

IN THE MATTER OF AN ARBITRATION
BETWEEN:

FANSHAWE COLLEGE
("the College")
and

ONTARIO PUBLIC SERVICE EMPLOYEES UNION
("the Union")

AND IN THE MATTER OF A CLASSIFICATION GRIEVANCE OF
KATHLEEN BAKER (OPSEU # 99D159)

ARBITRATOR: Ian Springate

APPEARANCES

For the Employer: Sheila Wilson, Human Resources Consultant
Deb McEwan, Manager of Community Programs

For the Union: Louise Watt, Presenter
Barb Ford, Advisor
Kathleen Baker, Grievor

HEARING: In London on April 28, 2000

AWARD

The grievor performs a variety of clerical, coordinating and facilitative functions at the College's James N. Allan campus in Simcoe. On July 15, 1999 the College reclassified her position from that of an Atypical Clerk at payband 7 to a Support Services Officer A at payband 8. The change was made retroactive to October 1, 1998. On August 24, 1999 the grievor filed a grievance which contended that she had been improperly classified. In her grievance she asked that her position be reclassified to that of a Support Services Officer at payband 9.

With one exception the grievor accepts the accuracy of a position description form prepared by the employer. The exception relates to the amount of prior experience required by someone in her position. The union disputes the rating for the factor of experience assigned by the College under the applicable job classification rating system.

The union also challenges the ratings given by the College for the factors of physical demand and responsibility for decisions and actions. It does not take issue with the College's ratings respecting nine other factors.

As noted above, the grievor performs a variety of different functions. These include providing front line student services support for adult training and longer-duration contract training programs. Many of the students enrolled in these programs are sponsored by Human Resources Development Canada or another agency. The grievor deals with inquiries from potential students and later follows-up with them. She also acts as liaison with sponsoring agencies.

The grievor provides assistance to students with respect to the Ontario Student Awards Program and student housing. She interviews individual students with a representative of their sponsoring agency to address the student's progress and any attendance concerns. If the grievor identifies problems respecting the student's progress or attendance she raises them with her supervisor.

The grievor registers students for technical programs and for a literacy and basic skills program. She provides secretarial and clerical support with respect to contract training as well as typing services for adult education.

She administers and scores a pre-admission typing test for an office essentials program. In addition, she helps set up information sessions for technical and post secondary programs and at times conducts information sessions for the office essentials program.

The grievor is involved in organizing student orientations. She testified that she performs a lot of the related clerical work and coordinates events with the student council. Because students in technical programs often start at different times she does their orientation.

The grievor is the staff advisor to the student council and attends their meetings. She works with the student council to organize an awards banquet in connection with graduation. This includes assisting the students to arrange for a caterer and a disk jockey.

The grievor helps to organize campus graduation ceremonies. She prepares graduation lists, sends out invitations to students and guests, prepares the graduation program and requests certificates and diplomas from the Registrar's office. She is present at graduation to help organize the processional.

The grievor establishes and maintains student records. She enters information changes and grades into student files by keying information into a computer. At times the grievor is required to check student records that are not on a computer. This involves retrieving paper files. She physically moves files to dead storage at the end of each semester and also when certain technical programs finish prior to the end of a semester.

Among her other duties the grievor is responsible for providing front line telephone service for the campus. She testified that she does a lot of telephone work putting calls through to other areas of the College.

The grievor reports to Ms. Deb McEwan, Manager of Community Programs. In addition to her other responsibilities Ms. McEwan is responsible for all contract training at the Simcoe campus.

THE FACTOR OF EXPERIENCE

The applicable job evaluation manual indicates that the factor of experience is meant to measure the minimum amount of related work experience necessary to fulfill the requirements of a position.

