

WRA

May 23 1991

Liabotis, Jim

Issues: - evaluation factor
- number of evaluations

IN THE MATTER OF a Collective Agreement between the Ontario Council of Regents for the Colleges of Applied Arts & Technology and the Ontario Public Services Employees Union (for the Academic Employees)

AND IN THE MATTER OF an Arbitration pursuant to Article 4.02 of the said Agreement heard on May 21st, 1991, in London, before Rodney D. Dale, Workload Resolution Arbitrator

B E T W E E N:

JIM LIABOTIS

Teaching Master

- and -

FANSHAWE COLLEGE OF APPLIED ARTS & TECHNOLOGY

College

APPEARANCES:

For the Teaching Master

Tom Geldhard - First Vice-President
Gary Fordyce - Chief Steward
Jim Liabotis - Professor

For the College

Gail Rozelle - Assistant Director of Human Resources
Ingrid Hobbs - Personnel Officer
Terry Boyd - Interim Chairperson of Languages and Communication Faculty

A W A R D

The grievance which has been presented in this case involves a determination of whether Mr. Jim Liabotis ought to receive compensation based on the actual time used for evaluation and feedback in the course designated as English 137 or whether Mr. Liabotis ought to be restricted to receiving compensation based on the attributed hours for evaluation and feedback.

The evidence disclosed that Mr. Liabotis recorded the actual time which he spent on evaluation and feedback in the English 137 course. His evidence in that regard, which was summarized in Exhibit #2 was not challenged. The amount of time which he indicates was spent, as reflected in Exhibit #2, certainly does not seem excessive and I accept his evidence without any reservation.

Mr. Liabotis taught two classes of English 137 during the winter term of 1991. The difference between the attributed hours and the actual hours during the winter term amount to 35.3 hours.

The formula for attributing weekly hours for evaluation and feedback in a course is contained in Article 4.01(5). The first step in assessing this formula is to determine the evaluation which falls under the category of "essay or project" and the type of evaluation that falls under "routine or assisted". There does not appear to be any evidence of "in-process" evaluation in English 137. The evidence of both Mr. Boyd and of Mr. Liabotis indicated that there were 12 evaluation assignments in English 137. Nine of these assignments were in the form of short answer tests and three of the assignments were in the form of short essays. Two of the essays were only one paragraph in length. The other essay was five paragraphs in length.

The teaching master and a number of teachers who taught English 137, reviewed the course during the Fall of 1990 as part of a standard re-evaluation process, during which time they gave English 137 a certain weight for evaluation and feedback.

Regardless of the number of hours attributed for evaluation and feedback in the formula as defined in Article 4.01(5), the fact remains that Mr. Liabotis actually spent more time than was attributed to him for this purpose. The Union contends that Mr. Liabotis ought to be compensated for the actual time which he spent for evaluation and feedback. The college

maintains the position that Mr. Liabotis should not receive additional compensation.

Article 4.01(7)(b) contemplates the situation where the workload of a teacher is not adequately reflected in Article 4. When that occurs, additional hours shall be attributed on an hour for hour basis. In order to qualify for additional compensation pursuant to the provisions of this article, there must be atypical circumstances which are not adequately reflected in Article 4. The evidence must therefore be scrutinized in order to determine whether the hours attributed for evaluation and feedback in English 137 are atypical circumstances.

The union contends that 12 tests per course (nine short answer and three short essay) are excessive and atypical.

The union further argues that the formula for attributing hours in Article 4.01(5) is a minimum negotiated standard and that the professor ought to receive compensation based on the actual hours worked in so far as they exceed the minimum standards set by the formula.

The college takes the position that there should be no digression from the formula for attributing hours, unless there are atypical circumstances. The College takes the position that English 137 is not an atypical course. The college readily concedes that no two professors will spend exactly the same amount of time for evaluation and feedback in the same course. The college points out that the factors for consideration in the formula are not the number of assignments or tests, but rather the type of assignment (essay or short answer test) and the number of contact hours.

The uncontradicted evidence is to the effect that English 137 is a core course which is taught at the basic first year level in a number of programs throughout the College. The basic structure of the course and marking schemes are pre-set so there will be consistency in testing and marking throughout the college. The core courses are pre-prepared in much more

detail than a specialized course. Mr. Liabotis had previously taught three classes of English 137 before the 1991 winter term. The evidence further disclosed that during the 1990 - 1991 school year, that there were 18 teachers who taught the English 137 course. Thirty-one sections of the course were offered in the fall semester and eight sections of the course were offered in the winter semester. The college maintains that the evaluation in English 137 is primarily short answer tests and essays which are easy to mark. The course was described as being a basic course of a generic nature, which is not unusual nor atypical. The evidence tendered by the college indicates that there are no other core courses in the division which are given evaluation in excess of the hours attributed in the formula. The evidence of Mr. Boyd was that the number of assignments and tests in English 137 are quite typical.

Simple logic would dictate that the formula contained in Article 4.01(5), certainly has some rather basic short-comings. For example, the formula does not take into account the number of assignments, but rather the type of assignments (essay or short answer test). There are certainly inequitable situations which could be contemplated as a result of the application of this formula such as when one course has four essay assignments and another course only has two essay assignments. All parties agreed that it would be unfair to apply the formula if a course had twenty short answer tests. The rationale for attributing more hours to essay assignments is because of the time required to mark them. The union contends in this case that the same rationale ought to result in a ruling in favour of Mr. Liabotis who spent more time on the evaluation and feedback than was attributed to him according to the formula. It is contended on behalf of Mr. Liabotis that 12 assignments are excessive and atypical.

Although both the college and the union presented their respective cases with persuasive arguments and compelling logic, I am inclined to adopt the position taken by the

College. The formula must apply unless there are atypical circumstances. I am not satisfied that the number of the assignments and the nature of the assignments required for English 137 is sufficient to move it into the "atypical circumstance" as contemplated by Article 4.01(7)(b).

The grievance is therefore respectfully denied.

I am grateful to all of the parties for their assistance in both the preparation and presentation of their respective positions. The level of competence and demeanour of the parties was indeed commendable.

Date: May 23, 1991



Rodney D. Dale, Workload Resolution Arbitration