

IN THE MATTER OF A  
CLASSIFICATION GRIEVANCE

BETWEEN:

**OPSEU LOCAL 656**

**-and-**

**CAMBRIAN COLLEGE**

**Regarding the Classification of Liaison Assistant  
OPSEU #2007-0656-0001**

BEFORE : Kathleen G. O'Neil, Single Arbitrator

For the Union: Mary Jane Veinott, Chief Steward, OPSEU Local 656  
Ann Frampton, Steward, OPSEU Local 656  
Line Lamothe, Grievor

For the College: André Durette, Coordinator, Staff Relations  
Brenda Bouchard, Manager, Liaison

**A Hearing was held in Sudbury, Ontario on June 11, 2008**

## A W A R D

This decision deals with the classification grievance dated October 29, 2007 claiming that the position of Liaison Assistant, currently held by Line Lamothe, is incorrectly classified at Payband F and asking that it be reclassified upward to pay band H with retroactive pay to March 1, 2007. The employer argues that the job is properly classified, and asks that the grievance be dismissed.

### The new classification system

This grievance is one of the first round of grievances arising under the new classification system, which is the result of a thorough overhaul of the support staff classification plan by the provincial parties. The new CAAT Support Staff Job Evaluation Manual (referred to below simply as “the Manual”), a negotiated document dated March 1, 2007, has many similarities to, but some important differences from, the previous scheme.

The similarities include that each job has a Position Description Form (referred to below as the PDF), which describes the duties to be rated according to the job evaluation system. The system continues to be organized around factors, albeit somewhat different ones than before, aimed at determining the relative worth of positions for compensation purposes. It is still true that it is the position which is being evaluated, not any individual incumbent. Raters are still required to evaluate on the “best fit”, rather than on the basis of a single word or phrase within a factor’s definition.

Differences include the fact that the scheme no longer includes Job Families, benchmark jobs or atypical positions. Team lead duties integral to a job are now included in PDF’s. Further, the new manual includes factor-specific “Notes to Raters” and definitions which must be adhered to as they provide directions for interpreting a factor and its levels.

## Overview of the Liaison Assistant Position

The Liaison Assistant position is part of the liaison office which works to optimize enrollment by outreach and information to potential students, their parents, guidance counsellors and other referring agencies. The person in the Liaison Assistant position is often the initial contact, and is responsible for providing accurate information on academic and career requirements by phone, e-mail, in writing or in person. The incumbent also assists in the coordination of recruiting functions of the College, and is responsible for the College's full-time calendar and certain website information. Ms. Lamothe has held the job since its inception twelve years ago.

The Liaison Assistant reports to the Manager, Liaison. There are also Liaison Officers in the department who do much of the external recruiting, such as at high schools.

### **I. THE PDF**

The parties have agreed to the PDF, but do not agree on the rating of four of its factors.

### **II. FACTORS IN DISPUTE**

The four factors still in dispute will be discussed in turn. They are:

- i. Experience
- ii. Planning and Coordinating
- iii. Guiding and Advising Others
- iv. Communication

#### ***i. Experience***

The Manual provides the following as to what is being measured by this factor:

This factor measures the typical number of years of experience, in addition to the necessary education level, required to perform the responsibilities of the position. Experience refers to the time required to understand how to apply the knowledge described under "Education" to the duties of the position. It refers to the minimum time required in prior positions to learn the techniques, methods and practices necessary to perform this job. This experience may be less than the experience possessed by the incumbent, as it refers only to the time needed to gain the necessary skills.

The College has rated this factor at Level 4, a minimum of three years, while

the union seeks Level 5, a minimum of five years. In the now-superseded classification system, this job had an experience requirement of two years. Twelve years ago, when the incumbent obtained the job, she brought with her thirteen years experience in the College as a Human Resources secretary. Even with this wealth of experience, she learned much of the information necessary to her functions on the job, and from tracking down information in response to questions asked of her by potential students and others. Nonetheless, the union submitted that the way the job had evolved, there would not be time to do training on the job.

