

IN THE MATTER OF AN ARBITRATION

BETWEEN:

FANSHAWE COLLEGE

- and -

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

CLASSIFICATION GRIEVANCE OF WENDY LYCETT

JANE H. DEVLIN

SOLE ARBITRATOR

APPEARANCES FOR THE COLLEGE:

SHEILA WILSON
CAROL BARKER

APPEARANCES FOR THE UNION:

LOUISE WATT
WENDY LYCETT

OPSEU FILE NO.: 96C082

HEARING DATE: MAY 15, 1996

The Grievor, Wendy Lycett, is employed by the College as a Career Services Consultant. It is the position of the Union that she ought to be classified as a Support Services Officer D at payband 13, whereas the College maintains that she is properly classified as a Support Services Officer Atypical at payband 12.

On the day of the hearing, the parties agreed to proceed with the grievance based on a PDF dated April 11, 1996. The parties further agreed to hold in abeyance two issues, the first of which concerns the appropriate classification of the Grievor's position based on the PDF in effect when the grievance was filed in June, 1995. The second issue relates to a claim by the Union that the Grievor ought to have been paid at payband 13 as the PDF in effect in June, 1995 was identical to that of two other employees in the Career Services Department who were paid at that level. The parties agreed that, if necessary, I would refer these issues to a Board of Arbitration pursuant to Article 18.4.4 of the collective agreement.

The parties also agreed on the content of the PDF dated April 11, 1996 and although there was initially some disagreement as to the ratings for Training/Technical Skills and Experience, the Union subsequently agreed, without precedent, to the College's ratings in these factors. Accordingly, the factors in dispute are as follows:

<u>Factors</u>	<u>College Rating</u>	<u>Union Rating</u>
Complexity	5	6
Physical Demand	2	4
Sensory Demand	3	4
Communications/Contacts	4	5

As a Career Services Consultant, the Grievor is involved in assisting both current students and graduates to find suitable employment. In this regard, she provides individual vocational/career counselling and makes presentations to students in various programs on career planning and job search strategies covering topics such as resume preparation, professional communications and interview techniques. For these presentations, she prepares and distributes instructional materials, some of which are specific to particular programs. She also provides students and prospective students with labour market information, including data regarding job opportunities available for graduates. In this regard, she is involved in preparing graduate employment surveys which track employment obtained in areas related to programs in which students were enrolled at the College.

In addition, the Grievor actively markets and promotes College programs and graduates to potential employers. In carrying out this function, she assists employers to evaluate human resource requirements and provides advice with respect to appropriate salary ranges and the skills obtained from particular programs. She also assists employers to prepare job descriptions and postings; co-ordinates the delivery of applications and sets up interviews in order to facilitate the hiring process. As well, she liaises with government and community organizations and makes presentations to various groups on matters such as graduate employment and skills identification. She also composes articles and advertisements for publications and acts as spokesperson for the College in responding to media requests for career information. In addition, she sits as a College representative on committees, such as program review committees, and provides data and advice with regard to employer requirements. Where appropriate, she refers students and employers to other departments, Colleges or government agencies.

Finally, the Grievor carries out certain administrative functions, which include verifying statistical information and providing guidance and direction to clerical staff. On occasion, she is also called upon to act as an expert witness in court proceedings with regard to employment statistics and salary data for College graduates.

It is necessary then to consider the factors in dispute:

Complexity

In this factor, the College contends that the Grievor's position ought to be rated at level 5 whereas the Union proposes a rating at level 6.

There is no doubt that aspects of the Grievor's job duties involve the performance of complex and relatively unusual tasks involving specialized processes and methods as is characteristic of positions at level 5. Nevertheless, it is also apparent that the Grievor is faced with a variety of unusual conditions in which specialized processes and methods must be adapted to meet the needs of students in particular programs as well as those facing barriers to employment. Marketing techniques must also be adapted to address the needs of employers which will vary with the size and nature of the organization. In the result, while the rating in this factor is close to the line, taking into account the conceptual demands of the position including the nature and extent of analysis and problem solving required to perform job duties, I find that the position is properly rated at degree 6.

Physical Demand

This factor measures the demand on physical energy required to complete tasks. In particular, consideration is given to the type, duration and frequency of physical effort as well

as the strain resulting from rapid and repetitive fine muscle movements or the use of larger muscle groups and the lack of flexibility of movement.

The dispute in this case centres around whether the position should be rated at level 2 as proposed by the College or at level 4 as proposed by the Union. In support of a rating at level 4, the Union relies on the fact that the Grievor works extended hours during employer liaison visits and when attending committee meetings. She is also required to travel in the course of her duties; stand for considerable periods when making presentations and, carry instructional materials.

A rating at level 4, however, involves continuous moderate physical effort or recurring heavy physical effort. In this regard, it is of note that the classifications of Skilled Trades Worker and General Maintenance Worker are rated at this level. In my view, the Grievor's position does not involve similar physical demands but instead requires recurring light physical effort or occasional periods of moderate physical effort. In the result, I find that the position is properly rated at level 2.

Sensory Demand

In this factor, the College proposes a rating at level 3 whereas the Union proposes that the position be rated at level 4.

The Grievor's position requires a significant degree of concentration as she spends a substantial amount of time with client groups, making presentations, providing counselling and listening attentively to client needs. There is also a requirement for accuracy and careful attention to detail, particularly when performing tasks such as verifying statistics. Although the College pointed out that positions in the Support Services Officer job family are rated at level 3 in the factor of sensory demand, in my view, this is not determinative as the Union contends that

in this area, the Grievor's position is atypical. In this regard, it is noteworthy that the PDF describes the degree of concentration required as "acute" and specifies that "degree of concentration, full attention to detail and accuracy" is required up to 90% of the time. In these circumstances, I find that a rating beyond level 3 is warranted and that the position is properly rated at level 4.

Communications/Contacts

This factor measures communication responsibilities and, in particular, the requirement for effective communication for the purpose of providing advice or explanations, influencing others and/or reaching agreement. In this regard, consideration is given to the nature and purpose of the communications and the confidentiality of the information involved.

As indicated previously, the Grievor provides career and employment information and counsels groups and individual students on matters such as career planning and job search strategies. She also actively markets College programs and graduates to potential employers. While effective communication in these areas is a critical feature of the Grievor's position, nevertheless, in my view, it cannot be said that her duties generally require highly detailed or complex explanations or instructions, nor is she required to secure understanding or co-operation for the purpose of concluding negotiation activities. Instead, I find that the Grievor's job duties require communication for the purpose of providing basic instruction or for the resolution of complex problem situations. As well, there is a requirement for sophisticated, influential or persuasive techniques when dealing with students facing barriers to employment or when addressing the needs of individual employers. Given these requirements, I find that the position is properly rated at level 4.

In summary, then, in respect of the factors in dispute, the appropriate ratings are as follows:

Complexity	6
Physical Demand	2
Sensory Demand	4
Communications/Contacts	4

Based on these ratings, the points for the Grievor's position total 789 with the result that the position falls into payband 12 and is, therefore, properly classified as Support Services Officer Atypical. I shall remain seized of the issues which the parties agreed to hold in abeyance and, upon request, will refer these issues to a Board of Arbitration pursuant to Article 18.4.4 of the collective agreement.

DATED AT TORONTO, this 31st day of May, 1996.

Sole Arbitrator