

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 557

EXPEDITED ARBITRATION FOR JOB EVALUATION  
GEORGE BROWN COLLEGE, TORONTO  
MICHAEL CASINO OPSEU File 7557171

Appearances:

Christine Legault, Marilou Martin and Michael Casino for OPSEU

Dan Michaluk, Yves Hebert, Andrew Reim and Regina Lapworth,  
for George Brown College

Hearing held March 26, 2009 at Toronto, Ontario and submissions  
by conference call May 29, 2009

Award released July 23, 2009 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 Michael Casino, Coordinator, ITS Policy and Procedure.
2. Mr. Casino and OPSEU disagree with the contents of the Position Description and they disagree about the job evaluation results on four subfactors, Analysis and Problem Solving, Independence of Action, Communications and Service Delivery. In the course of the hearing, agreement was reached that Level 4 was appropriate for the subfactor Communications. Similarly, agreement was reached that Level 3 was appropriate for the subfactor Service Delivery.
3. It arose in the course of the hearing that the Position Description Form (PDF) the employer had included in its materials differed from the PDF that had been relied on by the employer at the time the grievance was filed. After some discussion, the employer withdrew the altered PDF with the result that it is unnecessary for me to consider OPSEU's concerns about the appropriateness of the employer advancing a PDF that is different from the one relied on at the time the grievance was filed.

### **Accuracy of the Position Description**

4. The parties disagree about the Education and Experience requirements of the job. In addition, OPSEU seeks to add more information to the PDF. The recurring theme is whether the Coordinator, ITS Policy and Procedure requires a broad, but relatively shallow knowledge of information technology in order to perform the work, or whether both a broad and profound knowledge of information technology are necessary.

### **Overview of the position and the department**

5. The Coordinator, ITS Policy and Procedure is found within the Information Technology Systems (ITS), Technical Services department. The Coordinator, ITS Policy and Procedure performs the internal audit function for the department, ensuring that as changes are made to ITS Technical Services, policies, procedures, processes and related documentation are updated. The job is important not just to ensure that change is documented, but that it is documented in an organized and consistent manner. The summary of the position in the PDF acknowledges that the position is significant to ensuring that the "...end-to-end integrity of George Brown's technical structure is maintained." The position reports to the Manager, ITS Technical Services, Andrew Riem, but has a dotted line reporting relationship to other ITS department manager and to the Chief Information Officer, Yves Hebert. Because the Coordinator, ITS Policy and Procedure is responsible for documenting procedures, policies and processes for all areas, it is necessary for him to work closely with all of those managers.
6. The largest component of the job of Coordinator, ITS Policy and Procedure is the development and documentation of all processes and procedures for all departments in ITS Services. This involves identifying the purpose of the process, documenting its tasks, developing forms, documenting work flow, approval and authority levels. In the course of that work, Mr. Casino is also expected to look for gaps in processes, identify

risks, look for improvements and ensure that changes to one process do not negatively effect other processes. Where such conflicts are found, Mr. Casino identifies them and discusses how to resolve them with other employees or managers.

7. An example of that work was the assignment to document the ITS department's data back up and restore policies. An auditor had noted the lack of policies procedures and Mr. Casino was asked to do it quickly. He met with ITS administrators to understand what processes they used for different kinds of back ups; located the current policies; identified gaps from his understanding of what the processes actually involved; and noted risks. In this instance, he noted that different backups were undertaken by different groups, which is inconsistent with generally accepted "best practices". Mr. Casino identified the inconsistency and made recommendations for change to his manager.

8. The most significant source of best practices is the Information Technology Infrastructure Library (ITIL) Mr. Casino is recognized by Mr. Riem as the department's subject matter expert in ITIL. Indeed, the incumbent is required to hold ITIL Practitioner Certification, a qualification that is recognized and valued as an additional educational requirement (subfactor 1B)

9. Mr. Casino is also responsible for developing new ITS policies, after consultation with the CIO or other managers to determine the requirements. In addition to developing, and implementing the new policy, the Coordinator, ITS Policy and Procedure is expected to ensure the new policy is consistent and not in conflict with other processes and policies and to resolve any conflicts. He would then communicate the new policy, once approved by management, and ensure that it is published on the central knowledge web.

