

IN THE MATTER OF AN ARBITRATION

BETWEEN:

THE COLLEGE COMPENSATION AND APPOINTMENTS  
COUNCIL (FOR COLLEGES OF APPLIED ARTS AND  
TECHNOLOGY)

-AND-

ONTARIO PUBLIC SERVICE EMPLOYEES' UNION (FOR  
SUPPORT STAFF EMPLOYEES) LOCAL 731

EXPEDITED ARBITRATION FOR JOB EVALUATION

GRIEVANCE OF IRENE SALO, ADMINISTRATIVE  
ASSISTANT, LIBRARY  
CONFEDERATION COLLEGE, THUNDER BAY  
OPSEU File 2007-0731-0008

Mary Ellen Cummings, sole Arbitrator

Appearances:

Adair Conlon, Richard Belleau and Irene Salo for OPSEU Local  
731

Jeannine Nagy and Darlene Giba for Confederation College

Hearing held January 15, 2010 at Thunder Bay, Ontario  
Award released February 24, 2010 at Georgetown, Ontario

## **AWARD**

1. I was appointed by the parties pursuant to Article 18.4.3.1 of their collective agreement, to hear and determine on an expedited basis, a dispute concerning the job evaluation of the Administrative Assistant, Library.

### **Overview of the Position**

2. The Administrative Assistant provides a range of administrative and secretarial supports to the Library operation and its Director. The incumbent prepares correspondence, creates and maintains financial records, oversees part-time staff and students, provides front-line library service, answers questions and concerns about the Library, referring more complex questions to the Director.

3. The Director is on long-term sick leave and was not available to attend the hearing, as both parties had hoped.

### **Disagreement about the PDF**

4. OPSEU and the grievor disagree about one aspect of the PDF, which is more easily discussed in the context of the discussion about the subfactor Guiding and Advising, below. The union also wanted a change made, which I will discuss under the subfactor of Communication.

### **Disagreement about the evaluation**

5. The parties disagree about the rating on five subfactors; Analysis and Problem Solving, Planning and Co-ordinating, Guiding and Advising, Independence of Action and Communication. I will set out the relevant excerpts from the Job Evaluation Manual in italics, then set out the parties' submissions, followed by my determination.

### **Analysis and Problem Solving**

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

*Notes to raters:*

*1. Consideration must be given to the types of situations that arise and:*

- how situations, analytical requirements or problems are defined*
- the range of choice of action within the scope of the job*
- the level and type of investigation required*
- how complex or multi-faceted issues or problems are*
- from which sources assistance is obtained*

*This will help define the application of analysis and judgement within the scope of the job. The above elements must also be considered as a whole when selecting the appropriate level.*

*2. 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.*

6. The employer rated the position at Level 1 on a "regular and recurring" basis, and Level 2 on an "occasional basis." Level 1 reads, *Analysis and problem solving is done according to established instructions and procedures. Solutions may require selection of the most appropriate, predefined alternative.* The union seeks a rating of Level 2 on a regular and recurring basis and Level 3 on an occasional basis. Level 2 reads, *Situations and problems are easily identifiable. Analysis or problem solving is straightforward. Solutions may require modifications of existing alternatives or past practices.* Level 3 reads, *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.*

7. The union submitted that the examples set out in the PDF under this subfactor demonstrates the kind of problem solving that fits within Level 2 much of the time, but occasionally Level 3 analysis will be required. The employer argued that the examples better fit within Level 1, with an occasional Level 2. The first two examples of a regular and recurring activity concerned discrepancy in payment to a part-time employee or discrepancy between goods ordered and goods received. I agree with the position of the employer that the route to resolution would be simple and pre-determined. If a part-time employee claimed that she had been paid improperly, there would be a need to check her claim of hours as against the hours submitted and then a further review with the payroll records. Similarly, if a package arrived that did not match the goods ordered, the incumbent would follow the pre-determined path of contacting the vendor. The problem solving involved is captured at Level 1.

8. The third example of a regular and recurring activity involved review of budget codes that may be overspent. Ms. Salo explained that on a monthly basis, she reviews a number of line items in the budget, to see if spending is on target or over budget in each line. Where there is an over budget that seems unexplained, Ms. Salo will investigate. She related one instance where her investigation revealed that the printing department had miscoded one expenditure, resulting in an overage for part of the printing budget. Ms. Salo said that based on her experience, she knows generally how much should be spent in each category as the year progresses, and if something seems amiss, she will try to figure out why, which may involve contacting outside vendors.

