IN THE MATTER OF AN ARBITRATION
BETWEEN:

MOHAWK COLLEGE

("the College")

and

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

("the Union")

AND IN THE MATTER OF A CLASSIFICATION GRIEVANCE RELATING TO AUTOMOTIVE TECHNOLOGISTS (Moreau Group) (# 2007-0241-0026)

ARBITRATOR: Ian Springate

APPEARANCES:

For the College: Dan Michaluk, Counsel
Joanne Echlin, Vice President, HR Staff Services

For the Union: Mary Anne Kuntz, Senior Grievance Officer
Katherine Maxwell, President Local 241

HEARING: In Hamilton on January 15, 2009

AWARD

INTRODUCTION

On October 12, 2007 Mr. Terry Moreau and Mr. Ross Parker, Automotive Technologists at the College, submitted a grievance in which they claimed that their positions had been incorrectly evaluated. At the time they were classified at payband I. The Union argues that they should properly be classified at payband K.

Prior to the hearing the parties agreed that in addition to the grievors this award will also apply to two other individuals. On is Mr. Bob Brown who served as an Automotive Technologist prior to being appointed to a faculty position. The other is Mr. Angelo Cosco. In September 2007, after having served in a sessional faculty position, Mr. Cosco was appointed as a Technologist to replace Mr. Brown.

Automotive Technologists are involved with the College's Automotive Service Technician, Truck & Coach Technician and Auto Body programs. The Union contends that instruction is very much a collaborative effort on the part of faculty and the Automotive Technologists. The technologists demonstrate the proper use of tools and equipment to students, demonstrate and enforce safety procedures and keep records respecting whether or not individual students have been able to properly complete specific exercises. The Automotive Technologists also maintain shop equipment, design and fabricate mockups, coordinate incoming work and manage work orders.

The Union accepts the accuracy of most of a position description form ("PDF") advanced by the College that was updated in September 2008. The Union contends, however, that some of the language in the PDF does not reflect the reality of the Technologists relationships with students or the work they perform.

The College's ratings for all eleven job factors identified in the applicable job evaluation manual total 616 points. This falls within the 580 to 639 point range for payband I. The ratings proposed by the Union would result in a total of 736 points, within the 700 to 759 points required for payband K. The intervening payband J covers a range of 640 to 699 points.

The parties disagree on the proper ratings for four job factors. These are education, analysis and problem solving, independence of action and audio/visual effort. Each of these is addressed separately below.

At the time the grievance was filed, Mr. Piero Cherubini was the College's Associate Dean of Motor Power & Stoney Creek Programs. As such he was the

Automotive Technologists' immediate supervisor. He drafted the PDF. Both Mr. Cherubini and Mr. Cosco gave evidence at the hearing.

THE FACTOR OF EDUCATION

The job evaluation manual states that this factor identifies the minimum level of formal and additional education required to perform the responsibilities of a position. The factor has two components. The first, which the job evaluation manual labels factor "1A", reflects the required formal level of education. The parties agree on a level 4 rating for this component reflecting a requirement for a Certificate of Qualification in a trade or equivalent. This rating is worth 48 points.

The second component, labeled factor "1B", considers whether in order to perform the responsibilities of the position an incumbent requires a specific course, certification, qualification, formal training or accreditation in addition to the educational level noted in 1A. The College assigned a level 1 rating worth 3 points to this component. The factor level definition indicates that a 1 rating is appropriate where there are no additional educational requirements. The Union argues for a level 2 rating worth 12 points. This level applies when there are additional requirements obtained by course(s) with a total of 100 hours or less.

A related factor is that of experience. The parties agree on a 5 rating for this factor, reflecting a minimum of five years of related experience.

The job evaluation manual contains the following statement relating to the 1B education factor:

> 1B In order to perform the responsibilities of the position, is there a requirement for specific course(s), certification, qualification, formal training or accreditation in addition to and not part of the educational level noted above in 1A. Include only requirements prior to commencement that would typically be included in the job posting/PDF as a mandatory requirement.

The manual also contains the following note to raters which indicates that training received by an individual after they have been hired is generally not to be taken into account when rating the factor of education.

> Do not include any sessions, seminars or training that are required after an incumbent is hired. For example, familiarization sessions on internal processes, email, or computerized record systems. Also exclude any courses

> that are designed to bring a particular employee's skills up to required levels, courses for general personal development (e.g. interpersonal skills, leadership) or courses for general skills development, unless completion of that course would be mandatory.

