IN THE MATTER OF A

CLASSIFICATION GRIEVANCE

BETWEEN:

OPSEU LOCAL 559

-and-

CENTENNIAL COLLEGE

Regarding the Classification of
Help Desk Technical Systems Support (SIRSI & DRA Systems),
OPSEU #2007-0559-0022

BEFORE :   Kathleen G. O'Neil, Single Arbitrator

For the Union: Rasho Donchev, OPSEU Local 559
                    Larry Goldin, Union Representative
                    Yvonne Glenville, Grievor

For the College: Nancy Fisher, Director, Labour Relations
                      and Human Resources Consulting
                    Bey Shugg Barbeito, College Representative
                    Alexander Eykelhof, Director, Information Technology
                      and Digital Library

A Hearing was held in Toronto, Ontario on November 28, 2008

A W A R D

This decision deals with a grievance claiming that the position entitled Help Desk Technical Systems Support (SIRSI & DRA Systems), currently held by Ms. Yvonne Glenville, is incorrectly classified at Payband I and asking that it be reclassified upward to pay band L. The employer maintains that the job is properly classified.

The dispute is to be resolved by application of the recently revised CAAT Support Staff Job Evaluation Manual (referred to below simply as "the Manual") to the job duties set out in the Position Description Form (referred to below as "the PDF").

Overview of the Position

The Help Desk Technical Systems Support (SIRSI & DRA Systems) position is part of the BIBLIO, which is a central library purchasing and cataloguing service to all Ontario community colleges. Although housed at Centennial College, it has a separate governance structure, but has contracted with the College for certain services including Human Resources. Fifteen colleges throughout the province have purchased the SIRSI and DRA inter-related library systems. The incumbent is responsible for providing technical support to users of these systems and ensuring their functionality. She reports to the Director, Information Technology and Digital Library. The job is about five years old, and Ms. Glenville is its first and only incumbent.

A. THE PDF

The parties have agreed to the content of the Position Description Form (PDF) dated May 29, 2007, but disagree on the rating for six factors, which will be discussed below.

B. FACTORS IN DISPUTE

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

       i.   Analysis and Problem Solving
      ii.   Planning/Coordinating
     iii.   Guiding and Advising others
     iv.   Independence of Action
      v.   Service Delivery
     vi.   Communication

i. Analysis and Problem Solving

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

> This factor measures the level of complexity involved in analyzing situations, information or problems of varying levels of difficulty; and in developing options, solutions or other actions.

The College has rated this at Level 3, which reads as follows:

> Situations and problems are identifiable, but may require further inquiry in order to define them precisely. Solutions require the analysis and collection of information, some of which may be obtained from areas or resources which are not normally used by the position.

The union maintains it should be rated at Level 4, as follows:

> Situations and problems are not readily identifiable and often require further investigation and research. Solutions require the interpretation and analysis of a range of information according to established techniques and/or principles.

The Notes to Raters are of assistance here, in particular, the following:

> ... Consideration can only be given to the extent that judgement is allowed within the parameters and constraints identified in the position duties. Keep in mind, it is the requirement of the position not the incumbent's capability that is being evaluated.
>
> …
>
> At level 3, the types of problems that are encountered are readily identifiable but the position must be able to identify when additional information is needed to clearly understand the problem or situation. In order to develop an appropriate solution, the position will need to gather more information. In many circumstances, this additional information or clarification will be readily available, but there will be times when the position will need to seek the additional information from a source it is unfamiliar with.
> …
>
> For level 3, the incumbent would be gathering information, analyzing each new piece of information in relation to the other pieces, and possibly exploring new or unusual directions to seek more information based on the results of the investigation or analysis.

The definition of the term" Established techniques and/or principles" from Level 4 is as follows:

> Established techniques and/or principles - recognized guidelines and/or methods to accomplish a desired outcome. Can be defined as an individualized way of using tools and following rules in doing something; in professions, the term is used to mean a systematic procedure to accomplish a task.

The College sees the examples in the PDF as adequately covered by Level 3. By contrast, the union asks for Level 4, particularly as the incumbent is effectively providing technical support at both the first and second levels for the systems to which her job is dedicated.

This factor is aimed at measuring the level of judgment allowed the incumbent. The factor definitions require a focus on two principal elements: identification of problems, and then their solution. As to the first of these, the range of problems presented by users of the system are sometimes readily identifiable, such as when there has been an error by the user in entering a password. However, other issues can go well beyond the readily identifiable, and the incumbent has to go deeper into the problem to identify and solve it. The incumbent tries to replicate the problem, and then deals with the problem as necessary involving the system vendor where the problem cannot be solved at her end, something she estimated occurred about once a week. In an average day, a large majority of the problems are readily identifiable, but the minority that are not take up the bulk of the time. When trying to solve a problem, she may have to do further testing of the system, going into the history log, to track the data and find the problem. She has access to on-line help, a special customer area she has the credentials to access.

