

94D292 BELANGER VS CAMBRIAN

IN THE MATTER OF AN EXPEDITED CLASSIFICATION ARBITRATION PROCEEDING
UNDER ARTICLE 18.4.3.4 OF THE COLLECTIVE AGREEMENT

B E T W E E N:

ONTARIO COUNCIL OF REGENTS FOR COLLEGES OF APPLIED ARTS AND
TECHNOLOGY IN THE FORM OF CAMBRIAN COLLEGE
(hereinafter called the "College")

- and -

ONTARIO PUBLIC SERVICE EMPLOYEES UNION (FOR SUPPORT
STAFF EMPLOYEES)
(hereinafter called the "Union")

GRIEVANCE OF CAROL BELANGER
OPSEU FILE NO. 94D292
(hereinafter called the "Grievor")

EXPEDITED ARBITRATOR:

Richard H. McLaren, C. Arb.

COUNSEL FOR THE COLLEGE:

Susan Pratt

COUNSEL FOR THE UNION:

Bill Riess
Carol Belanger

A HEARING IN RELATION TO THIS MATTER WAS HELD AT SUDBURY, ONTARIO,
ON OCTOBER 31, 1994.

AWARD

Ms. Carol Belanger is classified as a Clerk Atypical at payband 5. She has been employed in her current position in the Purchasing Department since November 1990. The position had previously been classified as a Clerk General B, payband 4. Following an earlier grievance the College reclassified the position to its current one of Clerk Atypical, payband 5. She seeks an evaluation of this position so that it would be classed as a Clerk General C, at payband 6. The position is within the office services job family.

The parties disagree on the Position Description Form ("PDF"). Part of that disagreement stems from the fact that it was not finalised by the College until August 30, 1994, after the hearing in this matter had been scheduled, and long after the grievance was filed and the grievance procedure undertaken by the parties. There are a variety of reasons why this occurred in this case which do not need to be set out. However, it is worth pointing out that the new system, as was the former one, is PDF dependent. In appropriate circumstances, I would have adjourned the proceedings and requested that the parties go through a discussion process again before presenting their cases to me. I did not do so in this case because, based on what was submitted to me in advance and after discussion at the hearing, I felt they were not far apart on the contents. I, therefore, made a pragmatic decision to let each party proceed with the PDF they had filed with me. The practise of the PDF post dating the grievance procedure is not to be encouraged and should normally result in the parties going through their internal procedures again before coming to arbitration. This award should not be read as sanctioning this practise other than in this isolated instance.

The Grievor filed with the Arbitrator a PDF which used the language of the prior evaluation system as its basic headings. The College filed one using the revised system. The Grievor felt she had better expressed action and descriptive words in parts of the form which she had done. I undertook to review both parties' versions of the PDF and settle the language to be contained in the College version. That version is to be modified where it is so indicated below in this award.

Under the Core Point Rating System developed by the parties for determining job classification, their respective conditions as filed with the Arbitrator are set out in the table below:

FACTORS	MANAGEMENT		UNION	
	Lvl	Pts	Lvl	Pts
1. Training/Technical Skills	4	71	4	71
2. Experience	3	32	3	32
3. Complexity	2	25	3	41
4. Judgement	2	30	3	48
5. Motor Skills	c3	25	c3	25
6. Physical Demand	2	16	2	16
7. Sensory Demand	3	28	4	39
8. Strain from Work Pressures/				

9. Demands/Deadlines	2	16	3	28
10. Independent Action	2	19	3	33
10. Communications/Contacts	2	52	2	52
11. Responsibility for Decisions/ Actions	2	26	3	44
12. Work Environment		10	1	10
PAYBAND/TOTAL POINTS		350		439
JOB CLASSIFICATION				
Clerk CLERK C, 6				
Atypical, 5				

The parties disagree on six of the 12 job factors. The Union seeks retroactive reclassification to the date of the grievance on October 24, 1993.

CLASSIFICATION/POINT SYSTEM/CORE POINT RATING PLAN FACTORS

1. FACTOR 3: COMPLEXITY - College level 2 Union level 3

The Union asserts that the Complexity Factor is at level 3. The description for that level is:

Job duties require the performance of various routine, complex tasks involving different and unrelated processes and/or methods.

The College submits that level 2 is appropriate. That description reads:

Job duties require the performance of specific tasks involving related steps, processes and/or methods.

