and that the designation of the Bargaining Agents in relation to the Bargaining Units has now been established by agreement of the parties and/or results of representational votes conducted on April 24, 1997;

THEREFORE the Labour Relations Board (Nova Scotia) hereby declares and orders that:

1. Dalhousie University is the successor employer to the Governors of Dalhousie College and University and the Technical University of Nova Scotia;

2. Dalhousie University is bound by the Collective Agreements between the Respondent Trade Unions and the Respondent Employers;

3. There shall be four bargaining units as described below, with the designated bargaining agents as successor unions:

   (a) The Dalhousie Faculty Association shall be the bargaining agent for a bargaining unit to be known as the Faculty Bargaining Unit which shall consist of those employees of Dalhousie University formerly represented by the Dalhousie Faculty Association at Dalhousie College and University and by the Technical University of Nova Scotia Faculty Association at the Technical University of Nova Scotia;

   (b) The Canadian Union of Public Employees, Local 3912 shall be the bargaining agent for a bargaining unit to be known as the Part-time Faculty and Teaching Assistant Unit which shall consist of those employees of Dalhousie University formerly represented by the Canadian Union of Public Employees, Local 3912 at Dalhousie College and University;

   (c) The Nova Scotia Government Employees Union shall be the bargaining agent for a bargaining unit to be known as the Staff Bargaining Unit which shall consist of those employees of Dalhousie University formerly represented by the Nova Scotia Government Employees Union, Local 77 at Dalhousie College and University and by the Nova Scotia Government Employees Union, Local 53A at the Technical University of Nova Scotia (save and except for those employees in positions which form part of the Operational Support Bargaining Unit); and

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LABOUR RELATIONS BOARD
NOVA SCOTIA

(d) The International Union of Operating Engineers, Local 968 shall be the bargaining agent for a bargaining unit to be known as the Operational Support Bargaining Unit which shall consist of those employees of Dalhousie University formerly represented by the Canadian Union of Public Employees, Local 1392, the International Union of Operating Engineers, Local 968 and by the International Union of Operating Engineers, Local 968B, all at Dalhousie College and University together with the employees in the comparable positions formerly included in the bargaining unit formerly represented by the Nova Scotia Government Employees Union, Local 53A at the Technical University of Nova Scotia.

The Board does hereby retain jurisdiction in this matter to resolve all outstanding issues in this successorship application, including questions of appropriate inclusion/exclusion from the bargaining unit and whether the Canadian Union of Public Employees, Local 3912 should represent part-time faculty and/or teaching assistants at the former Technical University of Nova Scotia.

The effective date of this Order is May 8, 1997.

MADE BY THE LABOUR RELATIONS BOARD (NOVA SCOTIA) AT HALIFAX ON THIS ELEVENTH (11th) DAY OF DECEMBER, 1997, AND SIGNED ON ITS BEHALF BY THE CHIEF EXECUTIVE OFFICER.

Gary D. Ross
Chief Executive Officer