The examples given in the PDF for this factor are three regular and recurring ones, relating to malfunction of the SIRSI system, Label printing failure and problems with the Media booking system, respectively. For each of them, the PDF form poses the question: Is further investigation required to define the situation and/or problem? For the first, it indicates that the incumbent investigates the issue and the client's situation. For the second and third, the PDF answers yes to the question, and continues on to indicate that the incumbent needs to determine if the problem is related to hardware, data or one of the inter-related programs or to find out how many colleges are affected by the problem and narrow down the extent of the problem and the specific subset of causes. Referring back to the initial list of duties and responsibilities, one finds the wording "conducts investigative analysis and pinpoints exact nature of problem", in reference to the accuracy of the records of individual colleges. This example also says "the customer is often vague about the nature of the problem and describes only symptoms", and "it is often difficult to pinpoint a problem cause."

One of the distinguishing features of Level 4 is the frequent requirement for investigation or research to identify or solve problems. The PDF repeatedly uses the word "investigate", indicating a function at Level 4 in the examples for this factor. As well, in the duties and responsibilities section, it is indicated that the incumbent conducts research including needs analysis for the centre's operational needs. Although an evaluation cannot be done on the basis of a single word of phrase, when the PDF uses terms that are in one factor definition and not another, it will often be an important indicator of which is the better fit. Further, the PDF indicates that the incumbent "critically analyses and determines connections between events that may and/or may not appear to be formally related", and that these types of problems span a broad range of areas including telecommunications and network problems as well as problems with systems usage.

As to the solution of the problem, the distinguishing feature of Level 4 is that solutions require the interpretation and analysis of a range of information according to established techniques and/or principles, as opposed to analysis and collection of information, some of which may be obtained from areas or resources which are not normally used by the position at Level 3. The PDF lists the sources available to assist the incumbent in finding solutions as "own knowledge training and technical expertise" and a variety of systems manuals, protocols and logs. The first of the examples notes that there is a team approach in the BIBLIO centre making it difficult to pinpoint responsibilities for solutions, but indicating that the incumbent is the one focused on the overall day to day normal behaviour of the systems, while the other staff are focused on programming and specific aspects of the system. Other examples indicate the incumbent uses a variety of techniques, such as customizing a process to re-build raw data where there is a printing failure and no raw data file, regression testing for problems with media booking, all of which appear more accurately described by the Level 4 wording " established techniques or principles".

Similarly, in the list of duties and responsibilities, it is indicated that the incumbent conducts systematic assessments to ensure products work as expected. This is further reinforced by the language in the section of the PDF focused on examples for Planning and Coordinating, where it is indicated that she determines changes using testing approaches in accordance with generally accepted practices and methodologies, or her discipline, when experimenting with ways to find alternative solutions, and that deductive reasoning and creative analysis are needed in handling changes to the system which can affect all the library services linked into the system.

The College submits that the Level 3 description is adequate in that the incumbent does collect information and analyze each piece in regards to each other, drawing information out by inquiry from the clients and relies heavily on the fact that the incumbent can refer or escalate a problem to vendors or other team members if she cannot solve it. However, it is very clear both from the PDF and the discussion at the hearing that she is expected to, and does, exhaust every other possibility before doing so. For instance, the position summary says: the incumbent goes through "exhaustive processes" to do a number of things, including resolving systems issues to meet time-sensitive service needs.

Further, the College submitted that the incumbent was not using established techniques such as in a profession, but step by step methods, which are best described at Level 3. When looking at jobs involving information technology, it is essential to separate the fact that computers only respond to step by step input from the level of judgment being exercised in deciding how to solve a problem, including what steps to initiate to correct the problem. In this regard, the evidence does not support that the incumbent is solving problems by implementing a predetermined step-by-step solution once

she has collected and analyzed information from clients. In considering this element of the question, it is important to keep in mind that the definition of "established techniques and/or principles" is not just reserved to professions, but includes "recognized guidelines and/or methods to accomplish a desired outcome". This seems to be a very good description of what is involved in the incumbent's trouble shooting, which involves a number of recognized methods for solving Information Technology problems..

The above demonstrates that the position involves elements of both Levels 3, and Level 4, as, for instance, some problems are readily identifiable and others are not. The system then requires that I choose the "best fit", or most appropriate of the two. All things considered, I am persuaded that the evidence supports a finding that the incumbent is not just collecting and analyzing information, although she does do that, but also troubleshooting, which involves interpretation of a large range of information about all the colleges' databases, and their interrelation to the two systems that she is responsible for, which are described as complex in the PDF. When finding a solution, she exercises judgment about what to test and how to narrow the problem down using what the PDF calls accepted methodologies of her discipline, which correlates well with the Manual's definition of Level 4's "established techniques and principles". The complexity brought to the situation by the interrelated nature of an inter-collegial technology system, requiring judgment as to how to handle problems affecting more than one client, is an important aspect which favors a higher rating for complexity as well.

In the result, the rating for the factor Analysis and Problem Solving should be raised to Level 4.

ii. 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. The College has attributed points at Level 3 which the Manual describes as follows:

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

By contrast, the union seeks Level 4:

> 4. Plan/coordinate and integrate activities and resources for multifaceted
> events, projects or activities involving other employees. This typically involves modifying
> these individuals' priorities for activities/projects to meet objectives.

