

BCGEU

B.C. Government and Service Employees' Union

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File No: 104047

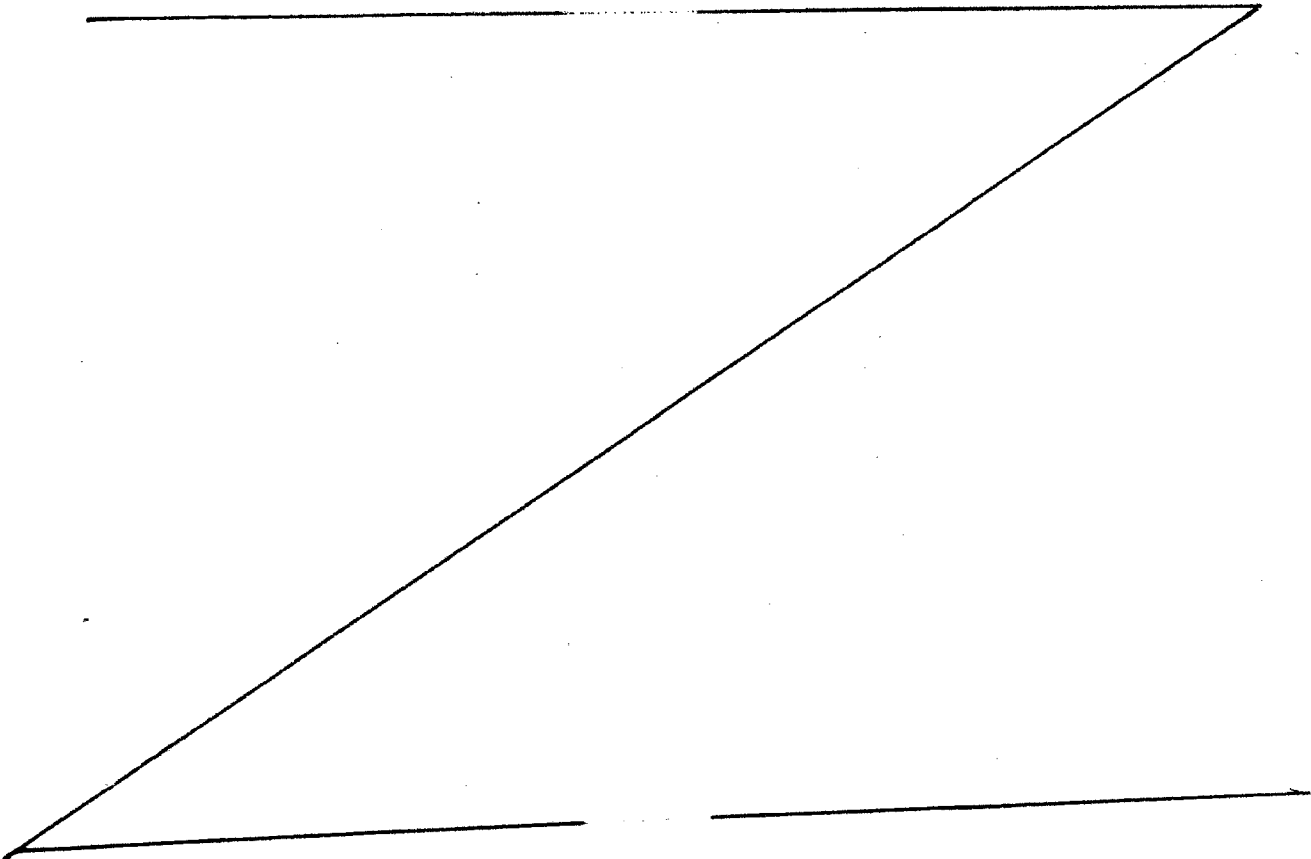
May 31, 2006

PRIORITY POST

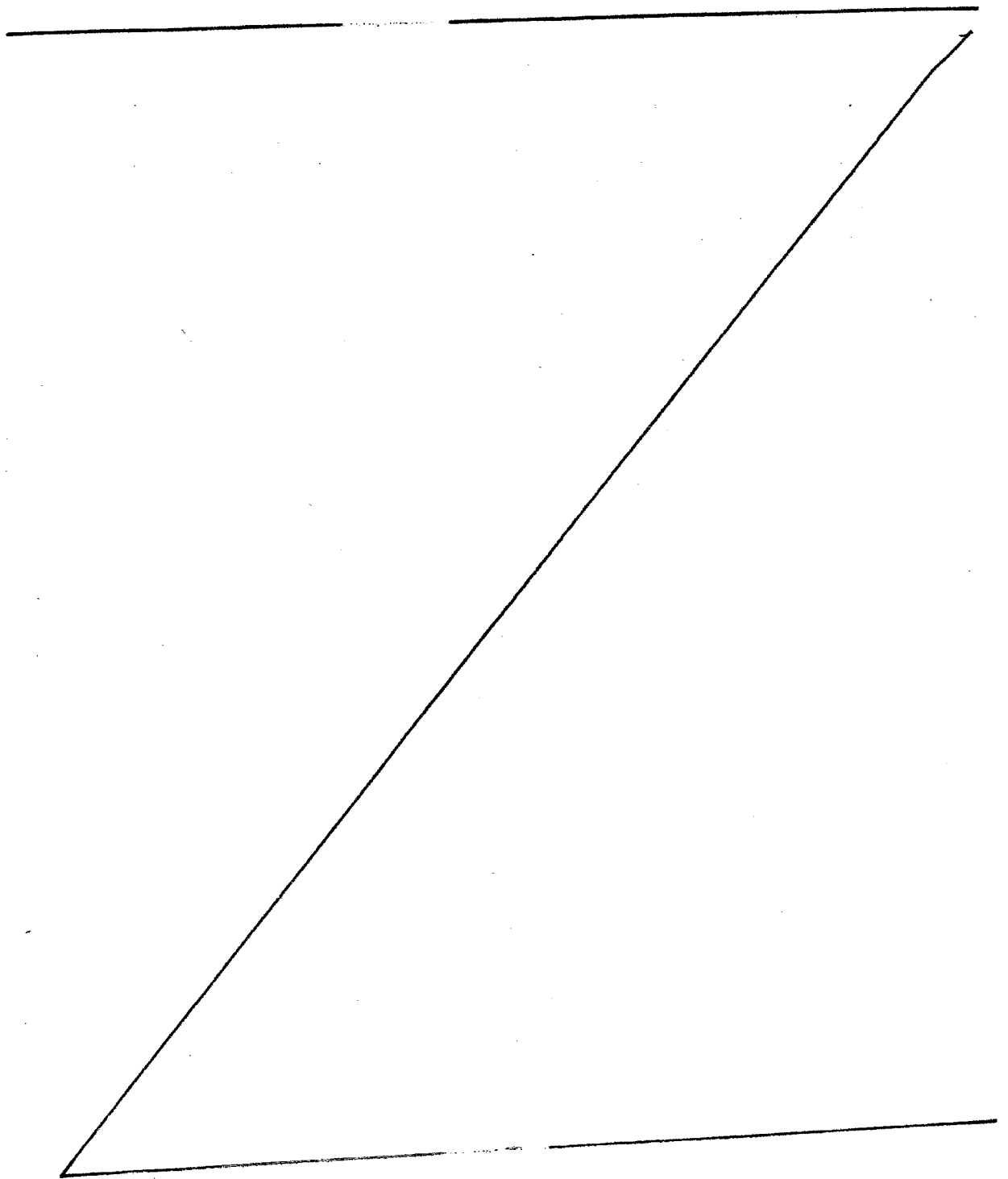
Warren Munroe
763 Beach Road
Qualicum Beach, BC V9K 1S2

Dear Mr. Munroe

**Re: Grievance filed March 30, 2006
Grievance # 104047**



2994 Douglas Street, Victoria, BC V8T 4N4
Telephone: (250) 388-9948 Facsimile: (250) 384-8060
<http://www.bcgeu.ca>



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On May 4, 2006 a letter was received at BCGEU dated May 1, 2006. I was not in the office May 4 or 5 or the week of May 8 to 12 as I was on pre-scheduled vacation. I was however notified on May 5 your letter had come and I asked my assistant Lynn Gudjonson to contact you. She tried on many occasions but your phone number was disconnected. Ms Gudjonson also contacted Marvin Paxman for a phone number of which was not in service. She was eventually able to track you in Qualicum and left several messages but you did not return her phone messages. In your letter of May 1, 2006 you were not clear on your direction. At no time did you state you wanted a grievance filed, but stated "*I would like the record to show that I dispute the dismissal and the just cause allegation.*" Your letter then goes on to say you wanted an apology from management and have the record show that you were wrongly dismissed, and to have compensation for your move from Ottawa when you took the position many years ago. You state the reasons you told the Director (February 13, 2006) why you could not attend the meeting previously mentioned and how you felt you were being treated unfairly. You also referred to your 32.15 complaint.