The College rated this factor at level 3, which is worth 32 points under the job classification system. The union claims that a level 4 rating worth 45 points is more appropriate. The relevant factor level definitions and illustrative classifications contained in the job evaluation manual read as follows:

3. More than one year and up to three years of practical experience.

Caretaker B; Clerk General C; Library Technician B; Support Services Officer A, B

4. More than three years and up to five years of practical experience.

Clerk General D; Secretary B, C; Technician C; Technologist B

The position description form prepared by the College describes the minimum level of required prior experience as being "3 years previous office experience including 2 years experience in dealing with HRD and employer sponsored training policy and delivery." This language suggests that the position requires at least three years previous office experience. At the hearing, however, the spokesperson for the College explained that the College uses the phrase "3 years" to mean "up to three years".

The grievor testified that she started with the College on a part-time basis in 1980 and became full-time in 1983. She said that she spent ten years dealing with the Ontario Skills Development Program and many years dealing with Human Resources Development Canada and other sponsors. She contended that her position requires prior experience dealing with sponsors such as Human Resources Development Canada in order to know the people who work there, how they work and their policies. She also said

that over the years she had acquired a lot of background and experience in helping students.

Ms. McEwan gave evidence on behalf of the College. She testified that a minimum of three years office experience, including two years experience dealing with Human Resources Development Canada, is required to perform the grievor's job. In response to a later question from the spokesperson for the College Ms. McEwan repeated that three years office experience is a minimum requirement.

The College's submissions respecting the factor of experience contained in a brief filed prior to the hearing are set out below. The spokesperson for the College elaborated on these submissions at the hearing.

This factor measures the minimum amount of practical experience to fulfil the requirements of the position. As outlined in the CAAT Support Staff Job Evaluation Manual, it is the responsibility of the College to define and structure positions, including the determination of qualifications and skill level required to perform the respective duties. Throughout the job evaluation process an important consideration is the fact that the position is being evaluated and not the assessment of an individual's knowledge or experience.

The training/technical skills factor has an evaluation factor of level 5 - a two-year community college diploma or equivalent. Along with the training/technical skills the College determined the minimum experience required to perform this role is up to three years of practical experience. The primary responsibility of this role is to provide front line customer service (40%) and maintenance of students' records (30%) - PDF page 003. The required minimum experience to perform this activity is appropriately evaluated at level 3. Please note the academic training and experience for SSOA and SSOB guide charts are identical - 2 year college diploma and more than one year and up to three years of practical experience.

As noted above, it was Ms. McEwan's evidence was that at least three years of previous office experience is required in order to perform the

grievor's position. The grievor's evidence suggested that her experience assists her to do the job. For its part the College relies on the fact that the job evaluation guide charts for the Support Services Officer A and B positions refer to more than one year and up to three years of practical experience. The guide charts are part of the job evaluation system binding on the parties. Accordingly, if the grievor's duties were limited to the typical duties of a Support Services Officer A or B as set out in the guide charts I would utilize the experience rating suggested by the charts. Certain of the grievor's duties, however, are of the type that would typically be performed by a Clerk or a Secretary as opposed to a Support Services Officer. The illustrative classifications for a level 4 rating indicate that employees in a senior Clerk or mid-level Secretary position may require more prior experience than a typical Support Services Officer A or B. Because of this I do not believe it appropriate to disregard the evidence led at the hearing because of the illustrative classifications. I also do not propose to disregard the evidence respecting the required level of experience due to the agreed upon rating for the factor of training/technical skills.

Ms. McEwan is the grievor's supervisor. She is also the manager responsible for contract training at the Simcoe campus. She testified that an individual requires at least three years of prior office experience in order to perform the position in question. On the basis of this evidence I find that level 4, reflecting more than three years and up to five years of practical experience, is the appropriate rating.

PHYSICAL DEMAND

This factor measures the demand on physical energy required to complete tasks. Consideration is given to the type and duration of physical effort, the frequency, strain from rapid and repetitive fine muscle movements or the use of larger muscle groups and the lack of flexibility of movement.

The College rated the grievor's position at level 2, which is worth 16 points. The union contends that level 3, which produces 28 points, is a more appropriate rating. The definitions and illustrative classifications for these two levels are as follows:

2 Job duties require some physical demand. There is an occasional requirement for repetition and/or speed. Employee usually has comfortable bodily positions with flexibility of movement.