The College submits that the core duties of the job require the performance of specific tasks involving related steps and processes. The PDF identifies 65% of the job as involving performance of specific tasks requiring related steps and processes associated with data entry, verification, and other processes involving purchase orders.

The Union submits that the grievor prioritizes the workload into its various constituent parts, which means she exercises the moderate degree of judgement that is required to be at level 3. She also does problem solving in regard to requisitions and purchase order processing.

The Arbitrator finds that the primary core function of this position relates to dealing with purchase orders. The parties agreed that the approximate total time for this function and its related aspects constitutes about 65% of the job. That function involves data entry. It is a regular and routine daily task that involves tracking shipping records and return of goods notices. To that

extent the language from the Grievor's PDF ought to be included in the College's PDF in item 2, under Duties and Responsibilities.

Levels 2 and 3 are distinguished by whether the routine performance of duties relates to specific or complex tasks. The Arbitrator finds that a computerized financial system, the Ross computer system, has taken much of the mechanical, repetitive detail work out of the position. That work is accomplished by the machine software once the grievor has entered the data. The Grievor engages in specific tasks in connection with the purchase orders in which she verifies that the information is correct. If it is incorrect, she obtains the correct information from the appropriate persons within the College, or returns the purchase order or at an earlier stage may have done so with respect to the requisitions. The Arbitrator find these activities to be more closely related to performance of specific tasks, rather than complex unrelated ones. At the end of the month a report is generated. It provides a review of the purchase orders not conforming with the requirements of the system. The Grievor must either correct the information or see that it is obtained. To this extent she is required to have some familiarity with the overall structure of the accounts payable, receiving and general ledgers, and journal entry systems used by double entry bookkeeping; cost accounting and cost control financial systems. There is no question that she has the necessary overview of those systems. However, the systems are not complex at the level with which she deals with them; nor are the activities that she must carry out within the system complex. Knowledge of the system is a necessity.

But it is general overall information which must be known to her in order to perform her specific tasks relating to purchase orders identified at the month end.

Aside from the 65 % of the job that is related to the purchase order activities the next two matters which would comprise another 15 % involve either dealing with the fixed assets or doing the phone directory. Fixed asset work is grouped and is most concentrated at the end of the budget year. The phone directory work is only done on an annual basis. In both of those cases she does data entry, and in the case of the fixed assets there is verification work as well as correction work to be done with the data in the fixed asset records provided by the Ross financial system. The phone directory work primarily involves maintaining and updating a data base as well as overseeing reproduction of the annual phone directory, a copy of which was provided to the Arbitrator as one of the documents submitted by the Union. In both these activities the Grievor helped the College by designing some forms, associated with various parts of the process of having individuals order materials for the College, which are regularly used in the purchasing department. She also assisted in consolidating three data bases into a single data base which relieved her of a considerable amount of previously more detailed time in maintaining the different phone data bases. The results have been of considerable assistance in having the College telephone operators move to a computerized information retrieval system for switchboard work. There is no question that her one time activities and contributions in this regard were very useful and helpful to the College. However, they cannot be used as a basis for determining that the core tasks which are performed regularly within the job are complex tasks.

The Grievor may well be capable of being able to perform more complex tasks than her position demands. Indeed, her assistance in designing forms and improving the telephone data base system for the directory indicate that she probably has greater abilities to perform complex

tasks than the position itself demands. She finds fulfilment of some of that ability by assisting in these tasks. They, however, must be considered as not being within the core daily, monthly functions of the job; or, even within the core yearly functions of the job. Therefore, I have not accounted for those factors in determining the Factor 3 Complexity. If the position, as opposed to the actual work she has performed and is capable of doing, is examined, then the Arbitrator is satisfied that the College rating is correctly determined to be at level 2. The performance of the job is with respect to specific tasks which involve related steps and processes.

2.FACTOR 4: JUDGEMENT - College level 2 Union level 3

The Union asserts that the Judgement Factor is at level 3. The description for that Level is:

Job duties require some moderate degree of judgement. Problem solving involves the identification and breakdown of the facts and components of the position.

The College submits that level 2 is appropriate. That description reads:

Job duties require some judgement or choice of action within limits. Some analysis is involved in problem-solving.