On April 6, 2006 I sent, Priority Post, a letter to you in regard to your suspension grievance, which was filed March 30, 2006 on your behalf by Marvin Paxman. In this letter I stated my reasons for not proceeding with your five day suspension grievance. I also stated that you were insubordinate for not returning to work at the direction of your Employer. In this letter I also stated your right to appeal my decision within 10 days of receipt of the letter. On April 24, 2006 the letter was successfully delivered and therefore you had till May 4, 2006 to appeal my decision to not proceed.



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On April 11, 2006 you were sent a letter from the Deputy Minister Gordon Macatee, indicating you were dismissed from the Public Service.

As per Article 10.2 Dismissal it states, "*A Deputy Minister or any other person authorized in accordance with the Public Service Act, may dismiss any employee for just cause. Notice of dismissal shall be in writing and shall set forth the reasons for dismissal.*" As per the Employer's letter of your dismissal on April 11, 2006 you were directed to return to work on March 30, 2006. You did not report as instructed and therefore were dismissed for just cause.

As per Article 8.9(a) a dispute arising from an employee's dismissal, the grievance is filed at arbitration within 30 days of the date on which the dismissal occurred. You did not grieve your dismissal within this time period.

On May 18, 2006 I received a letter from you dated May 10th, 2006. You stated that you enclosed a copy of a letter sent to Gordon Macatee. In the letter addressed to Mr. Macatee, you state you would appreciate an apology for the wrongful dismissal and full compensation for your move from Ottawa to Victoria in January 2002.

On May 19, 2006 I left a message for you to call me with no response. I again called you on May 25, 2006, where you stated it was not a good time to talk as you were busy taking the children to school and had appointments for the rest of the day. You stated you had received my message on May 19, but were too busy to call me and did not have time to talk to me. I informed you it was imperative we speak as there were timelines and I was not clear on what you wanted me to do. I asked you to call me back as soon as possible.

Your May 18 letter was received on May 23, 2006 where you stated you did not receive a reply to your request to grieve the just cause dismissal as per your letter of May 1st, 2006.

On May 29, 2006 I again contacted you because you still had not called me back. I tried to discuss your grievance, and you began to go over the reasons you were not at work was because of being yelled at by your Manager Dave McNeil. You stated you were bullied to get out of your position. You had gone back to University at great expense to your family and were successful in obtaining scholarships. You stated that a person became a Manager who was not qualified to be a Manager. You stated you were the one person who did everything but were told to shut up. You asked me if it was okay for people to yell at you. I tried to explain that there had been a 32.15, with no evidence provided by you that there was misuse of managerial authority. You stated it was a hostile environment and nepotism was used to get a guy in a Manager position who was a bad Manager. When I asked what resolve you were looking for you stated you would not accept having to go to work in a hostile environment. You indicated to me you had sent me a letter to review, and to only call back between 9:30 and 2:30. I indicated I had not received the letter yet, but would review and respond to you in the next day or two.

I have now reviewed your letter and there is no new evidence brought forth by you. You have again referred to incidents which were addressed in the 32.15 that you filed, and again request an apology from management for wrongful dismissal and compensation for your move from Ottawa to Victoria in January 2002.



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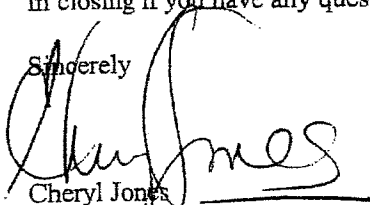
Therefore, I need to be very clear with you, you did not file a grievance for your dismissal within the time frame of 30 days as set out in the Collective Agreement and the BCGEU does not have the ability to proceed when time lines have expired.

If you have any information as to why you did not proceed to file a grievance within the time frame, please let me know. If you have any medical documentation that prevented you from filing and would support reasons for a delay, please go and see your family physician to get this information for me.

For clarification purposes I need to reiterate, your suspension grievance is concluded. You did not file a dismissal grievance, and unless there is medical evidence as to why you did not file your grievance within the time frame, we are unable to proceed any further. If you have any new information please provide it to me before June 7, 2006. I have included a grievance form for you to complete and sign, and return to this office asap. Once I have reviewed all information provided I will proceed accordingly.

In closing if you have any questions please feel free to contact me at 388-9948.

Sincerely



Cheryl Jones
Staff Representative

CJ/g
cope 378
ltr warren

Encl.

cc Marvin Paxman, Steward