9. I understand that Ms. Salo is not responsible for the budget. The Director is responsible for the budget. But Ms. Salo is responsible for bringing overspending to the attention of the Director. However, before taking that step, Ms. Salo will research the cause of any unexpected overages and seek to resolve them. In my view, that kind of analysis and problem solving falls within Level 2. It requires a consideration of how similar problems have been resolved in the past, but with perhaps some modification to

meet the new facts. Level 3 is not a good fit because that assumes that the problems are not easily identified, which is not the case in the examples that apply to this incumbent's work. Since Ms. Salo is required to use Level 2 problem-solving on a regular and recurring basis, as set out in the PDF, an "occasional" rating at that level is not appropriate.

### **Planning and Coordinating**

10. The subfactor reads as follows:

*This factor measures the planning and/or coordinating requirements of the position. This refers to the **organization 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.*

11. The employer has evaluated the position at Level 2 on a regular and recurring basis. The union argues for Level 2 on regular and recurring basis and Level 3 on an occasional basis. Level 2 reads; *Plan/coordinates activities and resources to complete own work and achieve overlapping deadlines.* Level 3 reads; *Plan/coordinate activities, information or material to enable completion of tasks and events, which affect the work schedule of other employees.*

12. The parties disagree about whether the incumbent plans activities which will affect the work schedule of other employees. The union focused on the example of Ms. Salo's role in the planning of the three Open Houses that are held each year at the library. Ms. Salo explained that she arranges the printing and distribution of invitations. She contacts part-time staff to see who is available to work and then assigns them tasks such as greeting, handing out literature, replenishing refreshments. Ms. Salo orders refreshments and sets them out. She contacts Facilities staff to arrange for the library to be reconfigured. Then when the Open House is over, she organizes the clean up and returning the library to its usual state.

13. I agree with the College's evaluation at Level 2. The tasks Ms. Salo completes in organizing of the Open House do involve planning and coordinating of activities while carrying on her usual work. However, those activities involve no ability to affect the work schedules of others. Contacting printing services and Facilities services to undertake tasks is only a request for service and does not amount to affecting the work schedules of others.

### **Guiding /Advising Others**

14. This subfactor reads as follows;

*This factor refers to any **assigned responsibility** to guide or advise others (i.e. 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.*

15. The College rated the position at Level 2, on a regular and recurring basis, with Level 5 on an occasional basis. Level 2 reads, *Guide others so they can complete specific tasks*. Level 5 reads, *Responsible for allocating tasks to others and providing guidance and advice to ensure completion of tasks*.

16. This subfactor generated the most discussion. The union argued that the only disagreement between the parties was whether the guidance and advice was provided on a regular and recurring basis, or not. The union submitted that the details in the PDF's Duties and Responsibilities made clear that the incumbent was responsible for assigning work to part-time staff and students and was responsible for ensuring that work was completed and done accurately. The union further submitted that the employer agreed that the work was performed for 4 to 5 hours a week, which met the test for regular and recurring as defined in the job evaluation manual.

17. I pointed out to the College that the "How to use the Manual" portion of the job evaluation manual says that it would be "...unusual for the 'occasional' element to be more than one level higher than the level identified for the 'regular and recurring'". I also pointed out that the College's agreement, set out in its brief, that the incumbent performed Level 5 supervision "...approximately 4 to 5 hours per week", appeared to meet the test of "regular and recurring" as defined in the job evaluation manual. I gave the employer an opportunity to caucus and consider its position.

18. After caucusing, the employer returned with the position that allocating tasks to others was not an integral part of the position's work. The employer asserted that the responsibility was not so important that without it, the duties of the position could not be performed.

19. I understand that the employer side was working without the input of the grievor's supervisor, who has been absent due to illness for some time. The parties had agreed to

proceed in the supervisor's absence. The College representatives were trying to work from notes that had been taken in earlier stages of this grievance.

20. In my view, the uncontested aspects of the PDF establish that assigning work to others is an integral part of the job of the Administrative Assistant. The incumbent is required to schedule part-time staff, "guide and counsel part-time/student workers on tasks," assign tasks for part-time and student staff; provide direction; monitor/review progress, as set out in the Duties and Responsibilities of the position. As an example of the incumbent's work under the subfactor Guiding and Advising, the PDF reads:

Assigns students and office part-time staff with tasks to be performed  
Oversees tasks  
Performs completed task assessments  
Recommends corrections as needed

21. If these aspects of the job were not important to the position, I would not expect these elements to play such a significant role in the PDF. I conclude that the incumbent carries on Level 5 guiding and advising on a regular and recurring basis.