Employee uses recurring light physical effort.

OR

Occasional light physical effort.

Bus Driver; Secretary A, B, C; Security Guard; Clerk General B, C, D; Programmer A, B, C

3 Job duties require regular physical demand. There is a regular need for speed and repetitive use of muscles. Employee is in uncomfortable or awkward bodily positions for short periods of time with some flexibility of movement.

Employee uses continuous light physical effort,

OR

recurring periods of moderate physical effort

OR

occasional periods of heavy physical effort.

Caretaker A, B; Early Childhood Education Worker; Switchboard Operator; Technologist A, B; Clerk General A

The job evaluation manual indicates that the term "occasional" is a reference to "part" of a day, "recurring" means "most" of a day and "continuous" refers to "all of the time".

The unchallenged wording of the position description form respecting physical demand reads as follows:

Minimal physical demand. The incumbent works in a normal office environment and has the flexibility to change positions. May sit at desk or workstation for long periods of time when keying in data.

Indicate the percentage of time that is required in performing each of the tasks discussed above.

Task Sitting at desk when keying in data. % of Time more than 50%.

The above wording is more suggestive of a level 2 than a level 3 rating. It is noteworthy that a secretary A, B, and C are illustrative classifications for a level 2 rating. This indicates that keyboarding is not by itself a basis for a level 3 rating, particularly if the employee has comfortable bodily positions with flexibility of movement.

The grievor's evidence was that speed is a requirement of her position, particularly at the start of a semester. Ms. McEwan testified that once a year in September the grievor faces significant deadlines when speed is required but otherwise she has a fair degree of mobility. She also noted that the grievor's responsibilities involve talking with students. This situation does not reasonably involve a regular need for speed as contemplated by the criteria for a level 3 rating.

When testifying about the physical demand associated with her position the grievor referred to the fact that her job includes retrieving files and physically moving records at the end of a semester and at other times when technical programs finish. She said that although she uses a cart there is lifting involved. She indicated that she can obtain help from a part-time custodian at the campus to do the lifting. In my view the relatively infrequent nature of the activity does not involve a regular physical demand such as to warrant an increase in the rating given by the College.

I confirm the level 2 rating given by the College.

RESPONSIBILITY FOR DECISIONS AND ACTIONS

The College rated the grievor's position at level 3 for 44 points. The union rated it at level 4 for 62 points. The factor level definitions and illustrative classifications for these ratings are as follows:

3 Decisions and/or actions have moderate impact on the organization. Errors are usually detected by verification and review and may result in disruption of the workflow, duplication of effort, and/or limited waste of resources.

Clerk General C, D; General Maintenance Worker; Reproduction Equipment Operator B, C; Secretary B, C

4 Decisions and/or actions have considerable impact on the organization. Errors are detected after the fact and may result in considerable interruption and delay in work output and waste of resources.

Early Childhood Education Worker; Stationary Engineer C; Support Services Officer B, C; Technologist B, C

The wording of the position description form with respect to this factor is as follows:

11.1 Describe the impact that the incumbent's decisions and/or actions have on internal and public relations, the responsibility for information management, equipment, assets and records.

Incumbent's duties have moderate impact on public relations.

Incorrect information in student records or retrieval from student records could have considerable impact on student or referring agency.

If student attendance or behaviour problems are not dealt with, agency, employer or attribution problems may develop, resulting in significant loss of revenue to the college.

Identify the processes used to detect errors and the effect on the organization if errors are not discovered and corrected.

Committee work - run through the process and procedures to safeguard against missing steps. Needs to make sure

nothing/no one is missed which could lead to embarrassment at graduation ceremonies.

When necessary work is proofread/doublechecked. Minimal impact.

The grievor testified that if she should fail to follow up with prospective students a course might not be full and this would impact on revenue. She also suggested that it would create a major embarrassment if she should fail to invite someone to graduation or left someone off the graduation list. She noted that she keeps track of fees owed by students. She said that at times she has decided not to hand out bursary cheques to students who were not attending classes until after first checking with Student Awards.

