IN THE MATTER OF A

CLASSIFICATION GRIEVANCE

BETWEEN:

OPSEU LOCAL 241

-and-

MOHAWK COLLEGE

Regarding the Position
Enterprise Information System Specialist
OPSEU #2007-0241-0029

BEFORE :   Kathleen G. O'Neil, Single Arbitrator

For the Union: Keith Bates, Chief Steward, OPSEU Local 241
                            Rosemarie DeRubeis and Coline MacEachern, Grievors
                            Katherine Maxwell, President, OPSEU Local 241

For the College: Daniel J. Michaluk, Counsel
                            Joanne Echlin, VP Human Resources Staff Services
                            Sheila Walsh, Director, HR Staff Services and Support Staff
                                    Relations

A Hearing was held on May 4, 2009 in Hamilton, Ontario

A W A R D

This decision deals with a grievance dated October 12, 2007 claiming that the position of Enterprise Information Specialist, held at the time by Rosemarie DeRubeis, Coline MacEachern and Bonnie Holdsworth, is incorrectly classified at Payband J, and asking that it be reclassified upward to Payband L.

The matter falls to be decided under the recently revised CAAT Support Staff Job Evaluation Manual (referred to below simply as "the Manual"), a provincially negotiated document. The provisions of the Manual detail a job evaluation system aimed at providing an objective basis for the placement of a very large variety of jobs across the college system on the common salary grid in the collective agreement. To this end, the Manual provides a method of evaluating the job duties, which are formally set out in the Position Description Form (referred to below as the PDF). It is important to underline that it is the basic requirements of the job that are evaluated in this system, and not the performance or worth of incumbents, even if they perform at a level or possess skills that surpass the requirements of the job. My role as an arbitrator in dealing with this grievance is limited by Article 18.4.5.1 to determining whether the PDF accurately describes the job, and whether the job is properly evaluated pursuant to the Manual. The exercise is somewhat technical, and is no comment on the value of the incumbents' work to the College community in terms of their personal effort or in the sense of how much their contribution to the College's work is appreciated by their colleagues and those who rely on their work.

I have carefully reviewed everything submitted by the parties, orally and in writing, but in an effort to keep the length of this award reasonable, I emphasize only the principal points in what follows.

Overview of the Administrative Coordinator Position

The incumbents in the Enterprise Information Specialist position are responsible for the analysis of the College's systems and business needs, helping users identify their needs and making choices between options, often as to software solutions. Much of their work relates to Banner, a computer system used in a number of Ontario Colleges to manage information such as student records, bringing together the needs of the user with the capabilities of the information technology. The current incumbents each brought expertise in a significant area of the College's business to the job, such as admitting and student services, and then received extensive training on the Banner system. They are active in testing solutions, and also provide training to end users. They report to, and work closely with, the Manager of Information Systems, Rob McGinnis.

The parties each included in their briefs a PDF with the date of March 31, 2009, bearing the notation "HR final version for Arbitration". The union's covering letter indicated that the PDF was not in substantial dispute, although the document remained unsigned. At the hearing, the union put on the record its position that changes to the PDF after the grievance procedure should not be allowed.

The College indicated that the PDF was adjusted after the grievance procedure, but prior to the preparation of the brief, such that, in the employer's view, there was no issue of unfairness. Counsel submitted that the arbitral process was necessary to provide closure on the issues between the parties, which would not be complete if the decision were made on the basis of an inaccurate PDF.

I have reviewed the revisions made to the PDF in the areas in dispute, and agree with the College's characterization of them as non-substantive. Further, the union did not suggest that any portion of the PDF was an incorrect description of the job. In these circumstances, I do not find it necessary to make any further comment about the PDF, other than as source material for the determinations below.

Factors In Dispute

The following factors remain in dispute and will be discussed in turn:

i.	*Analysis and Problem Solving*
ii.	*Planning/Coordinating*
iii.	*Guiding and Advising Others*
iv.	*Independence of Action*
v.	*Service Delivery*
vi.	*Communication*
vii.	*Audio/Visual Effort*

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 4, with recognition of occasional functions at Level 5, while the union seeks a full Level 5. The two levels read as follows:

> 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 investigation is required. Solutions require the interpretation and analysis of information within generally accepted 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.