### **Independence of Action**

22. *This subfactor measures the level of independence or autonomy of the position. 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*

*These considerations, when taken as a whole, will define the parameters and constraints of the position within which the incumbent is free to act.*

23. The College proposes Level 2 on a regular and recurring basis. The union proposes Level 2 on a regular and recurring basis, and Level 4 on an occasional basis. Level 2 reads, *Position duties are completed according to established procedures. Decisions are made following specific guidelines. Changes may be made to work routine(s).* Level 4 reads, *Position duties are completed according to specific goals or objectives. Decisions are made using industry practices and/or departmental policies.*

24. The notes to raters are helpful:

*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 4 - the only parameters 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.*

25. As set out above, the “How to use the Manual” suggests that it would be unusual for the “occasional” level to be more than one higher than the “regular and recurring” level. The union argued that the grievor is required to use industry practices around copy right, human resources and financial management. I disagree. To use the copyright issue for example, the incumbent compiles reports from faculty about their use of copyrighted material. The grievor checks that the faculty have filled out the form properly, that is, matched the type of material to the percentage of royalties that are applicable to that type of material. But the incumbent is not required to have regard to general principles of copyright and interpret and apply them. Similarly, in carrying out her human resources and financial reporting obligations, the incumbent follows established procedures and guidelines. Level 2 is the right fit.

### **Communication**

26. The union and the grievor are concerned that the PDF does not accurately set out the nature and range of communication that this position engages in, under the category of “imparting technical information and advice”. They ask me to include “Demonstrate use of office equipment, trouble shooting problems/respond to staff inquiries for Office assistance (e.g. Outlook, Publisher, Excel, Word Access etc.)”

27. This factor reads as follows:

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

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

The Notes to Raters provides the following to clarify:

*‘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.*

*'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.*

28. The employer rated the position at Level 2, *Communication involves the exchange of information that requires explanation and/or interpretation.*

29. The union and the grievor argue for Level 3, *Communication involves explaining and/or interpreting information to secure understanding. May involve communicating technical information and advice.*

30. The incumbent is not responsible for initial staff training on office equipment or computer software. When new equipment arrives at the library, such as a new photocopier, all of the staff receive training. However, when there is a problem, or when staff forget how to use a feature, they often come to the Administrative Assistant for help. Ms. Salo also said that she has taken the initiative to ensure that part-time staff who work weekends, when less "back up help" is available, are particularly knowledgeable about the copiers and other office equipment so that they can resolve minor issues, and keep the equipment working. She also wants the part-time staff to be able to explain more complex issues to her so that she can follow up with repair or maintenance.

31. The Administrative Assistant is also not responsible for training staff on office software, but when staff have questions about how to use software with which Ms. Salo is more familiar, they often will come to her.

32. The union argued that Level 3 is justified not only because the incumbent must impart technical information, but also because she must do so in a manner that secures the understanding of the people she communicates with. In addition to demonstrating and troubleshooting equipment and software queries, the position is responsible for communicating library policies to users; explaining employment contracts, payroll and timesheet procedures to part-time staff and responding to a range of administrative inquiries from staff.

33. The employer argued that the nature of the communication required falls properly within Level 2 because the people with whom the grievor communicates are technically competent and do not need a detailed understanding of the intricacies of library policies, for example.

34. I do not agree with the union's proposed addition to the PDF. I do not accept that troubleshooting copier and other office equipment problems amounts to "imparting technical information and advice." I note that the position's responsibility for demonstrating the use of office equipment and troubleshooting is captured in the PDF as an example of "explanation and interpretation of information or ideas". Explaining how to deal with paper jams, or reminding people how to use a scanner they have already been trained to use is not sufficiently sophisticated communication to reach Level 3. Moreover, the incumbent has no obligation to secure the understanding of those with whom she is



communicating. The incumbent is not required to adjust her delivery to take into account the learners' comprehension. Level 2 is the right fit.

**Summary**

35. I make the following findings for the reasons set out above;

Analysis /Problem Solving	Level 2	46 points
Planning and Coordinating	Level 2	32 points
Guiding and Advising	Level 5	53 points
Independence of Action	Level 2	46 points
Communication	Level 2	46 points

When those points are added to those of the subfactors in agreement, the position scores 383 points, which places it in payband E.

Signed at Georgetown Ontario, this 24<sup>th</sup> of February, 2010.



Mary Ellen Cummings