The following Notes to Raters are relevant to this dispute:

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

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, are requests 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.

The union points out that the multiple college environment in which the incumbent works is unique, and involves not just multiple departments, but multiple organizations with different policies, database configurations, cultures, habits and personnel. This in itself is sufficient to raise the rating to level 4, in the union's submission. The grievor recounted an example concerning an upgrade to the SURSIS system in which the client software was changed, which she described as a complete switchover. She had to train the users in the middle of the start-up for the new school year, and persuade the Colleges to give her time to bring down their databases and bring it back up. The College sees this as more a request for action for a specific activity than an ability to require changes to priorities and/or schedules. The College makes reference to language in the PDF which suggests the lack of such authority, such as describing the incumbent as a "supportive team player" and instances in which project decisions are made either by others or as part of an outside collaborative process. In this regard, I am persuaded that there are likely instances when the practical effect of the incumbent's advice to the users of the system is that they feel required to change their priorities and schedules. Nonetheless, in the terms of organizational authority, the incumbent's job is not designed at the level where she is actually mandated to require others to change their schedules if they do not wish to do so.

While I am persuaded that the incumbent performs many complex tasks, I am convinced that Level 3 is a better fit, because the scope of the systems dealt with by the incumbent are not at the level of a major campus renovation or major technology upgrade. The two examples given in the PDF, upgrades to the SIRSI Unicorn system, and changes to CAAT Policy, Calendar and Special Reports Tables on SIRSI indicate that she is working within her own area of functional responsibilities, and within the scope of one department, albeit dealing with numerous colleges. Further, there was no evidence that the incumbent is able to require others to modify their schedules, although her work

does impact their schedules, making it a better fit at Level 3. Rather, the examples given in the PDF section specific to Planning and Coordinating makes it clear that, even when she is the project lead for software upgrades (Example #1 regular and recurring), she manages her own aspect of assigned project tasks, and that the deadlines are set in collaboration with the other colleges, and that "she is made aware of these", which does not suggest that she has the level of authority referenced in Level 4. The second example indicates that the incumbent coordinates project timelines to ensure submissions from the 15 college participants are received within the time lines. This is specifically the type of coordination referenced in the Notes to Raters as pertaining to Level 3. Both the second and the third examples suggest that changes beyond the incumbent's own area of functional responsibility would involve management and/or project leaders and the participating colleges making changes, rather than her being able to bring them about on her own.

On balance, I find Level 3 to be the best fit, so that the College's rating for Planning and Coordination is confirmed.

iii. Guiding/Advising Others

This section describes the assigned responsibility of the position to guide or advise others (e.g. other employees, students). The College has rated this factor at Level 3, while the union seeks Level 5. The factor descriptions from 3 through 5 read as follows:

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

> 4. Guide/advise others with ongoing involvement in their progress.

> 5. Responsible for allocating tasks to others and providing guidance and advice to ensure completion of tasks.

Mandatory definitions include the following:

> Others - College employees (FT or PT), students, clients.

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

> Ongoing Involvement – is intended to reflect a requirement to be involved for the duration of the process or skill development, in which the position is an active participant.

The Manual's commentary provides the following:

> This factor refers to any assigned responsibility to guide or advise others (e.g. other employees, students, clients) 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 union submits that the incumbent is responsible for assigning or allocating tasks to the College's client base, a Level 5 function, by, for example, providing direction on how upgrades have to be completed. The incumbent is also responsible to make sure that tasks are completed and verify the outcome after upgrades are implemented. The College's brief indicates that direction from the CCAC (Colleges Compensation and Appointments Council) that an incumbent at Level 5 would be a "quasi-supervisor" including responsibility for hiring and scheduling of staff (for approval by management). It is not specified in what form that direction was obtained, and it is not before me. Given that the other evidence is sufficient to differentiate among the three above factor levels, I have made the decision without reference to it.

The PDF shows checkmarks for "regular and recurring" alongside the boxes labeled as follows:

The incumbent recommends a course of action or makes decisions so that others can perform their day-to-day activities.

and

The incumbent is an active participant and has ongoing involvement in the progress of others with whom he/she has the responsibility to demonstrate correct processes/procedures or provide direction.

Further, it was agreed that there should be a check for regular and recurring in the box on pg. 19 of the PDF labeled:

The incumbent is responsible for allocating tasks to others and recommending a course of action or making necessary decisions to ensure the tasks are completed.

Other text in this area of the PDF indicates that the incumbent provides technical advice and directions, and works with staff at many colleges to ensure they understand the system and that it is working to their expectations. Further, it indicates that follow-up is very important, and that the ILS (Integrated Library System) is a major component of the work of library staff. Also, it provides that the incumbent instructs users to upgrade the client software and check their reports as well as the functionality of the ILS when upgrades are performed.