In a written brief the Union contended that various certifications in addition to a Certificate of Qualification are required for the Automotive Technologist position, namely to work on air conditioning, on the Ontario Drive Clean program and to operate a fork lift truck. The Union also contended that given the dynamic nature of the automobile industry one can logically assume that individuals are expected to keep abreast of industry changes and new technology as it becomes available.

The College brief argued that an individual with a Certificate of Qualification in one or more of the motive power trades and a minimum of five years of field experience would not require any additional education in order to perform the responsibilities of the position. At the hearing counsel for the College submitted that the Union's argument relating to the Technologists remaining current relates to on-going professional development which is not addressed by factor 1B.

Mr. Cosco stated that the Automotive Technologists need to have an ozone depletion and CFC handler card so as to be able to order refrigerants. He said that the required courses are usually taken at night school or on the weekend. He also said that a card must be renewed every two years. All three Automotive Technologists currently employed at the College hold these qualifications. Mr. Cosco indicated that he first took an ozone depletion course in 1994, some 13 years prior to when he was hired into his current position.

Both Mr. Cosco and Mr. Cherubini indicated that all of the Automotive Technologists at the College are required to hold a lift truck operator's certificate to enable them to move equipment around. Mr. Cosco said that obtaining the certificate requires a training program as well as a written and a practical exam. Mr. Cosco noted that he had obtained his certificate after he was hired by the College. He said that he had worked in the trade for over 23 years and was not required to obtain such a certificate.

Mr. Cosco said that he holds both an inspector's licence and a repair licence with respect to the Ontario Drive Clean program which he acquired prior to joining the College. He said that both licences require that he be re-certified every two years, which involves passing an on-line test offered by the Ministry of the Environment. Mr. Cosco indicated that he is the only Automotive Technician at the College who has Drive

Clean qualifications. Mr. Cherubini said that the College does not teach the Drive Clean program.

Mr. Cherubini testified that when hiring for an Automotive Technologist position he would not limit the pool of qualified applicants by requiring that applicants possess additional qualifications. He said that any additional qualifications are readily available and a person can obtain them after they are hired. Mr. Cherubini subsequently said that he was the one who assigned work and had he chosen to assign air conditioning work to one person he would have ensured that this individual obtained an ozone certificate but because at this point all three Technologists do everything all three of them have the certificate.

In support of its rating the College relied on its most recent Automotive Technologist job posting which went up in August 2007. Presumably this posting went up in response to Mr. Brown being appointed to a faculty position and concerned the Technologist position that Mr. Cosco was hired into. The posting listed the following required qualifications:

- Certificate of Qualification in one or more of the Motive Power Trades areas: Automotive Service Technician, Auto Body Repairer or Commercial Vehicle/Heavy Equipment Technician (commonly referred to as a Truck and Coach Technician)
- An Ontario Certificate of Apprenticeship in either trade, or equivalent
- A minimum of five (5) years experience as a Certified Technician
- A valid drivers license
- A post-secondary diploma or degree in a related field – preferred not required

As noted above, the job evaluation manual states that for factor 1B a rater is to include "only requirements prior to commencement that would typically be included in the job posting/PDF as a mandatory requirement". This logically does not include courses taken after an individual is hired to keep them current in their field.

Mr. Cherubini's evidence that he would not require that a job applicant have any training in addition to a Certificate of Qualification is supported by the wording of the August 2007 job posting. When Mr. Cosco was hired into the Automotive Technician position he did have Drive Clean qualifications. These, however, were clearly not a requirement for him to be hired given that the College does not offer Drive Clean training. When he was hired by the College Mr. Cosco did not possess a fork lift operator's certificate which is a requirement for his job. He obtained the requisite training after he was hired.

When he was hired by the College Mr. Cosco did have oxygen depletion and CFC handling qualifications which he uses in his work. His possession of these qualifications, however, is not sufficient to refute Mr. Cherubini's evidence that such qualifications were not a requirement for Mr. Cosco to be hired. I note in this regard that it was not contended, nor did the evidence suggest, that the College acted in bad faith by requiring that Mr. Cosco or other job applicants have these qualifications even though they were not listed in the job posting.

Having regard to the foregoing considerations I find that there is no required educational requirement beyond a Certificate of Qualification in order to be hired. Accordingly, I confirm the level 1 rating assigned by the College.