…

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.

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

.
The dispute concerning this factor is narrow, in that the College has attributed points for occasional functions at Level 5, but argues that the typical functions are better captured at Level 4. The union argues that the incumbents consistently operate at Level 5.

The difference between the two levels is twofold – first, the identification of problems at Level 4 often requires research and investigation as they are not readily identifiable, while at Level 5, further investigation is required as situations and problems are complex and multi-faceted with vague or incomplete symptoms. The solution at Level 4 requires the interpretation and analysis of a range of information according to established techniques and/or principles, while at Level 5 it is the interpretation and analysis of information within generally accepted principles. Although these levels certainly overlap, the structure of the system makes it clear that, at each level, there is a higher level of judgment required, with less structure or pre-defined process for both the identification and the solution of problems.

The other part of the manual which is relevant here is the explanation of the difference between the designations "occasional" and "regular and recurring" found in the portion of the Manual entitled "How to Use the Manual". The drafters intended that the designations contain both a quantitative and a qualitative aspect. It is easiest to see the difference between the designations with a defined and severable skill or task, with an identifiable time frame in which it is

accomplished. There is no such severable occasional task mentioned in the PDF. Rather, the PDF examples can be described as situations calling for business analysis, for which there is an established technique and analytical tools to define business needs, and identify solutions. This is illustrated in the language of the PDF in the "Analysis and Problem Solving" section, which describes meetings with the client department to clarify needs, the use of testing scenarios, Banner documentation, flowcharts and in the discussion at the hearing which spoke of techniques such as gap analysis, configuring validation tables and regression testing. The "Duties and Responsibilities" section of the PDF also mentions techniques such as mapping current and desired business functions on the corresponding system functions, and identifying gaps or changes that must be addressed during the implementation process.

The occasional rating at Level 5 was granted, according to the College, as a general recognition that the incumbents perform at a very high level. Nonetheless, the College maintains that the unbounded kind of analysis and problem solving intended to be described by Level 5's reliance on the collectivity of moral or ethical standards is not a regular feature of the job. The incumbents indicated that high standards of business ethics and honesty were a regular component of their work.

At the hearing, the union gave the example of a situation where no one could explain why applications were low. The incumbents checked to determine whether the relevant data was correct, and discovered that a specification they had asked for in a module of Banner was working differently than anticipated, in regards to students who changed their mind as to which choice of program they wished to confirm. In the union's view, this example warrants a Level 5 rating, as the situation was vague in that it was not clear whether the problem was the system, or something else. Judgment was required in the decision making process as to whether the best solution was an automated or manual one. Although there was investigation required to identify this particular problem, I am nonetheless persuaded that it fits comfortably at Level 4, in that the techniques specific to Business Analysis were equal to the task. The incumbents did not appear to have to rely on the less specific guidance available from parameters such as moral and ethical judgments, more characteristic of Level 5. In this respect, the fact that there is often no past practice, something mentioned in the union's argument, is not determinative. Past practice is more of a feature at the lower levels of this factor, and by Level 4, it is interpretation and analysis according to established techniques which guide decision making, rather than ready-made solutions or past-practice.

Having carefully considered all the material before me on this point, I am not persuaded that the College's rating for this factor is incorrect. The regular and recurring analytical and problem

solving functions of the job - applying the techniques of business analysis to investigate problems which are not readily identifiable, and solve them - fit very well at Level 4. It appears unpredictable how often the incumbents would be required to exercise a level of judgment beyond that integral to business analysis and its established techniques, such that more open-ended analysis according to moral and ethical stands would be necessary. It suffices for the necessary determination for this factor to observe that none of the examples given appeared to have entered that realm, such that there is an insufficient basis for me to find that it would be more than occasionally necessary to exercise judgment which would be a better fit at Level 5. In these circumstances, it is appropriate to confirm the College's rating at 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.