Ms. McEwan testified that she meets with the grievor with respect to the number of students enrolled in various courses and asks her if she has done follow-ups. She also noted that any significant problems the grievor encounters with students are referred to her. Ms. McEwan contended that most errors made by the grievor would be picked up by someone else. She indicated that employee Terry Button uses a spreadsheet to keep track of student fee payments. She suggested that a student would complain if the grievor failed to enter a grade.

In its brief the union contended that misjudgments by the grievor could have severe detrimental effects on the academic process. It did not, however, specify what these effects might be. The brief also contended that the grievor must make decisions quickly and consistently exercise good judgement. In addition, it noted that she deals with confidential information. These considerations, however, are not directly relevant to the factor of responsibility for decisions and actions. The level of independent judgement required for a position is measured by the judgement factor. The handling of confidential information is taken into account in assessing the factor of communications/contacts.


The criteria for a level 3 and a level 4 rating indicate that what is being measured by the factor of responsibility for decisions and actions is the impact of decisions and/or actions on "the organization". The organization is presumably the College as a whole or some major division

within the College as opposed to an individual student. There is nothing in the position description form or the evidence to suggest that an error on the part of the grievor would have a considerable impact on either the College or the Simcoe campus because of a considerable interruption and delay in work output and waste of resources. This is the type of impact required for a level 4 rating. Accordingly, I confirm the level 3 rating given by the College.

THE APPROPRIATE PAYBAND

The College's rating of the grievor's position resulted in the position receiving a total of 532 points. This was within the 511 - 570 point range covered by payband 8. My finding that a 4 rating is appropriate for the factor of experience raises this by 13 points to a total of 545. This is still within the range for payband 8. The grievance is, accordingly, hereby dismissed.

Dated this 7th day of June 2000.


Arbitrator

ARBITRATION DATA SHEET - SUPPORT STAFF CLASSIFICATION

Name: FANSHAWE Incumbent: K. BAKER Supervisor: D. MCEWAN
 Present Classification: SSO A and Present Payband: 8
 Job Family and Payband Requested by Grievor: SUPPORT SERVICES OFFICER PB 9

1. Position Description Form Attached
2. The parties agree on the contents of the attached Position Description Form
 OR
 The Union disagrees with the contents of the attached Position Description Form. The specific details of this disagreement are as follows:
#2 area of "experience" is not agreed to by the incumbent.

(use reverse side if necessary)

FACTORS	MANAGEMENT		UNION		AWARD	
	Level	Points	Level	Points	Level	Points
1. Training/Technical Skills	5	91	5	91	5	91
2. Experience	3	32	4	45	4	45
3. Complexity	4	58	4	58	4	58
Judgement	4	66	4	66	4	66
4. Motor Skills	3	25	3	25	3	25
6. Physical Demand	2	16	3	28	2	16
7. Sensory Demand	3	28	3	28	3	28
8. Strain from Work Pressures/Demands/Deadlines	3	28	3	28	3	28
9. Independent Action	4	46	4	46	4	46
10. Communications/Contacts	3	88	3	88	3	88
11. Responsibility for Decisions/Actions	3	44	4	62	3	44
12. Work Environment	1	10	1	10	1	10
PAYBAND/TOTAL POINTS		532		575		545
JOB CLASSIFICATION	SSO A(8)		SSO B(9)		SSO A(8)	

ATTACHED WRITTEN SUBMISSIONS: The Union The College

FOR THE UNION: Kathleen Baker (Grievor) Mar. 28/00 (Date)
Louise Worth (Union Representative) March 28 2000 (Date)

FOR MANAGEMENT: Wilson (College Representative) April 14/00 (Date)

ARBITRATOR'S USE:
Jan Spang (Arbitrator's Signature) APRIL 28, 2000 (Date of Hearing) JUNE 7, 2000 (Date of Award)