THE FACTOR OF ANALYSIS AND PROBLEM SOLVING

The job evaluation manual notes that 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 rated the Automotive Technologists' positions at level 3 worth 78 points. The Union submits that the proper rating is level 4 worth 110 points. The following are the relevant factor level definitions:

> 3. 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.
>
> 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.

The manual defines "established techniques and/or principles" 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 manual also contains several notes to raters designed to clarify the differences between levels 1, 2 and 3, although not the differences between levels 3 and 4. One note relating to differences between levels 2 and 3 describes the nature of the analysis at level 3 as follows:

> 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 PDF lists three regular and recurring examples of problems which reflect the required level of analysis and problem solving. The Union did not take issue with these examples. The first involves breakdowns or malfunctioning equipment caused by students working on a vehicle or component. The PDF states that that extensive diagnostic time may be required to isolate the problem due to failures not associated with traditional use of the equipment and thus not documented in manuals. It also notes that one cannot assume that correct procedures were completed by the students. According to the PDF the analysis used to determine a solution involves the use and creation of critical pathways to identify the actual problem based upon a logical sequence of process of elimination. It states that this requires troubleshooting techniques reflective of years of experience in the absence of published manuals and procedures. It further states that an employee may refer to test equipment specifications, vehicle manuals, past practice and faculty advice.

Mr. Cosco stated that most repair issues addressed by the Technologists are due to student misadventures or even sabotage. He said that one cannot go with traditional diagnosing since a car is not usually driven into a shop after twenty students have worked on it. He also said that students will often move or break a component and an Automotive Technologist will not discover the problem until later when working with another class. Mr. Cosco indicated that the Technologists utilize a scan tool to help diagnose a problem but said that such a tool will not pick up anything unusual. He also said that a scan tool may only take you so far.

Mr. Cosco noted that when working in the trade a technician obtains information about a vehicle's problem from the customer through a service advisor but at the College this information is usually not available. He said there may be a need to use manuals or online assistance or to call technical support or even call a manufacturer's support engineers. Mr. Cosco testified that mockups are created by the Technologists, either with or without faculty being involved. He indicated that the only source of assistance when addressing a problem with a mockup is the other Technologists at the College. Mr. Cosco said that the type of diagnostic ability required of the Automotive

Technologists can only be obtained by years of experience. He added that after you obtain your license that is when you start to learn.

Mr. Cherubini stated that the Automotive Technologists would encounter different problems after twenty students have worked on a vehicle than they would when working in the trade but the diagnosis processes that they learnt at their prior work places remain applicable.

The second example in the PDF relates to technical inquiries from students and faculty respecting shop equipment that seems not to be functioning properly, diagnostic data that appears incorrect or test procedures that need to be clarified. The PDF states that further investigation is required to see if the correct techniques or procedures are being used. It states that analysis involves deciding if a student is adequately prepared and responding by explaining, demonstrating or assisting at a level consistent with shop learning objectives and the correction of mistakes in a supportive manner. It indicates that assistance may be gained from manuals, online information, faculty input and past practices.

Mr. Cosco said that he demonstrates exercises to students but because students often do not understand the theory involved he will teach it to them. He also said that students frequently tell the Automotive Technologists that they do not know how to operate certain equipment and the Technologists will show them how. He added that faculty members will also ask Technologists to show students how to operate pieces of equipment. Mr. Cosco testified that if a Technologist notices that a student is having problems he will go over and demonstrate the task. He said that most of the students are hands on learners.

The third example listed in the PDF involves a Technologist, under the direction of a faculty member, implementing a new or different type of shop exercise that requires specialized tools and equipment in order to perform advanced diagnostic techniques. According to the PDF further investigation is required to ascertain the practical assignment requirements and to guide students in proper tool and equipment use and selection. It goes on to state that analysis involves cooperating with the faculty member to discuss options to achieve learning outcomes for each practical assignment and to determine the best method of delivery for successful completion in the allotted time. It indicates that sources of assistance are shop practices, past practices, and advice from faculty.

When discussing the third example in the PDF Mr. Cosco said that in order to address new technologies or new equipment the Automotive Technologists develop mockups for students to use and develop training exercises. He noted that mockups are not used when one is working in the trade.

In its written brief the Union contended that a level 4 rating contemplates the notion of "industry practices" and the nature and extent of the responsibilities carried out by the Automotive Technologists are reflective of this concept. The Union further contended that the nature and extent of the situations and problems which the Technologists encounter may be as varied as the students enrolled in the program. It submitted that solutions are likely to require an analysis of a range of information according to established techniques and/or principles. It argued that the concept of established techniques and/or principles is an appropriate fit in that there is a systematic way to approach the resolution of a problem. The Union further submitted that the Automotive Technologists are involved with a dynamic industry where established techniques change but systematic procedures exist to guide completion of a specific task.