Level 4 is the highest level possible for this factor, while Level 3 describes a somewhat less complex set of planning or coordinating responsibilities. The differences between the levels is always a question of degree. The reference points provided by the Notes to Raters for Level 3 are conferences, research projects and upgrading hardware or software, and for Level 4, major

campus renovations or major technology upgrades. Important distinguishing attributes of Level 4 provided by the Notes to Raters are that the incumbent is frequently required to coordinate activities or resources of a number of departments, and could be responsible for multiple concurrent major projects at the same time. Neither the word "multifaceted", a distinguishing adjective from Level 4, nor "Major", from the corresponding Note to Raters, is defined. Their meaning must be taken from the context of what the factor is measuring through the factor levels, i.e. the increasing level of organizational or project management skills required to bring together and integrate activities and resources needed to complete tasks or organize events. The Manual's directions include the "best fit" concept, inviting a decision on which of the factor definitions, as elaborated in the Notes to Raters, describe the duties of the position best, implicitly recognizing that the levels may overlap.

The College asserts in its brief that one of the reasons that Level 4 should not be granted for this factor is that the incumbents do not have the authority to require others to modify their schedules and priorities, but only to request and persuade. Nonetheless, the entries in the PDF section for this factor indicate that the incumbent has the authority to make adjustments to other members' schedules or workloads to ensure target deadlines are met, which corresponds better to Level 4 than "affects" which is defined as "to produce a material influence upon or alteration in", which has a more indirect sense to it. In support of this, one of the incumbents said at the hearing that, as team lead, she would assign people as necessary for tasks such as completing validation forms, and re-assign if time lines were not being met, and that team lead work often required coordinating many people's time and many areas of endeavour.

As to the references in Level 4 to multifaceted projects or events, the examples provided in the PDF, and elaborated at the hearing, indicate that they span the range of the two levels, in that the variety of functions performed by the incumbents is more complex than a conference, but less complex than a major campus renovation. For instance, the first example in the PDF is acting as team lead for the ongoing implementation, setup and maintenance of an Admissions module of Banner known as OCAS. The discussion at the hearing indicated that the OCAS module implementation team included several people released for significant amounts of time, such as a day or two a week. The team included technical people and area specialists, such as a Data Base Administrator, the Coordinator of Admissions, an Admissions Technical Specialist, as well as the Registrar and Associate Registrar. The team also worked with the Canadian solution centre for Banner which helped with testing. Although this may not include a large number of departments, the range and stature of the personnel assigned to it indicates it was not a minor project, or lacking in complexity.

The second example is acting as team lead to set up and manage post secondary registration. Again, the incumbent has authority to make required changes to meet deadlines, but it appears that the project was not of the level of complexity that would be similar to a major campus renovation, but appears more complex than a conference or research project.

The third example involves being the team lead for the upgrade of the student module of what the PDF terms "a major Banner system upgrade" to Version 7.3. The example details that a Steering Committee determined the "Go Live" date, but the group lead by the incumbent determined it was not achievable, and recommended a new date to the Steering Committee. The PDF also indicates that issues that would delay the go live date over which the incumbent had little control would be referred to the overall Version 7.3 Project Managers, with a recommended course of action.

At the hearing, the incumbents indicated that an upgrade should be considered major if it involved functionality, an example of which was the major Banner upgrade known as Concurrent Curricula. One of the incumbents put a team together, including subject matter experts from accounts receivable and the registration area, as well as IT to make sure the new version was properly tested to ensure the required functionality. Although reasonable people may define major differently, and it is clear that the incumbents did not coordinate the whole of the Banner upgrade themselves, they performed an essential role in what was certainly not a minor project.

It is clear from all the material before me that the incumbents are often assigned to several projects at the same time. For instance, the union's brief indicates that the On-line Confirmation project and the Applicant Web Project were implemented in the same time frame as the OCAS Admissions module and the PDF specifies at one point that the incumbent will "normally be working on other important assignments at the same time.."