Reflecting on the extensive knowledge required to accurately answer questions from callers, Ms. Lamothe expressed the view that someone should have worked at the College for five years to do the job properly, and that it would not be difficult to find such a person. She stresses that she is often alone to field a wide variety of inquiries when other members of the department are engaged in activities outside the office.

For its part, the College acknowledges that someone with extensive internal experience like Ms. Lamothe would have an advantage in obtaining the job. However, they invited caution about focusing exclusively on experienced gained at Cambrian, as there may be times when they need to fill the position from outside the college. Since a person entering the job learns the necessary detailed information to answer questions on the job, the College is of the view that as a starting requirement, the required two year diploma plus three years of experience is likely to yield someone who could organize, gather and integrate the necessary information. The College would be looking for candidates with a diploma in marketing, public relations or general business.

The wording of the factor definition indicates that what is being measured is the *minimum* time in previous positions necessary to develop skills, techniques, methods and practices necessary to the job. The question then becomes whether the level set by the College at three years is too low. The evidence did not persuade me that it is, principally because the detailed current body of information necessary to the very specific function of the job would have to be learned on the job, unless an applicant came from a similar job at the College. The minimum necessary before starting in the job is experience sufficient to demonstrate an ability to gather and use information in a

reasonable amount of time, rather than experience which would show that the applicant already had a significant amount of that knowledge from having worked at the College. More experience will always be helpful and experience at the College would be an obvious asset. Nonetheless, I accept the College's submission that as a general matter, minimum qualifications have to be set with the possibility in mind that the job might have to be filled from outside the College. In this respect, I am not persuaded that five instead of three years is required to have developed the necessary aptitude and skills to learn and integrate the significant volume of information specific to the job.

In the result, the College's rating at Level 4 is confirmed.

## ***II. Planning and Coordinating***

The dispute between the parties is between Level 3, attributed by the College, and Level 4, sought by the union.

The Manual's Description of Level 3 is:

3. Plan/coordinate activities, information or material to enable completion of tasks and events, which affect the work schedule of other employees

By contrast, Level 4 is described as follows:

Plan/coordinate and integrate activities and resources for multi-faceted events, projects or activities involving other employees. This typically involves modifying these individuals' priorities for activities/projects to meet objectives.

"Affect" and "Other employees" from Level 3, and "Modify" - from Level 4 are defined terms, whose definitions read as follows:

Affect - to produce a material influence upon or alteration in.

Other employees - includes full-time, part-time, students, contractors

Modify - to make basic or fundamental changes to give a new orientation to or to serve a new end.

The manual provides, in relevant part:

#### Planning/Coordinating

This factor measures the planning and/or coordinating requirements of the position. This refers to the organizational and/or project management skills required to bring together and integrate activities and resources needed to complete tasks or organize events. There may be a need to perform tasks with overlapping deadlines (multi-tasking) to achieve the decided results.

Notes to Raters:

...

3. To clarify the differences between levels 2, 3 and 4:

Level 2 - the position plans and prioritizes its own activities. Planning and coordinating are typically focussed on completion of assigned activities within established deadlines or procedures (e.g. scheduling, coordination of data for reports, setting-up of new software in a department to meet specific business needs). The position may coordinate or make arrangements for an event by coordinating the calendars of others.

Level 3 - the position decides the order and selects or adapts methods for many work assignments. Typically the planning and coordination at this level which affects the work schedule of others is requests by the position for materials/information by specific deadlines in order for the position to plan events or activities (e.g. conferences, research projects, upgrading hardware or software).

Level 4 - typical planning and coordination at this level involves multiple inputs and complex tasks, frequently requiring the coordination of activities or resources of a number of departments, such as a major campus renovation or major technology upgrade. The position could be responsible for multiple, concurrent major projects at the same time. At this level, the position would have the authority to require others to modify their schedules and priorities.