Given the three boxes checked as regular and recurring, each of which uses language which corresponds to a different level from the Manual, the PDF in effect provides that the incumbent performs functions appropriate to each of the levels from 3 to 5, so that it is necessary to choose the most appropriate or "best fit". In discussing the terms which differentiate the three levels, the union observes that what the incumbent is required to do because of the interrelated nature of the technology is to say, "You need to do this, or it won't work", which is actually a direction. In this context, the union submits that the verb "instructs" used in the PDF in the last example in the section for this factor, should be read as "directs". The College sees this as advice, which the other College representatives are free to follow or not, with any negative consequences being sorted out at a higher level. Further, although the College acknowledges that the incumbent has an ongoing interest in the progress of the clients, they argue that there is no accountability for the end result. If someone at the client end could not learn the system, for example, it would eventually be a problem for that person's supervisor, rather than the incumbent, in the College's view.

At one point in the submissions, the College indicated that it was important to look at the list of assigned duties in the "Duties and Responsibilities" section of the PDF, to make sure a duty was assigned there, rather than focusing just on the examples under the specific factor being considered. The union did not accept this proposition, and observed that the duties and responsibilities section of this PDF focuses on the technical part of the job, but that it cannot be implemented without getting the clients to do what is suggested, and that the "Guiding and Advising" factor is where the "people to people" part of the job is reflected. To the extent that the College's suggestion was that if a function is described in the examples under a specific factor, but is not also reflected in the list of duties and responsibilities, it should not be given credit, I do not entirely agree. However, I accept that where a function is not listed in the duties and responsibilities as a key area, but is listed in an example, depending on the rest of the evidence, it may be an indication that less weight should be given to that duty when choosing the "best fit". As part of the training given to arbitrators who do classification arbitrations, as required by the collective agreement, a document entitled "Arbitrator's Handbook" is

9

provided, which makes it clear that the job is to evaluate a position as a whole, and that referring back to the "Duties and Responsibilities" section should help confirm whether the examples provided for a factor capture the essence of the job functions appropriately. Further, it provides that the examples, along with the "Duties and Responsibilities", are what is to be evaluated.

In any event, ideally, the list of duties in the "Duties and Responsibilities" area and the factor examples will be well integrated, and the language used will always be chosen with the definitions in the Manual in mind. Otherwise, language anywhere in the PDF using terms that are found in key parts of the Manual for a higher rating level than the one intended to be assigned by the employer, risks attracting claims for the rating to reflect the language used in the PDF, which will understandably be taken as part of the assigned responsibility of the job.

Reviewing the duties and responsibilities section of the PDF reveals that customer support represents 45% of the responsibilities of the job, the largest of the three percentages assigned. Therefore, to start, dealing with the clients is a central part of the incumbent's job. The language used in the list of duties and responsibilities on page 5 of the PDF for this area of the job uses terms such as "consultative advice and assistance to users", as well as "technical consultative guidance" for policies and procedures, language which can fit at either Level 3 or 4. Other specific duties do, as the union noted, focus on technical functions, such as determining whether the system is functional, pinpointing problems, analyzing client-specific systems procedures and their needs. The areas that could be considered to speak directly to the level of guiding and advising others, are the description of the role as consultative and providing guidance, and that the incumbent advances issues to systems staff or management when they are beyond her level of expertise. This last does not provide much guidance, since the incumbent's level of expertise is specific to the incumbent and not something that is assigned or is to be rated.

Overall, this is a factor which presents difficulty in application to what is a quite distinctive job, given that it responds to a governance structure outside the college which houses it and its central functions are focused on clients across the province, rather than a single college. In particular, the fact that there is one governance structure for BIBLIO centre, and another for each of its client colleges, each with its own organizational structure and chain of authority, suggests that, like interprovincial relations, no one can actually direct anyone answering to a different chain of accountability to do anything. It either functions by cooperation and agreement, or it does not work. However, the library systems are dependent on the technology which the incumbent looks after, so that her instructions, no matter how politely put, have to be followed if the client colleges want their library technology to work as designed. It is also clear that her "training on the phone", as it was called at the hearing, is intended to contribute to the ongoing skill development of the client users. As a general matter, given

the way the boxes on the PDF are marked, it is evident that none of the three levels set out above is out of the question.

Having considered all of the material before me, it is apparent that, in light of the complex nature of the integrated systems about which the incumbent is giving advice, the incumbent is always required to ensure the functionality of the system by telling others what they have to do, which is a basic ongoing involvement, not adequately captured at Level 3. Rather, it is well described by the mandatory definition of "ongoing involvement", particularly its reflection of a requirement to be involved for the duration of the process. Since the incumbent is responsible to ensure the functionality of an integrated, centralized system, none of the clients can be left to operate in isolation, and there is no technical support at the individual college level for the centralized systems. It is the incumbent who is the central link, so that she is required to "stay on top of it" throughout. Given this core aspect of the job, I am persuaded that the rating should be higher than Level 3.

As noted, the PDF also provides that the incumbent performs functions which involve allocation of tasks and ensuring tasks are completed, which is language reflective of Level 5. The text in the PDF elaborating on this level of function relates to instructing users to upgrade client software. Although the evidence did not indicate how often such upgrades are performed, the parties indicated that it was intended to be regular and recurring. Nonetheless, a review of the percentage allocations in the first section of the PDF does not show that it attracts any specific mention. Rather, this section supports a finding the rest of the incumbent's job is made up of functions adequately captured at Level 3 and 4, indicating that Level 5 is not the best fit. Further, her ability to be directive, the hallmark of Level 5, is circumscribed by the overall consultative nature of the job and the boundaries of the multiple governance structures involved.