Although the College accepts that the incumbents work at a high level, they argue that the work does not warrant the highest possible rating for this factor. They emphasize that the incumbents act as liaison between IT and usually one other department, such that it should not be considered the kind of coordination of multiple stakeholders that Level 4 requires. The College maintains that the kind of major technology upgrade intended to attract a Level 4 rating is very rare, and would be similar to the initial introduction of Banner which required a two year planning process with a separate office, involving a wide number of departments, admissions and most of the academic departments. It was lead by an external project manager, with the incumbents as part of the team. As the union notes, this external project manager was not part of the support staff bargaining unit, so it is somewhat difficult to compare the level of coordination intended for the

highest level of the support staff bargaining unit with an external project manager who worked closely with the incumbents' supervisor.

Having reviewed all the submissions made on this factor, I am persuaded that neither Level 3 nor 4 is a perfect fit, but that Level 4 is better. This is because the PDF clearly indicates that the incumbents have the duty to assign tasks and activities to team members and to make adjustments to other team members' schedules, a function that is not adequately included in the concept of affecting work schedules by requesting materials or information by a specific date, which is how the Level 3 function is described in the Notes to Raters. By contrast, this assigned function from the PDF is reflected almost verbatim in the Note to Raters for Level 4, and there was nothing in the material before me which persuaded me that there was something incorrect about this portion of the PDF. Although the element of frequently coordinating a number of departments (if "a number" implies more than two) is the weak link in the fit for this position with Level 4, I am persuaded that the projects the incumbents coordinate are multi-faceted and that they involve multiple inputs and complex tasks, elements which are not adequately recognized at Level 3. Although I agree with the College's submission that the essential role of the incumbents is a liaison and consulting one, they perform this function for some of the most fundamental systems of the College, such as admissions and student record-keeping, coordinating the complexities of input from sources such as admissions, academic deans, IT, other colleges who use Banner, and external developers of Canadian solutions for the Banner. The planning, coordination and implementation of complex testing processes is also notable as a multi-faceted activity.

In the result, the factor rating for Planning and Coordinating should be raised to Level 4.

iii. Guiding/Advising Others

This section describes the assigned responsibility of the position to guide or advise others (e.g. other employees, students or clients).

The College has rated this factor at Level 4 while the union seeks Level 5. The two factor descriptions read as follows:.

> 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.

For this factor, the PDF uses language which corresponds with Level 5, when it marks as Regular and recurring" the level entitled "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."   In the face of this provision in the PDF, as well of those concerning task assignment dealt with above in respect of the Planning and Coordinating factor, it is difficult to accept the employer's submission that the incumbents do not have such assigned responsibilities. The examples given in the PDF support a finding that they do, as they indicate regular involvement with the Registrar's division, and as team leader, assisting team members in the development of test scripts and ensuring that the tests are executed and completed successfully. The incumbent also gave the example of working with the technical specialist in the Admissions Office, where the system was not working the way they wanted. They came up with a solution and developed a

procedure, which the specialist was then charged with implementing without going through the specialist's manager.

The College argues that Level 4 is appropriate because there is no significant assigned responsibility for skill development. Further, it is the employer's position that the consultancy role played by the incumbents is a better fit at Level 3, as explained in the Note to Raters. In the employer's view, the focus of this factor is on the degree of engagement required in helping others develop skills, and was meant to reflect a lead hand responsibility. I accept that Level 4 is clearly focused on ongoing skill development as indicated in the notes to Raters and the definition of ongoing involvement. And there is an aspect of skill development in portions of the tasks assigned to the incumbents in the PDF such as those set out in the "Duties and Responsibilities" section relating to end-user training and support "until self-sufficiency is attained". However, I find skill development to be a less obvious focus at Level 5, and in the overall purpose statement for the factor set out in the introductory paragraph. That first paragraph notes that the factor is focused on guiding or advising others in the area of the position's expertise, and that the position's actions directly help others in the performance of their work or skill development, but it does not require that it always centre on skill development. More generally, Level 5 appears more focused on ensuring completion of tasks than skill development. These two concepts are related, but not synonymous. In this respect, Level 5 is a more comfortable fit for the Enterprise Information Specialist job, in that the incumbents lead people assigned to a team because of their own subject expertise, who work with the incumbents in order to ensure that the tasks assigned to the project, such as the implementation of the OCAS Admissions module, are completed satisfactorily. Moreover, Level 5 includes the provision of advice, which encompasses the consultancy aspects of the job.