The College's brief contended that if a vehicle will not run it is relatively easy for a certified mechanic to diagnose the "nub" of the problem. It argued that with respect to the second example in the PDF any technical inquiries will define the problem. It contended that the third example involves implementing learning exercises designed by faculty members. The College argued that level 4 rating applies to more "unbounded problems" which often require research to even define a problem and when it is defined it involves gathering and digesting a much broader range of information.

The problems faced by the Automotive Technologists are identifiable in the sense that a vehicle or component will not operate, or at least not operate properly, a student or faculty member will have a question relating to equipment or there is a need to implement a shop exercise requiring specialized tools and equipment. Further efforts are, however, required to discover the root cause of a problem or how best to implement an exercise in the time available. The process involved might be said to require either "further inquiry", a term used in the level 3 definition, or "further investigation", a term used in the level 4 definition. For level 4 to apply, however, there must be both "further investigation and research". This language suggests that the research aspect encompasses a search for information that extends beyond an investigation of an immediate technical problem, which is what the duties of the Automotive Technologists involve.

The note to raters referred to above indicates that the level 3 definition covers situations where each new piece of information is analyzed in relation to other pieces of information and might involve exploring new or unusual directions to seek more information based on the results of the investigation or analysis. This type of analysis might also be covered by the definition for a level 4 rating. In order for level 4 to apply, however, solutions must require the interpretation and analysis of "a range of information". This is in comparison to the simple reference to "information" in the level 3 definition. The evidence does not suggest that when addressing problems with

vehicles and components or shop exercises the Automotive Technologists are required to analyze a range of information. Instead they remain focused on the technical problem or issue before them. A level 3 rating is appropriate.

Having regard to these considerations I confirm the level 3 rating assigned by the College.

INDEPENDENCE OF ACTION

This factor measures the level of independence or autonomy in a position. The manual states that consideration is to be given to the types of decisions that the position makes; what aspects of the tasks are decided by the position on its own or decided by, or in consultation with, someone else, such as the supervisor; and also the rules, procedures, past practice and guidelines that are available to provide guidance and direction.

The College rated this factor at level 2 worth 46 points. The Union argues for a level 4 rating worth 110 points. The factor level definitions for these and the intervening level 3 rating worth 78 points are as follows:

2. Position duties are completed according to established procedures. Decisions are made following specific guidelines. Changes may be made to work routine(s.),

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 job evaluation manual also contains the following term definitions:

Procedure – a sequence of steps to perform a task or activity.

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 manual contains the following note designed to clarify the difference between a level 2 and a level 3 rating:

> Level 2 – duties are completed based upon pre-determined steps. Guidelines are available to assist, where 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.

The manual also contains a note to clarify the differences between a level 4 and a level 5 rating, part of which reads as follows:

> 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.

Mr. Cosco indicated that the Automotive Technologists follow set schedules. He said that they are advised of what topics they are to cover with students by faculty, frequently after the students have already been broken into groups. He said that there are guidelines respecting what the Technologists do but contended that the Technologists go beyond the guidelines when they instruct or give assistance to students who lack the requisite knowledge. Mr. Cosco agreed with the suggestion that there are shop practices and certain routine activities and exercises that the Technologists engage in. He contended, however, that these only apply to a small portion of their duties.

Mr. Cosco was asked about the role of industry standards and practices. He replied that there is a curriculum that the Automotive Technologists must follow and certain

levels that students and apprentices must obtain. He gave the example of level 1 which requires that a student be able to identify brake components and perform basic engine disassemblies; level 2 which requires that they be able to rebuild a starter or alternator; and level 3 which requires that they have the ability to use a scan tool and perform an alignment. Mr. Cosco said that the Automotive Technologists ensure that they demonstrate and explain matters to students so that they can meet the required standards.

Mr. Cherubini was also asked about the role of industry standards. He said that the College delivers apprenticeship training in which industry standards play an important role.

Mr. Cisco noted that the Automotive Technologists do not receive any guidance with respect to equipment repairs. He said that ordering and selecting equipment goes beyond any guidelines. Mr. Cherubini, however, said that there are internal policies with respect to any purchasing.