10. As an example of that work, the Coordinator, ITS Policy and Procedure was part of the Call Centre reengineering project and developed a business continuity plan for the Call centre and made consequent changes in the IT Service Continuity Management Plan.

11. The Coordinator, ITS Policy and Procedure is responsible for the design, implementation and maintenance of the central knowledge web, which is a resource available to all ITS staff. The central knowledge web is the source for policies, practices and problem-solving assistance which ITS staff use in their daily work.

12. This project is on-going, as time and resources permit. As Team Leader, Mr. Casino is responsible for planning, identifying budget and staffing needs, determining the tasks, developing a time line and delegating tasks to others.

13. Mr. Casino's final significant responsibility is as a resource to all ITS staff about existing policies and procedures, and overarching legal requirements. Mr. Casino documents the outcomes of project activities, updates procedures and processes that are affected by the project activities, ensures no conflict with existing procedures, and documents project outcomes on the knowledge web.

### **Educational and experience requirements**

14. The significant differences in the PDF between the parties concerns the education and experience requirements. The union asserts that the educational requirement should be at Level 5, 4 year degree plus professional certification or equivalent . The employer asserts that Level 3, a 3 year diploma/degree or equivalent is sufficient. At the time that Mr. Casino applied for the position, the job required a 4 year degree in the area of

computer science. Mr. Casino did not have that qualification; he had a 4 year degree in an unrelated area. When the new PDF was created, Mr. Riem testified that he decided that a 4 year degree in computer science was appropriate, based on what had been required in the past. The human resources department asked him to rethink the matter, in part because George Brown, like other community colleges, seeks, where appropriate, to set educational standards for its positions that would equal the educational accomplishments of its graduates. Mr. Riem told me that he gave the matter more thought, looked at the syllabus for a 3 year computer programmer analyst diploma/degree from George Brown and determined that it would provide an appropriate educational foundation for the Coordinator, ITS Policy and Procedure position. In his view, technical writing skills was more important than a profound understanding of all aspects of computer science.

15. The union submits that it was inappropriate for the human resources manager to be involved and that the manager, who is closest to the work of the position, should determine the educational requirements. I conclude that it is appropriate for the human resources department to take an active role. Both the College and the union have an interest in consistency of the implementation of the job evaluation tool. That consistency can only be achieved when the department that is responsible for its implementation can oversee and provided advice to department managers who are completing the PDFs in isolation.

16. The union further argues that the syllabus of the 3 year diploma/degree to which the College point would not provide enough experience with research and analysis. I disagree. On my review of the course syllabus, there are opportunities for students to gain experience in research and analysis. I also think it is reasonable to assume that people will gain progressive skill in research and analysis through work experience. Having considered the submissions of the parties, I believe that the lower level of education combined with a higher level of experience will produce the most appropriate result. Mr. Casino said that he has to have a strong understanding of IT concepts and practices in order to document the work. As he put it, he needs to be able to talk the language of the technicians so that he can document what they do, and understand its impact on other policies and processes. He said that the Coordinator, ITS Policy and Procedure needs to bring a range of experience. He must be knowledgeable in networking, production support and technical support and development. Those are all separate areas within the information technology world and, he said, it is difficult to move across them quickly. I accept the union's submission that the range of knowledge required to perform this job could not be acquired in 5 years because of the difficulty in acquiring enough experience in a range of fields within the different silos of information technology.

17. I conclude that Level 3 is appropriate for Education and Level 6 for Experience.

#### **The disputed subfactors and the union's proposed additions to the PDF**

18. The union and Mr. Casino proposed additions to the PDF that they thought would better explain the work and would fairly justify the higher rating they were seeking. I will discuss aspects of the content that OPSEU would like to add. But generally, I have concluded that the proposed additions are either repetitive of information already in the PDF or are not reflective of the actual degree of independence and responsibility the

Coordinator, ITS Policy and Procedure exercises. I conclude that with the changes to Experience and Education that I have set out above, the PDF will accurately reflect the requirements of the position.