In its submissions at the hearing, the College described the core analytical problem for the incumbents as figuring out the technical process necessary to the business need and helping the people involved make it work. I do not find that an inaccurate characterization of the tasks assigned the incumbents, but I find it a better fit at Level 5, than Level 4, as more reflective of the Note to Raters for Level 5 which references using expertise to assist others and ensure that the tasks are completed satisfactorily.

The College also argued that the Manual's reference to a requirement to guide others using specific job expertise in the second introductory paragraph for this factor, and in the Level 5 Note to Rater does not apply well to the incumbents' role as business analysts, as they are not employing expertise in the subject matter of IT, as they would be if they were developing software or code themselves. Although I agree that Level 5 would be a good fit for a job which required

the incumbent to engage in direct skill development of software developers and ensure tasks were completed, I do not agree that the factor definition is limited to a classic lead-hand role. The incumbents' expertise is specifically in providing the bridging function necessary to articulate the departmental business need in collaboration with the client department and then to translate that into a "doable" system solution for which those with dedicated IT expertise will do the required programming or software development . The fact that the incumbents' expertise is a hybrid one, linking the system and end users, more of a team lead than a lead hand, does not make it any less a function of assisting others and ensuring that the tasks are completed satisfactorily, which is the aim of Level 5 as elaborated in the Notes to Raters.

In the result, the rating for this factor should be raised to Level 5.

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 rated this factor at Level 4, while the union seeks Level 5. The two levels now in play are described as follows in the Manual:

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

5. Position duties are completed according to broad goals or objectives. Decisions are made using College policies.

The following are applicable excerpts from the Notes to Raters:

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 College justifies its rating for this factor on the basis that the objective of Business Analysis is very specific, i.e. to identify what software will be developed to meet a defined business need. For this process departmental policies such as admissions policy are very important. By contrast, the union claims Level 5 on the basis that there are no defined rules, procedures or past practice available to the incumbents, and that their solutions are unique, such that the highest level rating for this factor is appropriate.

Level 4 appears to be a very comfortable fit for this factor as the incumbents are assigned projects with fairly specific goals, such as to implement the OCAS module, or prioritized project lists. Further, the concept of "industry practices" from the Level 4 factor definition fits well with the structured analysis techniques used by Business Analysts, such as mapping current and desired functions onto system functions and gap analysis. Collaboration with other Colleges and the Banner Canadian Solution Centre also fits with the concept of industry practices as one of the important parameters for the incumbents' work. Overall, the solutions and actions of the incumbents are firmly grounded in the policies of the client departments and the parameters of permitted use of Banner. This is not a good match with Level 5, where the only parameters are College policies.

The examples given in the union's brief also fit well with Level 4's factor definition and Note to Raters which focus on specific goals and objectives. These examples were resolving OCAS Admissions issues within the constraints of College and departmental policy and making a decision on how to manage offers of admission which assisted the Registrar's Division with applicant statistics and in keeping track of the communication to applicants who did not follow up on their offers of admission. These examples demonstrate specific goals and objectives appropriate to Level 4, and do not correspond well with the "broad goals and objectives" characteristic of Level 5.

While it is clear that the incumbents operate fairly autonomously, and that most issues do not require escalation to their supervisor, Level 4 itself describes quite a high level of autonomy for a bargaining unit position.

In the result, the College's rating for the factor "Independence of Action" is confirmed.

v. Service Delivery

The College has rated this factor at Level 3, regular and recurring, while the union seeks Level 4. 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.

