



Customs and Immigration Union
Syndicat des Douanes et de l'Immigration

**NATIONAL OFFICE MEMORANDUM
NO-25-2011**

DATE	June 16, 2011	PRIORITY	4. Information
TO	National Board of Directors and Branch Contacts		
RE	Post Clarkson Decision		

Sisters and Brothers,

The purpose of this NO Memo is to provide an update concerning the *Memorandum of Understanding* (MOU) between Customs and Immigration Union (CIU) and Canada Border Services Agency (CBSA) regarding the Michael Clarkson Decision (designated paid holiday).

On February 8th, 2010, a MOU was signed between the CIU and the CBSA further to the Clarkson Public Service Labour Relations Board decision (2009 PSLRB 87) rendered July 17, 2009, and the Employer's decision not to pursue a judicial review of this decision. CBSA Labour Relations and Compensation Directorate and CIU National came to an understanding concerning the outstanding grievances filed on the subject matter found in the Clarkson decision to better understand why a MOU had become necessary in spite of having been successful before the PSLRB, please refer to the attached NO-Memo 03-2010.

The MOU identified that the CBSA agreed to apply the Clarkson decision to all related grievances filed prior to March 14, 2005. It also stated the parties would identify one grievance from the existing grievances filed since March 14, 2005 to become the test case for existing grievances and any such grievances subsequently filed. No additional grievances needed to be filed in relation to this matter but should any be filed, they would be held in abeyance pending the outcome of the test grievance. The outcome of the test grievance would apply to all related grievances.

A test grievance (Moore 07-3911-86735) has been selected and final level consultation has taken place and a final level reply denying a portion of the grievance was received on January 4, 2011. Subsequently the grievance was sent to the PSAC who referred it to adjudication.

The National CIU will provide you further updates when the grievance is scheduled to go before an adjudicator of the PSLRB and when a decision is rendered on the matter.

In solidarity,

Ron Moran
National President