

**IN THE MATTER OF AN ARBITRATION UNDER  
THE ONTARIO *LABOUR RELATIONS ACT***

**BETWEEN:**

**ST. LAWRENCE COLLEGE**

**("the Employer")**

**AND**

**ONTARIO PUBLIC SERVICE EMPLOYEES UNION**

**("the Union")**

**WORKLOAD RESOLUTION ARBITRATION OF  
PATTY COX**

**AWARD**

**ARBITRATOR: BARRY STEPHENS**

**EMPLOYER COUNSEL: LYNN THOMSON, Hicks Morley**

**UNION COUNSEL: SUSAN BALLANTYNE, Raven Cameron Ballantyne  
Yasbeek**

**Heard in Brockville, Ontario on January 7, 2010**

**Decision Released February 8, 2010**

## A W A R D

### **Facts**

[1] Patty Cox is a full time faculty member and nurse. She has experience teaching diploma and degree programs. During the Winter 2009 term, Ms. Cox was assigned to 2144T – Complex Health Challenges, Nursing Practice 3. She taught half of the class time, three hours per week, but was also the clinical course leader (referred to below as CCL), which entails undertaking overall responsibility for administration of the course in a “supervisory” role. Ms. Cox complains that the complementary portion of her SWF for the term in question did not adequately reflect her CCL work. She seeks compensation for such complementary functions in accordance with Art. 11.01 F of the collective agreement.

[2] Aside from classroom time, the course is made up of three main components, clinical hospital practice, labs and the Health Fair. There were approximately 63-64 students in the class.

[3] Ms. Cox described the CCL responsibilities as follows:

1. **Preparation** – Before the course started, she was required to make a determination as to the clinical areas that would be covered and also determine how to place students in two groups that rotated clinical areas after the first six weeks. In addition, she advised the clinical instructors, many of whom were new teachers, as to the expectations of the course.

She made sure that both the students and the instructors had access to lockers, and she reviewed student credentials to ensure they were up to date for such things as CPR training, criminal records checks and immunizations. She estimated that this work took about 30-40 hours.

2. **Overall Course Responsibility** – Ms. Cox that her classroom role as CCL was not significant. Her main role during the course was to provide “just in time” counselling and assistance to the instructors. Given the relative inexperience of the instructors, Ms. Cox states that she performs a mentoring role. In addition, she assisted with student issues, such as students who are failing to meet expectations in a clinical area. She agreed that, when approached by students who had issues, it was her practice to refer the student back to the instructor. However, she would be required, in some cases, to intervene to resolve student issues.

3. **Clinical** – As CCL Ms. Cox was responsible to arrange for training for students in the electronic patient record keeping system at the hospital. She also dealt with absenteeism issues, and made arrangements for students who missed time to undertake appropriate “recovery time”. She also ensured that final evaluation documentation was completed, although she did not review or read through the evaluations.

4. **Labs** – Ms. Cox stated that the CCL is responsible for scheduling lab time and also dealing with student absenteeism and the scheduling of recovery time. She also makes arrangements for the final test for the lab portion of the course.
  
5. **Health Fair** – The CCL acts as advisor to the faculty member who is responsible for the Health Fair and also acts as a “record keeper” for feedback forms. She stated this takes about six hours over the term.

[4] Ms. Cox estimated that all of the above totalled 30-40 hours of preparation work and another 4-6 hours per week throughout the term. She seeks compensation from 6-8 hours per week.

[5] The employer pointed out that Ms. Cox received 4 hours per week on her SWF for student contact, and that this should be taken to cover all student contact, and cannot be parceled out between different teaching roles. In addition, 2 hours per week were credited for committee work, although it appears from Ms. Cox’s description, some of this time was used for meeting with the other professors in her mentoring role. The employer stated that the 30-40 hours of preparation would have largely taken place prior to the beginning of the semester, and would not have impacted Ms. Cox’s workload during the Winter term. The employer also pointed out that part of the workload issue in this case was due to the newness of the teachers working with Ms.

Cox. Taking all of these factors into consideration, the employer asserted that two hours per week would be appropriate for the CCL complementary functions.

[6] The union argues that two hours per week are not sufficient. The union submits that the employer sought to reduce the complainant's hours by suggesting that the 30-40 hours of preparation took place in a different term. The union suggested such work may not have taken place during the previous term but might have been carried out during the Christmas/New Year break. In addition, Ms. Cox should be compensated for the time, and the employer should not avoid this responsibility by dividing up the time frames.

[7] The union also asserted that the four hours for student contact is a function of classroom time, and was due to the grievor regardless of whether she had any CCL duties, and it is not fair to apply those to the CCL role. Finally, the union agreed that the newness of some faculty members to the course created some additional work, and that it is appropriate to compensate Ms. Cox for this factor.

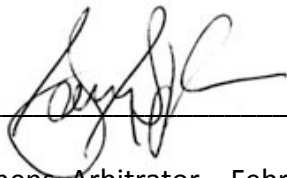
### **Decision**

[8] The CCL performs an administrative and supervisory role for 2144T. The parties agree that some additional compensation in the form of complementary credit is appropriate for the role. The employer suggests 2 hours per week, while the union suggests up to 8 hours per week.

[9] I have taken the following into consideration. First, I find that a majority of the 30-40 hours of preparatory work described, likely took place during the examination period in the fall term. This is consistent with the practice described by Ms. Yateman earlier in this case and, given the description of the tasks provided by Ms. Cox, also seems consistent with common sense, since many of the tasks required making arrangements with third parties that would have been more difficult to organize during the Christmas/New Year break. Second, the employer has established that some of the time credited for committee work was actually used to meet with faculty to process issues related to the course. Third, I agree with the union that the time allotted for student contact arises from the complainant's course teaching contact hours, and I attribute the time for that purpose. Finally, many of the tasks related to the CCL role, such as scheduling, arranging for lockers, checking credentials, ensuring final evaluations were performed, and so on, struck me as routine administrative tasks that had clearly defined parameters and that should not require much time to complete.

[10] There is no precise calculation that can be applied to the dispute, and all I can do is provide a best estimate as to the amount of appropriate compensation. After considering all of the evidence, it is my view that Ms. Cox is entitled to 3 hours per week complementary time related to her CCL responsibilities.

[11] The union noted that two complementary hours on the complainant's Winter 09 SWF had been taken away in the month of January, and that this might be a factor in determining compensation. I will retain jurisdiction to deal with the issue, and any other issue arising from the implementation of this decision.

A handwritten signature in black ink, appearing to read 'Barry Stephens', is written over a horizontal line.

Barry Stephens, Arbitrator – February 8, 2010