The College takes the position that Level 3 is a good fit for the consultancy functions of Business Analysis performed by the incumbents, in that they are helping business groups identify and meet needs rather than going beyond that to proactively design or deliver services. Further, the employer submits that the incumbents do not engage in Level 4 functions which are more about strategic planning. As well, the College emphasizes that it is specifically not intended that the incumbents develop technical solutions for technology's sake, but that they be grounded in articulated business needs. Although the employer acknowledges there may be occasional instances where the incumbents have anticipated client needs, it is the College's position that this is not part of their assigned responsibilities.

By contrast, the union contends that the incumbents do design services for current and future needs, and thus their duties meet the standards for a Level 4 rating for this factor. Focusing on the example of the development and configuration of the OCAS Banner module in its brief, the union states that the incumbent must react to or identify desirable business practice modifications that will result in improved efficiency, data integrity or service. Further it is noted that when dealing with the Millennium Admissions Status Report, the incumbents took future needs into consideration by adding report features which would assist in enhancing the information available to Admissions and Associate Deans, as well as managing communication to applicants, elements of which the Admission's staff was not aware until it was added by one of the incumbents.

The PDF lists a number of key services, i.e. the implementation of projects communicated via a documented prioritized project list for the EIS Steering Committee, developing methods of maintaining balanced and maximized enrolments via the post-secondary registration system, and providing support to the Registrar's Division. The methods of carrying out the service listed in the PDF include Business Analysis, testing and quality assurance, end-user training and support, and reconfiguring business rules, work processes and/or the system.

The duties as assigned in the PDF do not appear to focus on the wider context of emerging, rather than stated needs, or envisioning services before the customer is aware of the need. To the extent the client department articulates future or emerging needs, no doubt the incumbents would work on meeting them. Further, I accept that there are always opportunities to enhance service options, and no doubt occasions when the incumbents think of things before the client department because of their unique positioning as the link between IT and departmental business needs. Nonetheless, the material before me does not persuade me that Level 4 is a better fit

than Level 3. The Level 3 description of customizing and modifying service options to suit the internal client's needs is a very comfortable fit for this aspect of the incumbents' duties.

In the result, the College's rating for the factor "Service Delivery" is confirmed.

vi. Communication

The College originally rated this factor at Level 3, but, in its brief , conceded Level 4 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 5, which reads as follows:

> 5. Communication involves imparting information in order to obtain agreement, where interests may diverge, and/or negotiation skills to resolve complex situations.

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:
> …
>
> 4. To clarify the differences between "gaining cooperation" in level 4 and "negotiation" in level 5:
>
> The assigned communication and interpersonal skills needed at both of these levels are at an extremely high level.
>
> "Gaining cooperation" refers to the skills needed to possibly having to move others to your point of view and gaining commitment to shared goals. The incumbent works within parameters determined by the department or College and usually there is a preferred outcome or goal. The audience may or may not have divergent views.
>
> "Negotiation" refers to having the authority to commit to a solution or compromise. An incumbent who communicates at this level also works within broad parameters and the preferred outcome is also broadly defined. The incumbent needs to have the skills/tools to reach an agreement that is then binding on the College. Normally, the audience will have divergent views or opposing objectives.
>
> Some people use the word "negotiation" for making arrangements that are relatively straightforward (e.g. negotiating a meeting date). In those situations, that type of communication would typically be considered an exchange of routine information. The use of the word "negotiation" is therefore quite specific in this factor.
> ….

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.

For this factor, it is appropriate to underline that both the levels in issue here are specifically noted by the Manual's Notes to Raters to be at an extremely high level. When looking at Level 5, the one claimed by the union, the Note to Raters emphasizes that "negotiation" has a very specific defined meeting, and observes that the incumbent needs to have the skills/tools to reach an agreement that is then binding on the College, with an audience that will have divergent views or opposing objectives. This is the area in which the material before me discloses no support for the higher level, without which Level 4 is a much better fit, as elaborated below.