Having considered all the material before me, and given the unusual nature of this job, I have decided that the best fit for the position's unique mix of functions is to raise the evaluation factor for Guiding and Advising to Level 4.

iv. Independence of Action

This factor measures the level of independence or autonomy in the position. The Manual provides that the following elements should be considered:

- the types of decisions that the position makes

- what aspects of the tasks are decided by the position on its own or what is decided by, or in consultation with, someone else, such as the supervisor

- the rules, procedures, past practice and guidelines that are available to provide guidance and direction

The College has attributed Level 3, while the union seeks Level 4. The competing levels are described as follows in the Manual:

3. Position duties are completed according to general processes. Decisions are made following general guidelines to determine how tasks should be completed.

4. Position duties are completed according to specific goals or objectives. Decisions are made using industry practices and/or departmental policies.

The following are applicable excerpts from the Notes to Raters:

To clarify the differences between levels 2 and 3:

Level 2 - duties are completed based upon pre-determined steps. Guidelines are available to assist, when needed. The position only has the autonomy to decide the order or sequence that tasks or duties should be performed.

Level 3 - specific results or objectives that must be accomplished are pre-determined by others. The position has the ability to select the process(es) to achieve the end result, usually with the assistance of general guidelines. The position has the autonomy to make decisions within these parameters.

4. To clarify the differences between levels 4 and 5:

Level 4 - the only parameters or constraints that are in place to guide the position's decision-making are "industry practices" for the occupation and/or departmental policies. The position has the autonomy to act within these boundaries and would only need to consult with the supervisor (or others) on issues that were outside these parameters.

Level 5 - the only parameters or constraints that are in place to guide the position's decision making are College policies. The position has the autonomy to act within these boundaries and would only need to consult with the supervisor (or others) on issues that were outside these parameters.

Mandatory definitions include:

Guideline - a statement of policy or principle by which to determine a course of action.

Process - a series of activities, changes or functions to achieve a result.

Industry Practice - technical or theoretical method and/or process generally agreed upon and used by practitioners to maintain standards and quality across a range of organizations and settings.

Policies - broad guidelines for directing action to ensure proper and acceptable operations in working toward the mission.

The union's brief asserts that the incumbent works within the objectives and goals set and makes decision and changes as required in order to complete the assigned goals. The union submits that the incumbent is given direction as to an end result, and then she finds a way to achieve it. In doing so, it is said she is restricted only by the limitations of the systems, BIBLIO policies and industry practices. General guidelines are not what guide the incumbent, in the union's view; she is largely self-directed, setting up the standards herself. The PDF is much more consistent with Level 4, as it indicates that the incumbent is working according to outcomes, which she figures out how to achieve, in the union's view. Further, there is very little verification of her work, just feedback as to functionality. Very few things go to the supervisor. As well, the union notes that since she is the first incumbent in the job, she has developed whatever past practice there is, so it is not the kind of past practice usually meant as something developed by others for an incumbent to rely on. As to the logs, they are raw data, which the incumbent has to analyze and interpret, not something that tells her what to do to solve a problem.

By contrast, the College considers that the work is completed according to general processes and guidelines, appropriate to the Level 3 rating. BIBLIO guidelines, rather than industry practices are the parameters for the incumbent's job, in the employer's view. Noting that the bulk of the job is a help desk function, inquiries can be repetitive, which brings past practice into play as well. The incumbent ensures specific steps of BIBLIO guidelines are followed, working from logs to solve problems, for example, which indicates to the college a narrower latitude than industry practices would evoke. There are very specific steps to the technical solutions she applies such as patches for software malfunctions. When she reviews contracts or assesses new technical solutions, she does so for decision by management, rather than her own discretion. Further, the College refers to other areas of the PDF, such as the section dealing with Analysis and Problem Solving to indicate checks and balances which limit the scope of the job. The College submits that the level of service and steps to follow are set by management according to agreements with the other Colleges. Moreover, the programmer and analyst to whom the incumbent may refer issues are said to be rated at Level 4 for this factor.

The incumbent's supervisor indicated that direction to the incumbent is generally at quite a broad level, to keep the system up and running, and deal with problems that come up. The union submits that the incumbent has the freedom within the BIBLIO policies, derived from very broad contracts with the other Colleges, to keep the systems running. To the College's submission that the helpdesk function does not fit at Level 4, the union replies that the incumbent is heavily involved in projects and cautioning the participating Colleges about the

effects of something they are asking for. The incumbent is the inside person who makes decisions about how things are done.

Turning to the section of the PDF relating to this factor, it describes the incumbent as "largely self-directed and expected to work independently with minimum supervision", with "considerable latitude in meeting workload objectives". It provides that what is available to guide her is her own training and experience and that decisions are made based on "generally accepted industry methodologies/standards/practices of the discipline which are adapted to suit situational needs as required". This is language assigned by the employer, that certainly evokes Level 4, rather than Level 3. It is followed by the wording "policies/procedures/programming standards/many past practices/vendor manuals are used as reference, which may be more reflective of Level 3.