The Union submits that the Judgement level is greater than that agreed by the College because this particular position requires prioritizing of the work load. In addition,

verification of purchase orders, particularly equipment purchases, requires determinations of validity and authorization. Missing information must be found or the purchase order sent back to be obtained. This indicates that the function is not routine data entry or processing, but requires one to be alert in recognizing and correcting errors of others during the data entry process. It is primarily on that basis that the parties are apart as to the degree of judgement involved in the position.

The College in its submissions concedes that there is a degree of judgement, but that judgement is dictated within limits of the daily routine function of processing purchase orders. Approximately 65 % of the job involves the daily processing of purchase orders that is reviewed the next day by the supervisor for signing and submission to various vendors. In the course of doing that there is some problem solving involving the verification of correct authorizations, correct codings, correct orders and other matters. However, that work is all done within the confines of a system driven by documents generated by various parties and then entered and standardized in the Ross system. There is a limited amount of judgement which is applied in those circumstances.

The examples which the Union provides as encouraging a higher level of judgement are associated with some of the isolated activities which occur from time to time in this position. The Union cites, for example, the fact that emergency purchase orders are given out in the absence of

a buyer and manager. The grievor also advises on College policies and procedures that have not been followed or need to be followed in undertaking particular orders. While it is correct that the Grievor does have the ability to stop purchase orders being processed with incorrect accounts or other information, she does so within established policies and procedures of the College and does not have to exercise any independent function of judgement beyond that of applying the policies. Indeed she freely admitted at the hearing, on questioning by me, that those requiring greater judgement would be referred to her own supervisor, the buyer, or the manager for resolution. Therefore, the Arbitrator concludes that the judgement factor is one which involves some judgement, and some problem analysis, but all largely in the primary core function of the preparation, verification and data entry of purchase orders where independence is limited by the other factors mentioned above. In the remaining 35% of the job functions, there is perhaps a greater degree of judgement on some occasions. However, they are not within the core daily routine functions of the job.

Therefore, the Arbitrator finds that the appropriate judgement level for the position is as submitted by the College at level 2. Once again, in so finding the Arbitrator wishes to emphasize that the abilities of the particular individual are such that she could function exercising the moderate degree of judgement required for her to be at level 3. The difficulty is that the position does not require her to function at that level. The Arbitrator wants it to be clearly understood by her that she has the ability to perform with a greater degree of judgement than the position requires. However, the Arbitrator is required to evaluate the position and not her job performance in the position.

3. FACTOR 7: SENSORY DEMAND - College level 3 Union level 4

The Union asserts that the Sensory Demand Factor is at Level 4. The description for that level is:

Job duties require considerable visual, auditory, or sensory demand on mental energy and frequent careful attention to detail and accuracy.

OR

Job duties require extensive visual, auditory, or sensory demand on mental energy and occasional careful attention to detail and accuracy.

The College submits that level 3 is appropriate. That description reads:

Job duties require moderate visual, auditory, or sensory demand on mental energy and frequent careful attention to detail and accuracy.

OR

Job duties require considerable visual, auditory, or sensory demand on mental energy and occasional careful attention to detail and accuracy.

OR

Job duties require extensive visual, auditory, or sensory demand on mental energy and periodic careful attention to detail and accuracy.

Nothing in the PDF's submitted by the parties or the discussion of the position at the hearing leads the Arbitrator to suggest that this position has any unique features which ought to justify it being taken out of the level 3 position. The Secretaries, Data Entry Operators, and the Clerk C, the position to which the Grievor wishes to be re-evaluated, are all rated at this level. The Arbitrator rates the position at level 3.

4. FACTOR 8: STRAIN FROM WORK PRESSURES/DEMANDS/
DEADLINES - College level 2 Union level 3

The Union asserts that the Strain From Work Factor is at level 3. The description for that Level is:

Job duties involve moderate work pressures or demands. Interruptions, changing deadlines, multiple demands occur regularly but are usually predictable. Occasionally, critical deadlines may occur.

The College submits that level 2 is appropriate. That description reads:

Job duties involve some work pressures. Interruptions and pressing deadlines tend to be predictable. Tight, changing deadlines and conflicting demands occur occasionally.