The PDF has many examples of obtaining cooperation or consent, such as quelling the concerns of an academic group that did not appreciate the necessity of moving from a manual to an automated method of tracking students returning to either in-class or co-op semesters. By contrast, there is no entry of an assigned responsibility in the area of the form provided to list negotiating responsibilities. The examples referred to at the hearing also are a better fit at Level 4. For instance, reference was made for the need to "negotiate" with IT and developers to provide a testing environment within the appropriate timelines for the 7.3 Banner upgrade. There was an agreement, which was not met, and further meetings and discussions ensued to develop a plan to deal with the situation. The only divergence in position noted was as to time lines, and there was no suggestion that the IT staff did not share the same ultimate objective for the upgrade as the incumbents and the client department. This is not the kind of divergence contemplated by Level 5.

An example of a contentious issue, another element of Level 5, mentioned by the incumbents was an occasion during web development when all the code was lost, and attempts had to be made to retrieve it and to devise a process to avoid the problem in the future. It would appear that this was an unfortunate incident that had to be dealt with rather than a regular duty of the job to negotiate resolutions of contentious issues in the sense defined by the Manual. As to negotiating agreements to bind the College, the incumbents gave the example of sitting on an inter-College committee to discuss enhancements to Banner. As each College's business and priorities are a bit different, the committee members have to settle the order in which issues will

be presented to the Banner Canadian Solutions centre. Pros and cons of each suggested priority are discussed, and if consensus is not reached, voting determines the outcome. This process concerns a very specific issue which does not correspond well to the Level 5 Note to Raters that speaks of negotiation within broad parameters and a broadly defined mandate.

Further, the need to navigate differences of opinion and less than completely shared goals within the College, such as departments who are not comfortable with the move to an automated method, is quite comfortably covered by the elaboration of the idea of gaining of cooperation and consent, where parties may have divergent views, in the Note to Raters for Level 4.

In the result, I find Level 4 to be the best fit for the factor "Communications".

vI. Audio/Visual Effort

The employer has rated this factor at level 3, which reads as follows:

> 3. Extended periods of concentration

with the designation "Focus Maintained", while the union seeks Level 3, with the designation "Focus Interrupted".

Relevant defined terms are 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 provides that this factor measures the requirement for audio or visual effort, according to two aspects:

> a) the degree of attention or focus required, in particular for:
>
> - periods of short, repetitive tasks requiring audio/visual focus
> - periods where task priorities and deadlines change and additional focus and effort is required to achieve the modified deadline
>
> b) activities over which the position has little or no control that make focus difficult. This includes the requirement to switch attention between types of tasks and sensory input (e.g. multi-tasking where each task requires concentration).
>
> Assess the number and type of disruptions or interruptions and the impact of these 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.

Notes to Raters:

1. The scoring for this factor is different from that used in other factors. One score is selected from the table according to the period of concentration and the column regarding whether focus is interrupted or maintained. If more than one level applies, then select the level with the highest score that would typically apply.

2. Raters must only consider tasks or situations where a higher than usual level of focus or concentration is required. It is important to consider the level of concentration that the task requires and not the incumbent's (in)ability.

3. Concentration means undivided attention to the task at hand.

4. 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.

5. 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.

6. 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.

The Manual's directions include the direction to assess the number and type of disruptions or interruptions and the impact of these activities on the focus or concentration needed to perform the task. The College notes that the manual makes it clear that interruptions alone will not justify a "focus interrupted" rating unless focus cannot be maintained most of the time. Indeed, there are a number of qualifiers in the Manual concerning interruptions which mean that not all interruptions count for point rating. The College asserts that the union has a high standard to meet given all the qualifications on the kind of interruptions counted, i.e. they have to be disruptive, breaking concentration, more than 50% of the time. It is the employer's position that, although the incumbents' concentration gets disrupted sometimes more frequently than others, and sometimes more seriously than others, there is no proof that the interruptions occur for the majority of the time, or that it results in the job being done in smaller chunks than otherwise would be the case as required by the Manual.