No supervisor verification is mentioned in the PDF – only collaboration with colleagues and feedback from users. Management and other systems staff are mentioned as available for escalation of issues "only after first researching the issues, going through various steps to track problem patterns and preparing relevant information and workable proposal submissions to resolve problems such as new system upgrades or modifications." As to decisions made by the incumbent, the PDF provides that she makes decisions to appropriately resolve problems presented by users, using independent action to achieve the required end result within deadlines and workload objectives. Further, she decides on the suitability of the various steps that should be followed to resolve problems. Evaluating possible consequences of different options, she ensures the solution stays within the current BIBLIO guidelines. As well, the PDF provides that "objectives are identified by each college for its own libraries, and the incumbent supports their needs and objectives within the limits of the ILS capacity."

As the union notes, it is very difficult to tell which of the terms "general guidelines" (from Level 3) and "industry practices" (from Level 4) is more general. Further, the union observes that it is hard to take the term "specific results or objectives that must be accomplished are pre-determined by others" (from the Notes to Raters for Level 3) as a distinguishing element, as every job has results or objectives set by the employer. Further, goals and objectives is language also used in the factor description at Level 4. As well, the interlocking wording and definitions makes it difficult to apply the Manual's definition in a close case. For instance, the use of the word policy or its plural, in both the factor definition at level 4, and the definitions of both the word "guideline" at Level 3 and the definition of "industry practices", from Level 4, creates considerable overlap between the descriptions of the two levels. And the word "principle" used as a definition of the word "guideline", attached to Level 3, seems a more

general abstract word, which would suggest more discretion, than the word "practices" used at Level 4. Moreover, "process" is a central element of the definition of "industry practices" from Level 4, which makes it similar to the term "general processes" from Level 3.

In these circumstances, guidance must be sought from the structure of the system, and the fact that what one is measuring with this factor is the level of autonomy. As the factor levels increase, the specificity of the direction from supervision decreases, and/or the autonomy or latitude of action increases. Since the wording of either of the two descriptions at Level 3 or 4 fits aspects of this unusual job, it is necessary to choose the most appropriate one, the "best fit" in light of the job as a whole. In this regard, it is my view that, although the incumbent receives very general direction, works independently on a technical level and that Information Technology industry practices are a significant part of what guides her, Level 3 is a better fit. This is because, firstly, the description of Level 3 in the Notes to Raters is a good description of the incumbent's situation. She is directed to ensure the functionality of the library system, and has the autonomy to select the processes to achieve that end. The assistance that she has includes general guidelines such as BIBLIO policies and system manuals. Further, Level 4 seems less appropriate because the autonomy of the position is circumscribed by the service agreements and consent of the clients, in a way which indicates that the emphasis of the position is more on objectives set by others (Level 3) rather than on a position where the incumbent only needs to *consult* on matters beyond the parameters of industry practices, defined as it is to include departmental policy. For some technical decisions, the incumbent may consult and then choose a certain means to solve the problem. However, when decisions beyond established policy need to be referred on to others, albeit perhaps with recommendations, it appears that it is more than consultation that occurs; others make the decisions as to further action.

In the result, the College's rating for this factor is confirmed.

v. Service Delivery

The College has rated this factor at Level 3, regular and recurring, while the union seeks the addition of recognition that the incumbent works occasionally at the Level 4 level. The two levels of the factor definition read as follows:

  3. Tailor service based on developing a full understanding of the
  customer's needs.

  4. Anticipate customer requirements and pro-actively deliver service.

Mandatory definitions include:

>Anticipate - given advance thought, discussion or treatment to
>events, trends, consequences or problems; to foresee and deal with
>in advance.

>Proactive - to act before a condition or event arises.

The commentary and Notes to Raters provide as follows:

>This factor looks at the service relationship that is an assigned requirement of the position. It considers the required manner in which the position delivers service to customers and not the incumbent's interpersonal relationship with those customers.

>All positions have a number of customers, who may be primarily internal or external. The level of service looks at more than the normal anticipation of what customers want and supplying it efficiently. It considers how the request for service is received, for example directly from the customer; through the Supervisor or workgroup or project leader; or by applying guidelines and processes. It then looks at the degree to which the position is required to design and fulfil the service requirement.

>Notes to Raters:

>1. "Customers" refers to the people or groups of people who receive the services delivered by the position. They can be internal, students or external to the College.

>2. Consider the position's overall or primary focus of service. For example, the primary focus may be to deliver or provide information.

>3. To clarify the differences between the levels:

>…

>Level 3 refers to the need to "tailor service". This means that in order for the position to provide the right type of service, he/she must ask questions to develop an understanding of the customer's situation. The customer's request must be understood thoroughly. Based on this understanding, the position is then able to customize the way the service is delivered or substantially modify what is delivered so that it suits the customer's particular circumstances.