The parties are apart on this factor primarily based upon the interruptions which occur and the degree to which that affects job performance. The data entry and verification of the information is a meticulous and detailed job. Interruptions by telephone or personal enquiries take approximately 7% of the time devoted to the position, as described by the PDF for the College. This has an impact on the ability to carry out the work. At the same time, the work has a constant daily routine and deadline, which generates pressure and demands both for the work to be processed and for it to be done early in the day. Deadlines do not change all that frequently, but they are, and need to be, rigidly adhered to, for the function is a daily and ongoing part of the College's overall administrative functions. It is difficult to assess the impact of interruptions on the position. It is the Arbitrator's view that the grievor's detailed work must be frustrated to a degree and certainly delayed, in the sense that it cannot be easily stopped and started without repeating some of what has been done before, after an interruption. There is no question that interruptions are a part of the daily routine and would always be so, particularly when the person must verify information, obtain new information, or get information corrected so that it can be entered in the appropriate fashion. Such activities will generate responses thereby causing interruptions. There are also occasional critical deadlines like the one for the telephone directory. On that basis, the Arbitrator is inclined to accept the submissions of the Union that the job duties involve moderate and continuous work pressures and demands and that the interruptions exacerbate that work pressure, thereby justifying a higher rating.

5. FACTOR 9: INDEPENDENT ACTION - College level 2 Union level 3

The Union asserts that the Independent Action Factor is at level 3. The description for that level is:

Job duties are performed in accordance with general procedures and past practices under periodic supervision, with occasional periods of Supervisor input or verification. There is moderate freedom to act independently.

The College submits that level 2 is appropriate. That description reads:

Job duties are performed in accordance with established practices under regular supervision, with the Supervisor monitoring progress. There is limited freedom to act independently.

The College submits that the job requires the performance of the work within established practices, under regular supervision.

The Union submits that the performance is according to general procedures and past practices under periodic supervision with occasional periods of supervisory input or verification.

The Arbitrator finds that there is not much freedom to act independently in this position. Purchase orders require a daily response, but that occurs within established practices, under regular supervision in that the buyer for the purchasing department has to review and sign all of the work orders daily. The Arbitrator finds that the independent action is as rated by the College at level 2.

6. FACTOR 11: RESPONSIBILITY FOR DECISIONS AND ACTIONS
College level 2 Union level 3

The Union asserts that the Responsibility for Decisions and Actions Factor is at level 3. The description for that level is:

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.

The College submits that level 2 is appropriate. That description reads:

Decisions and/or actions have limited impact on the organization. Errors are detected easily and quickly and may result only in minor embarrassment, confusion, or expense for correction.

The Union submits that the Grievor must both maintain accurate records which can be easily audited as well as facilitate speedy year end closing of the College accounts. She primarily detects errors and corrects them by herself or with others. Those errors are always corrected by verification and review, and they do result in disruption to the work flow.

The College submits that the impact of errors is the primary reason for grading it at level 2. Discovering errors and finding that the wrong accounts have been charged or that money available for the particular budgetary unit has not been expended on the purchase order have only limited budget impacts of an internal nature.

The Arbitrator finds that the impact of the position on the daily actions that the Grievor undertakes may be limited with respect to the organization. The Grievor's work is an essential part of the budgetary and cost accounting processes of the College. It is undertaken to ensure the integrity of the budget modelling and expenditure process of the College.

Therefore, while the corrections the Grievor undertakes are merely changing bookkeeping entries they are very important to the College's overall budgetary modelling and expenditure process. The impact on the organization is not the only method of determining the level of responsibility.

The position requires that the individual identify errors made by others in the process of doing the verification preceding data entry and having received data entry reports, tracking down problems generated by others in the utilization of the system. Much of the latter part of this process usually occurs in the form of short-paying or short-ordering, or some other variation of what was originally in the purchase order, versus what in fact happened on receipt of the goods. That process requires a good deal of individual initiative, responsibility and politeness in meticulously and carefully tracking down errors and correcting them. A good deal of that error tracking and correction and verification will result in disruption of the work flow and has an impact on both the position and the organization.

The combined effect of this position's work activities are being undertaken to ensure the integrity of the budgetary process which is important and has a widespread impact on the College and its members. This fact together with the error correction being part of the work process justifies the Union's rating. Therefore, the Arbitrator would rate the position as being of greater responsibility than the College has done and would set it at level 3, as submitted by the Union.