The PDF indicates two examples, one with the indication that concentration can usually be maintained, and the other not. The first is reading long documentation such as a Banner module in order to gain sufficient understanding to begin implementation, during which phones and e-mail

are ignored, which is marked as occurring weekly. The second example involves using a computer to execute test scenarios, and at the same time answer phones to respond to registration application problems. The incumbents indicated that the testing function can take an average of 7 hours a day during certain periods.   As well, there is a period of about four weeks each semester during which the incumbents receive many contacts in a day from the registration area. It is unpredictable when the interruptions will occur and how disruptive they are.

The percentages allocated to clusters of tasks in the duties and responsibilities section of the PDF provide some global guidance as to the percentage of the job involved in the testing function, 20%, but no guidance is to be obtained from those global percentages as to the nature, frequency, or the impact of the interruptions. Accepting the PDF's indication that the incumbents are unable to control or ignore interruptions during the 20% of the time that they are testing, the material before me gives no other guidance as to whether the interruptions even for that activity occur so that concentration is unable to be maintained most of the time. Further, there was no suggestion that testing has no natural break points during which interruptions would not normally disrupt the work in the manner required by the Notes to Raters. In these circumstances, I am not persuaded that the incumbents are not able to maintain concentration a majority of the time.

As well, the Manual directs that only tasks which require a higher than usual level of focus are to be considered for this factor. Overall, the information at the hearing and in the briefs gives the impression that almost everything the incumbents do requires a fairly high level of focus, so it is difficult to make a finding that that the tasks mentioned here are of a higher than usual level of concentration.

In the result, the College's rating at Level 3, focus maintained, is confirmed.

* * *

To summarize, the College's ratings for the factors Analysis and Problem Solving, Independence of Action, Service Delivery , Communication and Audio-Visual Effort are confirmed, while the rating for Planning and Coordinating and Guiding and Advising should be raised to Level 4 and 5 respectively. This brings the point rating to 711, which falls into Payband K.   The arbitration data sheet reflecting this is attached to this decision.

In the result, the grievance is allowed in part. The job's rating should be raised to Payband K. I will remain seized to deal with any issues of implementation of this award which the parties are

unable to resolve themselves, including any effect on the recently retired incumbent Bonnie Holdsworth.

Dated at Toronto this 28th day of May, 2009.

Original Signed by Kathleen G. O'Neil

_____

Kathleen G. O'Neil, Single Arbitrator

Arbitration Data Sheet - Support Staff Classification

College: _Mohawk_   Incumbent: _Coline Mac Eochern_ Supervisor: _Rob McInnis_

(handwritten above Incumbent: Rosemarie De Rubeis / Bonnie Holdsworth)

Current Payband: _J (grandparented at a K)_   Payband Requested by Grievor: _L_

1. Concerning the attached Position Description Form:

   ☐ 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: ☐ 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	5	61			5	61			5	61		
1B. Education	1	3			1	3			1	3		
2. Experience	6	86			6	86			6	86		
3. Analysis and Problem Solving	4	110	5	9	5	142			4	110	5	9
4. Planning/Coordinating	3	56			4	80			4	80		
5. Guiding/Advising Others	4	41			5	53			5	53		
6. Independence of Action	4	110			5	142			4	110		
7. Service Delivery	3	51			4	73			3	51		
8. Communication	4	78 110			5	142			4	110		
9. Physical Effort	1	5			1	5			1	5		
10. Audio/Visual Effort	3	35			3	50			3	35		
11. Working Environment	1	7			1	7			1	7		
Subtotals	(a) 643		(b) 9		(a) 844		(b)		(a) 711		(b) 9	
Total Points (a) + (b)	652				844				720			
Resulting Payband	J				L				K			

Signatures:

Bonnie Holdsworth April 2, 2009

Coline MacEochern _April 2, 2009_ _____ _____
(Grievor)   (Date)   (College Representative)   (Date)

R. De Rubeis _April 2 2009_
(Union Representative)   (Date)

Kathleen O'Neil _May 4, 2009_ _May 28, 2009_
(Arbitrator's Signature)   (Date of Hearing)   (Date of Award)