>Level 4 means that the position designs services for others by obtaining a full understanding of their current and future needs. This information is considered in a wider context, which is necessary in order for the position to be able to structure service(s) that meet both the current stated needs and emerging needs. The position may envision service(s) before the customer is aware of the need.

To start, it is appropriate to emphasize the intention expressed in the above commentary, to capture more than the normal anticipation of a customer's needs. However, in a uniquely externally oriented job such as this one, it is difficult to measure what a "normal" level of anticipation would be. The more useful guidance is to be found in the Notes to Raters, which require that, in order to be considered at Level 4, the highest level for this factor, the

incumbent designs, structures or envisions services before the customer is aware of the need. The union is asking for recognition at this level on an occasional basis.

The union points to the fact that the incumbent proactively produces user manuals, rather than the customers asking her to tell them how the system works. As an expert in the system, she can foresee what is coming, gauging the limits of the situation. Further, as the system vendor improves functionalities, the incumbent and her colleagues see them in advance of the clients, and prepare upgrades so that she can offer them to the clients before they know they are available. Examples in the PDF of proactive duties include, in the position summary, ensuring that the SIRSI and DRA software are responsive/timely/efficient and that end-users systems' operational needs are fully met, and to proactively assess/support potential technological advances and resolve existing systems issues. Further on in the list of duties and responsibilities, one finds that the incumbent monitors the status of internal systems improvements, determining emerging patterns from error messages.

By contrast, the College points to the fact that there is no assigned duty that uses the word "design." It is the employer's position that the examples in the PDF do not meet the wider context required for Level 4 as intended by the evaluation system. In this context, the College points out that 75% of the incumbent's job is assigned to first tier technical support, resolving user issues and problems presented by the clients. Unsolved problems are referred on to others. As to system testing, which is referred to in the PDF, the College similarly does not find this to qualify as designing or structuring a service. Further, the example in the PDF concerning anticipating users' needs by producing documentation to assist them in the understanding of the system functionality, assigned a monthly frequency, is adequately captured at Level 3 in the college's view. Also, in the context of the BIBLIO centre, anticipation as defined would mean anticipating new or emerging system needs to respond to new or future business opportunities of the client group or individual.   Given that the centre is under review, that function is limited at the moment. In the past, the centre has done advance analysis to recommend that the college move into an improved version of the integrated library systems. At that time, Ms. Glenville was greatly involved in investigating the trial version in order to present the opportunity to the clients as a benefit.

In terms of the defined term "anticipate" used in the Level 4 definition, the evidence is persuasive that the incumbent does give advance thought on a regular basis to what kind of improvements in the system would be of benefit, and how to enable the clients to use them to their best advantage.   The union correctly stated that in order to be considered proactive, it was not necessary that there be no trigger to the service offered, that something does not have to be invented out of nothing in order to qualify at level 4. The PDF uses the word

"proactive" in several places, including in the job summary. She is required to determine emerging patterns and to proactively adjust the SIRSI and DRA systems, as well as anticipating the needs for documentary material, proactively ensuring clients' needs are met, and assessing and testing of new systems. There is no doubt that these functions fulfill the ordinary meaning, as well as the defined meaning, of "anticipate", key to Level 4. It is the Notes to Raters which introduces the word "Design" and the wider context, on which the College's submissions focus. "Design" is not a defined term, but the Notes to Raters provides that it is achieved by obtaining a full understanding of the client's needs, so that both the stated and emerging needs can be met. Although some of the proactive functions required of the incumbent are appropriately considered an aspect of the development of a full understanding of the client's needs and tailoring of service, captured at Level 3, the assignment of the duty to proactively create documentation, and regularly anticipate system needs is part of structuring service, and for this position takes place in a context quite a bit wider than the average support staff job, as it involves the whole College system. The PDF's wording warrants a finding that the assigned duties to anticipate needs are a significant part of the job, which warrants recognition as occasional at Level 4.

In the result, the request for the addition of points for occasional functions at Level 4 is granted.

vi. Communication

Turning to the rating of this factor, the College rated this factor at Level 3, which reads as follows:

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

The college then added points for Level 4, on an occasional basis, for the times when the incumbent provides training to groups. 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 4, to be counted as regular and recurring.

Relevant commentary and Notes to Raters read as follows:

> 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. Written communications includes letters, reports, proposals or other documents.

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.

….

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

Interpret - explain or tell the meaning of; translates; convey the meaning of something.

Instruct - to give knowledge to or provide authoritative information within a formal setting such as a workshop or lab environment.

Train - impart knowledge and/or demonstrate skills within a formal instructional setting.

Negotiate - exchange views and proposals and obtain agreement with the aim of reaching agreement by shifting possibilities, proposals, and pros and cons. Issues are complex and outcome could be contentious.

The dispute here is narrower than for the other factors. Both parties acknowledge that the incumbent performs functions at Level 4; they differ on whether this should be considered the norm, or just "occasional". The College brief indicates that the Occasional rating was given only to recognize the

communication done for the purpose of customizing training delivery of new initiatives to CAAT clients and for training BIBLIO staff in proper methods. They refer to page 4 of the PDF to demonstrate that only 15% of the job is allocated to project management, among which figures assisting in product demonstrations to potential users as only one of several items. Further, on pg. 25 of the PDF, it is noted that the training of clients and staff is listed as "infrequent". For the rest of the job functions, the College submits that the Level 3 description accurately portrays the day-to-day function of the job. They note that there is no need to move others to a point of view, and that 75% of the communication done by the incumbent is for technical support and resolving problems at the help desk, and securing understanding for the solutions of the problems referred to the helpdesk.