Mr. Cosco said that the only feedback the Automotive Technologists receive is from a faculty coordinator who will raise any concerns about a shop or advise of a last minute schedule change. He said that he advises the coordinator if something needs to be purchased or if a schedule needs to be changed because something has broken. Mr. Cherubini said that he would find out about events after the fact from the coordinator and from students.

In its brief the Union contended that there is no review of the Technologists' work. It described the workplace as a collaborative environment where work is done in concert with the coordinator and faculty and there is no regular feedback from the supervisor. It argued that as contemplated by level 4 there are technical and/or theoretical methods and processes that are used by practitioners in the industry to maintain standards and quality across a range of organizations and settings. It also contended that the Technologists' duties are completed in accordance with specific goals and objectives.

The College brief contended that the Automotive Technologists follow well-established processes when assisting instructors to oversee students in a shop environment. It argued that control flows from rigidly established work routines. It noted that shop exercises are planned in advance by faculty members with defined start and ending times and the Automotive Technologists are assigned to a specific shop exercise. It added that the Technologists record the fact that students have completed exercises on pre-existing shop sheets. The College brief contended that there are established procedures for ordering parts and equipment, receiving, initiating repair orders and the like.

A reading of the various factor level definitions indicates that the term "industry practices" as used in the level 4 definition contemplates something other than employees following a curriculum which reflects tasks that the students will be expected to perform when they have completed their program of study. It also contemplates something more than an employee following a standard procedure that is typically used by persons in a particular trade or job function. Rather, as indicated by the note respecting level 4, the term applies to situations where the only parameters or constraints to guide employee decision making are industry practices and/or departmental policies without any other guidelines to follow. This does not describe the situation of the Automotive Technologists. They operate in accordance with set schedules, curriculums and directions from faculty members about what is to be covered in any specific shop period. Matters such as ordering and receiving parts would be a matter of routine. Repairing vehicles and components and assisting students who are having difficulties with a particular piece of shop equipment all involve the application of skill and experience without direct supervision but in accordance with standard troubleshooting procedures. Work on new tests and mockups is done in response to faculty decisions and needs. A level 4 rating is clearly not appropriate.

A level 2 rating is also not appropriate. The level 2 definition refers to duties that are completed according to established procedures. While in other circumstances this language might be interpreted quite broadly, the note to raters for level 2 specifies that at this level duties are completed based on pre-determined steps. When repairing vehicles or components, addressing student and faculty concerns respecting pieces of equipment and when assisting students to properly perform certain procedures, including if necessary explaining the theory involved, the Technologists follow a process designed to ascertain and resolve a problem or to demonstrate and explain a procedure. The actual steps that they take when doing so, however, are not predetermined. The specific results to be accomplished by the Automotive Technologists are pre-determined by others, including the expectation that as required they will fix autos and components and assist students as they learn to perform certain procedures, but the Technologists have the ability to select the process that they will use to achieve the end result. This fits the note to raters respecting level 3.

Having regard to the foregoing I find a level 3 rating worth 78 points to be appropriate.

AUDIO VISUAL EFFORT

This factor measures the requirement for audio or visual effort. It does so by measuring the degree of attention or focus required and activities over which the position has little or no control that make focus difficult. The manual states that a rater

is to: “Assess the number and type of disruptions and interruptions and the impact of the activities on the focus or concentration needed to perform the task. For example, can concentration be maintained or is there a need to refocus or change thought processes in order to complete the task”.

Both the College and the Union rated this factor at level 2. Such a rating is appropriate when there are regular and recurring long periods of concentration; or occasional extended periods of concentration. The parties disagree, however, on whether an employee’s focus is maintained or interrupted during periods of concentration. The College contends that focus is maintained, which would justify 20 points for this factor. The Union contends that focus is interrupted, which would be worth 35 points. The manual defines the terms “focus maintained” and “focus interrupted” as follows:

> Focus Maintained – concentration can be maintained for most of the time.
>
> Focus Interrupted – the task must be achieved in smaller units. There is a need to refocus on the task at hand or switch thought processes.

The manual also contains a number of notes to raters. These include the following which relate to the issue of whether focus is maintained or interrupted:

> Few interruptions or disruptions generally means that an appropriate level of concentration can be maintained for the duration of the task being performed. Where there are many disruptions, concentration must be re-established and the task completed in smaller units or steps.
>
> In determining what constitutes an interruption or disruption, you must first decide whether the “disruption” (e.g. customer requests) is an integral or primary responsibility of the position (e.g. customer service, registration/counter staff, help desk, information desk). Then consider whether these activities are the primary or secondary aspect of the job. For example, if an individual has no other assigned tasks or duties while tending to customer requests, then those requests can not be seen as disruptions.
>
> Consider the impact of the disruption on the work being done. For example, can the incumbent in the position pick up where he/she left off or has the interruption caused a disruption in the thinking process and considerable time is spent backtracking to determine and pick up where he/she left off.