One of the College's submissions was that the level of planning and coordination required for this position is not similar to the example given for level four "a major campus renovation or technology upgrade". In response, the union argued that since the core business of the college was filling the College with students, the function of this job was just as or more important than a major renovation. Examples given by Ms. Lamothe of planning and coordinating events were major recruiting events where she has significant responsibilities such as taking care of the entire registration. The PDF mentions open houses and networking sessions in this regard. As well, she sometimes organizes volunteers for these events, for which it is very important to send accurate

information to the schools. She often needs to obtain information from other staff, with tight time lines.

The College noted that the new classification system no longer has the category “Responsibility for Decisions” which looked at the impact of decisions made by the incumbent. Since it has been agreed to remove that factor from the new system, the College argues that the parties have decided that it is not an aspect they wish to measure anymore for pay band purposes. Therefore, it is the College’s position that the fact that the liaison assistant is helping to attract students, which must come first in the business of the college, is not pertinent to what the new evaluation system is trying to measure in this factor.

Further, the fact that the incumbent works closely with the supervisor to plan events dilutes the role of the incumbent in this factor, in the College’s view. The PDF provides that changes are determined collaboratively with the manager and team, which is more consistent with level 3 than level 4. As well, the College emphasizes that the notes to raters for level 3 specifically talks about conference planning, which is more akin to what the incumbent is doing in planning recruiting events than planning a major renovation. As examples of authority to modify schedules of others, a requirement of Level 4, Ms. Lamothe gave the example of modifying schedules of volunteers, with her supervisor’s approval, unless she is not present. In her view, this goes beyond deciding an order which affects the work schedule by requests for information, a feature of Level 3.

Having considered all the material before me concerning this factor, I am persuaded that the position is appropriately rated at Level 3. Particularly helpful here are the Notes to Raters which distinguish among Levels 2, 3 and 4, which is the highest possible level. It can be seen that Level 2, one lower than that attributed by the College involves planning and prioritizing activities and coordinating others and their schedules. Level 3 is one step up from that, involving a significant impact on the schedules of others, a good fit for this position as it does involve assisting in planning events similar to conferences, and exercising influence to change schedules when necessary. It is a better fit that Level 4, the highest level available under the system, which involves responsibility for projects of a more structural or technical nature. Although the liaison assistant has important

responsibilities and is heavily relied on by her department and the College, the incumbent does not have overall responsibility for the planning and coordination of the events she is involved with, as it is shared with others, including her supervisor.

In the result, Level 3 is confirmed for this factor.

### ***III. Guiding and Advising others***

The College has rated this factor at level 2, which reads as follows:

2. Guide others so they can complete specific tasks.

The union seeks Level 3, as follows:

3. Advise others to enable them to perform their day-to-day activities.

For the sake of comparison, Level 1 provides as follows:

1. Minimal requirement to guide/advise others. May need to explain procedures to other employees or students.

The manual provides the following relevant definitions to consider:

Guide - demonstrates correct processes/procedures for the purpose of assisting others with skill development and/or task completion.

Advise - has the authority to recommend, or provide knowledgeable direction regarding a decision or course of action.

The manual also describes this factor as follows:

#### **5. Guiding/Advising Others**

This factor refers to any assigned responsibility to guide or advise others (e.g. other employees, students) in the area of the position's expertise. This is over and above communicating with others in that the position's actions directly help others in the performance of their work or skill development.

Support Staff in the Colleges cannot formally "supervise" others as defined by the Ontario Labour Board (e.g. hire, fire, handle first step grievances). However, there may be a requirement to guide others using specific job expertise. This is beyond being helpful and providing ad hoc advice. It must be an assigned responsibility and must assist or enable others to be able to complete their own tasks.



**Note to Raters:**

1. To clarify the differences between levels 3, 4 and 5:

**Level 3** - this may be a position with a particular area of expertise (e.g. accounting), which uses that expertise to assist others in completing their tasks. Involvement is generally of an advisory nature and the position is not responsible for how those advised subsequently complete their tasks.

**Level 4** - this may be a position that, while not responsible for formal supervision, is assigned to assist less experienced staff and is expected to actively contribute to their ongoing skill development.