7. CONCLUSION

This case is a very close judgement call as to whether the position is a Clerk General B or Clerk General C position. The parties submitted six factors in dispute for the Arbitrator to apply the classification system and evaluate. The Arbitrator has reviewed the parties' classification

system and the evidence and understanding of the position and has come out rating three of the factors being: Factor 3, Complexity; Factor 4, Judgement; and Factor 9, Independent Action; as being those typically associated with a Clerk B position. The other three factors, being: Factor 7, Sensory Demand; Factor 8, Strain From Work Pressures; and Factor 11, Responsibility for Decisions/Actions; have been rated at the typical level for a Clerk C. Thus, the Arbitrator in making the rating determinations has evenly split the factors in dispute between three being at the typical Clerk B and three being at the typical Clerk C level. It is interesting to review the six factors which the parties agreed on. A similar pattern appears except for one factor. Three of the factors which they agreed upon: Factor 6, Physical Demand; Factor 10, Communications/Contacts; and Factor 12, Work Environment; are at the same level and points for either a Clerk B or a Clerk C. The other two factors which the parties agreed upon were: Factor 2, Experience; and Factor 5, Motor Skills both of which they rated at the Clerk C level. The one rating which the parties have agreed upon which is not at either level is the first factor Training/Technical Skills which they rated at Level 4 for 71 points, which is what one would expect with a typical Clerk D position. Aside from this one anomalous rating the picture which emerges from the evaluation of the Factors is position which very clearly falls between a Clerk B and a Clerk C. The scale on some of the Factors is more heavily orientated towards the Clerk C position than the Clerk B position. However, when the points associated with evaluating Factors as has been done by the parties six of them and by the Arbitrator for the other six results in a total point accumulation of 380 points. That is ten points short of a threshold at which the payband would change from five to six. The variation of any Factor by one level would result in a payband change. The Arbitrator has thought carefully and at length about each of these Factors in arriving at this decision. While the Grievor may be disappointed that she falls short of being in the next payband, the Arbitrator is satisfied that at payband 5 there is a reflection of the fact that this job is not wholly within the Clerk B position; nor, squarely within the Clerk C position. It would not be as close to being in that position were it not for the parties own rating of the Training Factor. Therefore, the Arbitrator is satisfied that despite the fact that the payband points are very close to the threshold to change to the next payband level the position ought not to be rated at the higher payband. There is no doubt that this Award and the parties own ratings involve a very close judgement evaluation of this position. I am, however, satisfied that overall the evaluation is correct and that the classification and payband ought to be supported and remain at the level 5.

There is one further comment that I wish to make with respect to this classification dispute. The College has reclassified the position as Clerk Atypical, payband 5. As I understand from the training which we were given to undertake this work, the notion of an atypical position is to be preserved and applied only to situations where there is a truly atypical position. That is one which encompasses duties and responsibilities which are not adequately covered by the existing job family definitions and the job evaluation guide charts. I understand that the overall classification system is to be used and that most positions are to be fitted into the payband classification matrix and not to be referred to as atypical positions. Atypical positions are to be kept for those situations which are truly hybrid jobs which cannot easily be placed within the job families of the classification system. Therefore, in reaching my conclusions I would confirm the College's payband, but consider this position to be classified as a Clerk B position at the payband S level. I suppose the other alternative way of looking at this situation is that it is very close to the line between being a Clerk B or a Clerk C position, but that the points indicate that the total

accumulation is not sufficient to push it into the Clerk C category, but is sufficient to justify a payband higher than the typical Clerk B, which would only be at payband 4. Therefore, for all of the foregoing reasons subject only to the classification point just discussed, I would confirm the position of the College as to the payband being at level 5, but classify the position as a Clerk B.

The Arbitration Data Sheet for the classification as rated by me is attached to this Award.

I want to thank the representatives of the parties for the excellent job they did in presenting their positions. The submissions of the Grievor at the hearing assisted me greatly in making this determination. She presented a lot of her own case and did it extremely well. While she may be disappointed in the results of this proceeding, she clearly demonstrated to me that she is a very effective employee capable of doing more than her current position demands. I rated the position and not herself and nothing in this award should be taken to be a determination that she is not performing her work to the highest of standards. The parties' representatives conducted themselves in a thorough and pleasant manner which made my job much easier. I very much appreciate their thoughtfulness and courtesy in presenting their positions. They are to be commended for doing an excellent job.

DATED AT LONDON, ONTARIO THIS 8th DAY OF NOVEMBER, 1994.

Richard H. McLaren, C. Arb.
Arbitrator

Cambrian College