Mr. Cosco testified that a faculty member might come into the room when he is with a class to advise him that something needs to be addressed. He said that if he is in the midst of doing an electrical diagnosis he might have to put the equipment away before attending to the matter raised by the faculty member. Mr. Cosco also said that when the Automotive Technologists are maintaining shop equipment faculty members and students on a regular basis ask them questions or ask them to deal with a particular issue.

Mr. Cosco said that in a regular practical class he will spend up to 1 ½ hours with a group of students and then switch with a faculty member. He said that there are always interruptions by students with concerns or questions. He also said that some students have learning disabilities and are not the most attentive of students and when he is half way through a demonstration a student might ask him to start over.

Mr. Cosco described open practicals where six or eight groups, each comprised of three or four students, are spread out over a shop the size of a football field while engaged in different activities. He said that he and a faculty member will walk about and supervise the students. He said that he could be demonstrating to one group and someone in another group call him over. He also said that when walking back to the initial group he might be "bombarded" by yet another group. Mr. Cosco said that when he is doing an open practical he is constantly interrupted since each student feels that whatever they are doing is most important.

Mr. Cosco said that if he observes a student incorrectly connecting equipment, which could be a danger to themselves or the equipment, he will immediately attend to the matter. He said that this would involve an interruption that breaks his concentration.

Mr. Cosco testified that the Automotive Technologists spend 80% of their time with students. He said that during these periods it is rare when there are no distractions or interruptions. He added that these happen most of the time.

In its brief the Union contended that the focus of the Automotive Technologists is regularly interrupted. It said that automotive students are not always attentive and to the extent that they can be easily distracted the Technologists must bring their attention back to the task at hand and then the Technologists must regroup and refocus. The Union spokesperson contended that students might be goofing around in the shop and miss something and a Technologist would need to deal with the disruption and then go back and reinforce what was previously covered.

In response to the Union's arguments counsel for the College contended that one cannot raise disruptions by students in a student experience. He described shop activities as designed to be dynamic and argued that the built in dynamism is not a

disruption. He noted that the activities listed in the PDF with respect to this factor do not relate to open shop activities with students but rather to interruptions when repairing vehicles or equipment, when calibrating and maintaining tools and when assigning and monitoring tasks performed by student work assistants. In response to these submissions the Union spokesperson argued that the examples in the PDF do not reflect the bulk of the Automotive Technologists' duties. She noted that Mr. Cosco had said that he spends 80% of his time with students.

Mr. Cosco's evidence established that when the Automotive Technologists are working on the repair and maintenance of equipment and vehicles they are at times interrupted by students and faculty. Mr. Cosco also referred to times when he would be interrupted by faculty when in a shop setting with students. In these situations the Technologists would logically be required to refocus on what they had been doing before they were interrupted. It appears, however, that such situations would occur during a relatively small proportion of their total time. By themselves do not justify a rating based on their focus being interrupted.

The main thrust of the Union's case is that when working with students in the shop the Automotive Technologists are interrupted by students asking questions, by students not paying proper attention and by the Technologists addressing situations where students are doing something that might be unsafe. One of the notes to raters set out above provides that when determining what constitutes an interruption or disruption one must first decide whether a "disruption" is an integral or primary responsibility of the position and also whether it is a primary or secondary aspect of the job. When working with students in shop periods the primary functions of the Automotive Technologists are to demonstrate proper techniques, answer questions and ensure that equipment is operated safely. Dealing with students and issues raised by students in this context cannot reasonably be viewed as disruptions. Rather, that is the very function that the Technologists are to be concentrating on.

Having regard to the foregoing I confirm the 20 points assigned by the College for the factor of Audio/Visual Effort.

CONCLUSION

As noted above, the various ratings assigned by the College resulted in the grievors' positions receiving a total of 616 points. The additional 32 points associated with a level 3 rating for the factor of independence of action raises this to 648 points. This brings their positions within the range for payband J.

I retain jurisdiction to address any issues that may arise directly out of this award which the parties are unable to resolve.

Dated this 13th day of February 2009.

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Arbitrator