**Level 5** - while not a formal "supervisor", the position has the assigned responsibility for allocating tasks and using its expertise to assist others and ensure that the tasks are completed satisfactorily.

The College's position is that Level 2 is the best fit as the incumbent is giving guidance so that the caller can complete registration or some other related specific task, rather than a day-to-day activity of a job. Further, the wording of Level 3 indicates that the drafters envisaged this applying to a technical function such as accounting, in the College's view. Further, the College points out that even Level 1 involves guiding and advising, so that the main distinction between the levels is not whether it is guiding or advising.

In reference to this factor, the College also refers to the fact that the new system has eliminated the factor "Responsibility for Decisions/Actions", which measured the impact a position had on the College. The College invites a finding that the creators of the new system meant to drop the qualitative analysis concerning the impact of decisions on the college, and that it is nowhere recognized in the new system. The College is concerned that attempting to work this discarded factor into the new factors will potentially lead to value-based discussions where the intention was to avoid them.

By contrast, the union stresses that the advice given to students, parents and guidance counselors on options and routes can have life-changing consequences, which puts the function beyond Level 2. It is not just a specific task, but advice related to their life and career. In this regard, the union argues that the incumbent is a professional education expert, which should be considered equivalent to the accounting example at Level 3, as

the expectations of accuracy and a sound basis for the information are similar. Further, the incumbent guides staff through the staging of the major recruitment events.

In the end, the deciding point for this factor is the fact that the PDF is what is being rated, and in that document, which has been agreed to, the assigned functions under guiding/advising others are described in terms that do not go beyond Level 2. There is the option in the PDF to provide examples of the necessity to recommend a course of action or make decisions so that others can perform their day-to-day activities, which would mean some duties had been assigned at Level 3, but that area is left blank. It may be that the incumbent is in some respects going beyond what is assigned, due to her personal qualities, long experience and accumulated knowledge, but the evaluation system requires that one rate the job and not the person in the job.

It is not necessary to this decision to make any specific finding about the overall effect of the elimination of the old Responsibility for Decisions factor from the new system. Suffice it to say that it is the wording of the new factors which must be adhered to, and where they do not call for measurement of the same criteria, the required analysis will be different than before.

Accordingly, Level 2 is confirmed for this factor.

#### ***iv. Communication***

This factor measures the communication skills required by the position, both verbal and written and includes:

- communication to provide advice, guidance, information or training
- interaction to manage necessary transactions
- interpersonal skills to obtain and maintain commitment and influence the actions of others

This is one of several factors for which the new scheme provides point ratings which vary according to whether the elements at a certain level are regular and recurring or occasional.

The College rated this factor at Level 2, occasional 4, which reads as follows:

2. Communication involves the exchange of information that requires explanation and/or interpretation

The college then added points for obtaining cooperation or consent, an element from Level 4, on an occasional basis. That element reads as follows:

4. Communication involves explaining and/or interpreting information to instruct, train and/or gain the cooperation of others

By contrast, the union seeks Level 3, to be counted as regular and recurring, which is as follows:

3. Communication involves explaining and/or interpreting information to secure understanding. May involve communicating technical information and advice.

In its brief, the union notes that a Level 4 function does occur occasionally, but has not asked for points at Level 4 in addition to their request for a rating at Level 3, regular and recurring.

“Explain” is a defined term in the Manual, as follows:

- provide details or examples to help others better understand the information

Interpret is defined in the Manual as “explain or tell the meaning of; translates; convey the meaning of something”.

The manual provides the following pertinent notes to raters:

**Notes to Raters:**

...

3. To clarify the differences between levels 2 and 3:

"Explain" and "interpretation" in level 2 refers to the fact that it is information or data which needs to be explained or clarified. The position exchanges basic technical or administrative information as the normal course of the job and may be required to deal with minor conflicts or complaints. This level may also include exchanges that are of a more complex technical nature, where all the parties to the communication are technically competent. That is, for those people the communication is relatively basic as they share a vocabulary and understanding of the concepts.