19. In respect of the disputed subfactors, I will set out the excerpts from the job evaluation manual in italics, set out the parties' submissions and then my determination for each subfactor.

### **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.*

20. The College rated the position at Level 4. OPSEU asserts that it properly falls within Level 5. I will set out the definitions for Levels 4 and 5:

*4. 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.*

*5. Situations and problems are complex and multi-faceted and symptoms are vague or incomplete. Further investigations is required. Solutions require the interpretation and analysis of information within generally accepted principles.*

The manual contains notes to raters which defines terms used in levels 4 and 5:

*"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.*

*"Generally accepted principles"- more general statements or parameters used to describe the desired outcome. Can be defined as the collectivity of moral or ethical standards or judgements.*

21. It should be understood that Level 4 is a high rating. That rating reflects that the Coordinator, ITS Policy and Procedure must analyse processes and investigate to find solutions. The incumbent must consider a number of elements and make determinations having regard to existing ITS policies and best practices. I do not believe that the definition for Level 5 is a good fit because the incumbent does not regularly face problems that are vague or incomplete. Moreover, there are established techniques, procedures and policies for resolving issues, which places the position squarely within Level 4.

### **Independence of Action**

*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.*

22. The employer advocates for Level 3, *Position duties are completed according to general processes. Decisions are made following general guidelines to determine how tasks should be completed.* The union proposes Level 4, with Level 5 on an “occasional” basis. Level 4 reads, *Position duties are completed according to specific goals or objectives. Decisions are made using industry practices and/or departmental policies.* Level 5 says, *Position duties are completed according to broad goals or objectives. Decisions are made using College policies.*

23. The notes to raters are helpful:

*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.*

*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 this boundaries and would only need to consult with the supervisor (or others) on issues that were outside these parameters.*

*Level5-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 outside those parameters.*

24. The parties disagree about the nature of the decisions the incumbent makes and the degree of autonomy it reflects. For example, it is agreed that the Chief Information

Officer issued a general direction that a change management initiative be undertaken. From Mr. Casino's perspective, he received that general direction and "took it from there", going back to Mr. Riem as required. Mr. Casino was familiar with ITIL's conception of change management and how to undertake it. Mr. Casino acknowledged that the Chief Information Officer was responsible for every decision made, but said that he could not be aware of every determination that had to be made along the way, nor should he. Mr. Casino said that the change management project has been a collaborative effort and that his suggestions have regularly been adopted. Mr. Casino characterized himself as a constant advocate for the implementation of best practices and an outspoken participant in discussions about what the department's priorities ought to be, for example setting the change management initiative above others.

25. Having considered all of the information the parties presented, I conclude that Level 3 is the best fit. As the example set out above illustrates, the Chief Information Officer determined the broad objective, the development of a change management initiative. In that project, the Coordinator, ITS Policy and Procedure was the strong subject matter expert, particular in the processes and standards set out in ITIL. Mr. Casino enjoyed a fair degree of latitude in determining how to go about achieving that objective and carrying out the detailed work. But, as he acknowledged, his manager and the Chief Information Officer were responsible for the decisions, although they often sought and accepted his recommendations. The definition at Level 3 encompasses the relationships and the range of authority Mr. Casino experienced. He 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".

26. On the disputed subfactors, I make the following determinations for the reasons set out above:

Education	level 3	48 points
Experience	level 6	86 points
Analysis and Problem Solving	level 4	110 points
Independence of Action	level 3	78 points

When those points are added to the points for the undisputed subfactors, the result is 645 points, which places the Coordinator, ITS Policy and Procedure at pay band J.

Dated at Georgetown, Ontario, this 23<sup>rd</sup> day of July, 2009.



Mary Ellen Cummings