By contrast, the union brief emphasizes the wide client base with which the incumbent communicates, and the strong skills needed to bring together her varied assignments. The union notes that the incumbent is required to build and maintain good rapport with the colleges regarding software issues, and gaining cooperation of the colleges for timing of system updates, service disruptions and the like. This is not something that is only once in a while, in the union's submission, but on an ongoing basis throughout all the incumbent's duties, as noted on pg. 25 where it provides under "obtaining cooperation or consent" that she works with colleges daily to resolve outstanding problems to ensure positive long term work relationships and compliance with necessary standards.

On balance, it is my view that the College's rating should not be disturbed. The great bulk of the communication described in the PDF and at the hearing is well captured at Level 3, as her main focus is on securing understanding from the clients about the technical information she is imparting, as well as the reasons why upgrades are suggested and downtime is needed. Although the college has listed some examples on the PDF in the box labelled "obtaining cooperation and consent", they do not appear to be what the manual had in mind for that term at Level 4, as expressed in the Notes to Raters. Although I readily accept that the incumbent is constantly working toward a good rapport with her many clients, the evidence did not persuade me that she is regularly having to try to move people to her point of view, or that the clients are not already committed to the shared goals of the BIBLIO, so that she has to gain that commitment. Rather, the examples refer to good working relationships, cooperation and support as a customer service issue, and compliance with necessary standards, the latter being a technical issue, well captured in the Level 3 definition. The other examples refer to product demonstrations for potential sales of new software and library systems, which is caught in the occasional rating at Level 4 as training. There is also an example in the PDF - issuing options papers or reports with workable solution and recommendations to the users to achieve consensus. This does not appear in itself to be a regular and recurring example, and it would appear from the breakdown of job duties in the duties and responsibilities section that it is not a major part of the job,

percentage-wise, so that it is adequately captured as part of the occasional rating at level 4, especially since the training duties are listed as infrequent.

In the result, the College's rating for the Communication factor is confirmed.

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To summarize, for the reasons set out above, the grievance is allowed in part. The College's rating for the three factors Planning/Coordinating, Independence of Action, and Communication is confirmed, while the rating for the two factors Analysis and Problem Solving and Guiding and Advising should each be raised one level. For the factor Service Delivery, points should be attributed at the occasional level at Level 4. This brings the point rating from 631 to 681, which is within Pay band J. The arbitration data sheet is attached.

I will remain seized to deal with any problems in implementation of the above decision, including any dispute concerning retroactive pay, which the parties are unable to resolve themselves.

Dated at Toronto this 15th day of December, 2008.

Original signed by Kathleen G. O'Neil

_____

Kathleen G. O'Neil, Arbitrator

Arbitration Data Sheet - Support Staff Classification

College: Centennial College   Incumbent: Yvonne Glenville   Supervisor: Alexander Eykelhof

Current Payband: I   Payband Requested by Grievor: L

1. Concerning the attached Position Description Form:

   X   The parties agreed on the contents   ☐   The Union disagrees with the contents and the specific details are attached.

2. The attached Written Submission is from: X   The Union ☐ The College

Factor	Management				Union				Arbitrator			
	Regular/ Recurring		Occasional		Regular/ Recurring		Occasional		Regular / Recurring		Occasional	
	Level	Points	Level	Points	Level	Points	Level	Points	Level	Points	Level	Points
1A. Education	4	48			4	48			4	48		
1B. Education	3	21			3	21			3	21		
2. Experience	5	69			5	69			5	69		
3. Analysis and Problem Solving	3	78			4	110	-	-	4	110		
4. Planning/Coordinating	3	56	-	-	4	80	-	-	3	56		
5. Guiding/Advising Others	3	29			5	53	-	-	4	41		
6. Independence of Action	3	78	-	-	4	110	-	-	3	78		
7. Service Delivery	3	51	-	-	3	51	4	6	3	51	4	6
8. Communication	3	78	4	9	4	110			3	78	4	9
9. Physical Effort	2	26	-	-	2	26	-	-	2	26		
10. Audio/Visual Effort	3	50			3	50			3	50		
11. Working Environment	2	38			2	38			2	28		
Subtotals	(a) 576		(b) 9		(a) 766		(b) 6		(a) 666		(b) 15	
Total Points (a) + (b)	631				772				681			
Resulting Payband	I				L				J			

Signatures:

(signature) —Nov. 28, 2008.   _(signature)_ Nov. 28/08.
(Grievor)   (Date)   (College Representative)   (Date)

(signature) Nov 28, 2008
(Union Representative)   (Date)

(signature)   Nov. 28, 2008   Dec 15, 2008
(Arbitrator's Signature)   (Date of Hearing)   (Date of Award)