"Explain" and "interpretation" in level 3 refers to the need to explain matters by interpreting policy or theory in such a way that it is fully understood by others. The position must consider the communication level/skill of the audience and be sensitive to their abilities and/or limitations. At this level, if the exchange is of a technical nature, then usually the audience is not fully conversant or knowledgeable about the subject matter. Unlike communicating with people who share an understanding of the concepts, in this situation the material has to be presented using words or examples that make the information understandable for non-experts or people who are not familiar with the intricacies of the information.

4. To clarify the differences between "gaining cooperation" in level 4 and "negotiation" in level 5:

The assigned communication and interpersonal skills needed at both of these levels are at an extremely high level.

"Gaining cooperation" refers to the skills needed to possibly having to move others to your point of view and gaining commitment to shared goals. The incumbent works within parameters determined by the department or College and usually there is a preferred outcome or goal. The audience may or may not have divergent views.

"Negotiation" refers to having the authority to commit to a solution or compromise. An incumbent who communicates at this level also works within broad parameters and the preferred outcome is also broadly defined. The incumbent needs to have the skills/tools to reach an agreement that is then binding on the College. Normally, the audience will have divergent views or opposing objectives. Some people use the word "negotiation" for making arrangements that are relatively straightforward (e.g. negotiating a meeting date). In those situations, that type of communication would typically be considered an exchange of routine information. The use of the word "negotiation" is therefore quite specific in this factor.

The College maintains that Level 2 is appropriate in that it covers the exchange of information required by this position, such as providing information about entry into programs and routes to achieve academic goals, interpreting College or other policies, and clarifying information. It is the employer's position that Level 3 communication is a specific type of communication that is relatively narrow in its application, reserved for technical positions where there is an acknowledged expertise. Examples of this provided by the college were certified trades persons, technologists and IT staff.

The College suggested that the dispute here is over what kind of explaining this is, and said that it was not highly technical information that had to be translated for people who do not understand it. Rather it involves sifting through and condensing a large volume of

information as a customer service because the College wants the person to become a student. This is covered by the wording in the Level 2 Note to Raters, “communication of basic technical information”, in the College’s view. The college submits that the requirement to explain policy and theory is key to Level 3, something not required of this job. As Mr. Durette put it, Level 3 goes beyond the situation where the difference in understanding is caused by the fact that one person has the information and the other does not.

The union submits that Level 3 is a good fit because the Liaison Assistant explains and interprets information in order to secure understanding of the College’s programs, policies and processes, such as applying, admission, registration, housing, etc. Often the individual calling in has limited knowledge of the programs and functions of the College or is not clear about what they are looking for. Further, the union emphasizes that the incumbent does much more than provide basic information, such as pre-requisites, but must be able to provide alternative suggestions, such as for an academic/career path, after questioning the person concerned about their situation. As well, knowledge of subjects like funding sources is required and can be quite technical.

This factor presents some difficulty in distinguishing between levels 2 and 3 because, when the wording is considered together with the definitions and compulsory notes to raters, there is considerable overlap. For instance, at first blush, an important distinction between levels 2 and 3 appears to be that the purpose of the communication in Level 3 is to “secure understanding”. However, Level 2 involves the explanation and/or interpretation of information. “Explain”, the root verb of “explanation” is defined in the Manual as “provide details or examples to help others better understand the information”, which suggests the purpose at level 2 is also to help others understand the information. Thus, at both levels, the purpose involves assuring understanding. As Mr. Durette put it during the College’s presentation, even at Level 2, the conversation isn’t over until the caller “gets it”.

The notes to raters attempt to clarify the difference, but there is overlap there as well. At each level, the clarifications use the word “technical” to refer to the information that may

be exchanged. At level 2, two types of technical communication are described in the note. First is the exchange of “basic technical or administrative information” as the normal course of the job. Secondly, there is the situation where there are exchanges that are of a more complex technical nature, where all the parties to the communication are technically competent. So, the conversation can be of basic technical information, or among people who are at the same level as to the technical terms. Both these examples describe situations of relatively equal understanding of the information between the person communicating and those receiving the information.

By contrast at level 3, the note provides that there is the need to explain by interpreting *policy* or theory in such a way that it is fully understood by others, and the communication level/skill and limitations of the audience must be considered. Further it provides that if it is “an exchange of a technical nature, then usually the audience is not fully conversant or knowledgeable about the subject matter”. This describes a situation of relative inequality in understanding of the information.

Turning to the wording of the PDF, one sees that the incumbent is required to interpret policy and provide technical advice. This appears first in the list of duties and responsibilities, comprising 30% of the time, expressed as follows:

- The incumbent represents the College to potential students by:
- explaining various matters by interpreting procedures and *policies* of the College
- providing guidance and/or *technical* or other advice on academic and career requirements. [Italics added]

Further, in the section of the PDF devoted to Communication, the second example given of “Explanation and interpretation of information or ideas” reads as follows:

The incumbent provides guidance and/or *technical* advice on academic and career requirements.

The word “technical” is not defined in the Manual, but a dictionary definition indicates that it has a number of meanings, which include “of or involving or concerned with the mechanical arts and applied sciences” and “of or relating to a particular subject or craft

etc.” and “requiring special knowledge to be understood”. (The Canadian Oxford Dictionary, 2001) The College’s presentation seemed to be based on the first of these definitions, when it invited an interpretation that Level 3 was reserved for technical positions with an acknowledged expertise. However, the use of the word “technical” in the PDF for this position is more in line with the idea of information relating to a particular subject, i.e. the ins and outs of the academic requirements of the many College programs and policies related to admissions. It was clear from all the evidence that advising a student on what path to take requires special knowledge of the College’s policies and procedures, as well as those of funding agencies.

There was also discussion about whether the fact that the incumbent may consult her supervisor or other staff before answering an inquiry impacted on the rating level for this factor. It is my view that nothing turns on this aspect in regards to distinguishing between Levels 2 and 3, and therefore I have not relied on it.

On balance, it is my finding that Level 3 is a better fit for this position because the note to raters emphasizes the difference in level of understanding between the person communicating the information and the person whose understanding is being sought. This is supported by the PDF’s reference to the requirement to give technical advice and interpret policy, which are referred to in the compulsory note to raters as level 3. As well, when one reviews the PDF as a whole, it is clear that the information required to be interpreted and communicated by the incumbent is not just at the level of basic information, as suggested by the note to raters for level 2. For example, the PDF makes it clear in the section devoted to problem-solving that the incumbent must be able to explain alternative paths to career or educational goals, and use knowledge of college policy and articulation agreements with other institutions such as universities to promote the college in light of the specific circumstances of the person inquiring.

A Level 4 “occasional” rating was awarded by the College to acknowledge the occasional higher level of promotion involved in persuading a student to come to Cambrian rather than another College. However, it is clear from the submissions that the main purpose of the job is to assist in persuading students to come to the College, by showing them a route to meet their needs at Cambrian rather than somewhere else,

which can be considered part of Level 3. In any event, the union has not asked for further attribution of points beyond Level 3 “regular and recurring”.

In the result, it is my finding that the rating for the Communications factor should be raised to Level 3, regular and recurring.

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To summarize, for the reasons set out above, the grievance should be allowed in part. The College’s rating of the three factors Experience, Planning and Coordinating and Guiding and Advising Others is confirmed, while the rating for Communication should be raised to Level 3.

This brings the point rating from 457 to 480, which is within Pay band G. As per the local parties’ agreement, payment of the difference between Payband F and Payband G is to be made retroactive to March 1, 2007.

I will remain seized to deal with any problems in implementation of the above decision which the parties are unable to resolve themselves.

Dated at Toronto this 12<sup>th</sup> day of August, 2008.

*Original signed by Kathleen G. O’Neil*

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Kathleen G. O’Neil, Arbitrator