

IN THE MATTER OF AN ARBITRATION

BETWEEN:

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

-AND-

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

EXPEDITED ARBITRATION FOR JOB EVALUATION

GRIEVANCE OF JIM CULVERHOUSE, AUDIO VIDEO
SYSTEMS TECHNOLOGIST
NORTHERN COLLEGE, TIMMINS

OPSEU File 765408

Mary Ellen Cummings, sole Arbitrator

Appearances:

Lucille Lachance, Frank Wright and Jim Culverhouse
Daniel Michaluk, Tony Senyuk and Cheryl Carbone for Northern
College

Hearing held November 10, 2009 at Timmins, Ontario
Award released November 25, 2009 at Georgetown, Ontario

AWARD

1. I was appointed by the parties pursuant to Article 18.4.3.1 of their collective agreement, to hear and determine on an expedited basis, a dispute concerning the job evaluation of the Audio Video Systems Technologist at Northern College.
2. The grievor, Jim Culverhouse, has held the position of Audio Video Systems Technologist for more than 20 years. Both parties agree that the requirements of the position have changed over the years, as a result of technological developments and re-organization in the Information Technology department of which he is a member.
3. The grievor provides technical support to the telephone system of the Porcupine campus of Northern College, as well as the audio conferencing and video conferencing systems. The audio and video conferencing systems support distance learning at the College. The grievor sets up the audio and video conferencing in classrooms on a permanent basis and also moves around mobile systems to meet particular needs. He is responsible for reconfiguring audio and video conferencing set-ups in classrooms as needs change. The grievor maintains and repairs the audio and video systems. The grievor is also responsible for looking at new audio and video equipment, and keeping abreast of emerging technology so that he can make recommendations to his supervisor, Tony Senyuk, Director of IT/Plant and Property, about what equipment the College should consider purchasing.
4. Although Mr. Culverhouse is not responsible for the initial orientation of staff on the use of the audio and video conferencing systems, he is responsible for day-to-day problem solving and troubleshooting. I understand that a fair bit of “problem solving” involves re-acquainting staff with the use of the equipment.
5. The telephone system is comprised of 307 analog, 50 digital and 60 IP phones. There are 19 trunk lines into the College, and almost 200 staff voice mail accounts. Mr. Culverhouse is responsible for orienting new staff on the use of the telephone, voice mail and any features on their phones. Mr. Culverhouse is also responsible for the ongoing maintenance of the telephone system, which includes a daily check on the operation of the trunk lines, adding and deleting voice mail accounts. Mr. Culverhouse monitors voice mail accounts to see that they are being accessed on a regular basis to both ensure the efficiencies of the system and that callers to the College are not finding their messages unanswered.
6. Mr. Culverhouse is also responsible for security cameras and the system through which they operate.
7. There are eight subfactors whose evaluation is in dispute; Education 1B, Experience, Analysis and Problem Solving, Planning and Coordination, Guiding and Advising, Independence of Action, Service Delivery and Communication. The union and the grievor also sought to add information to the PDF. In general, the union and the grievor submitted that the employer has not captured the work of the Audio Video Systems Technologist with the depth that was appropriate. As the union’s arguments about the PDF are closely related to the submissions about the subfactor evaluations, I

will discuss the topics together as they arise. I will set out the subfactor in italics, give a brief summary of the parties' positions, the information they rely on, then my decision and the reasons for it.

Education 1B

8. The union's brief set out a number of courses which the grievor had taken while he was in the position. On further discussion, it was agreed that the technical courses he had taken occurred a number of years ago, and were no longer relevant to the job as it is now performed. It was further agreed that the other courses relied on, which the union characterized as "soft skills" courses (Presentation Skills, Dealing with Difficult People) would not be part of any job posting, were the position to be advertised today. Instead, they were courses offered after the grievor was hired with the goal of general skills development.

9. A review of the job evaluation manual makes clear that this subfactor is not meant to measure courses taken for general skills development or courses that would not appear in a job posting as a mandatory requirement. Therefore, I confirm the employer's rating at Level 1 for 3 points.

Experience

10. This subfactor reads as follows;

This factor measures the typical years of experience, in addition to the necessary education level, required to perform the responsibilities of the position. Experience refers to the time required to understand how to apply the knowledge described under "Education" to the duties of the position. It refers to the minimum time required in prior positions to learn the techniques, methods and practices necessary to perform this job. This experience may be less than the experience possessed by the incumbent as it refers only to the time needed to gain the necessary skills.

11. The employer evaluated the job at Level 5, requiring a minimum of 5 years of experience. The union and the grievor sought Level 6, requiring a minimum of 8 years of experience. The union argued that 8 years of experience is necessary to understand all of the manuals for the various equipment, understand the technology and to make equipment recommendations as required by the manager.

12. The employer, through Mr. Senyuk, explained why they had evaluated the position as requiring a minimum of 5 years of experience. He said that technology changes every 18 months. He needs the incumbent to have knowledge of present technology, plus two "historical periods". Mr. Senyuk said that in his opinion, a person with 5 years of experience would have the knowledge to trouble shoot on all of the equipment within the College the grievor works with, as well as the knowledge to advise on future purchases.

13. Both parties acknowledged the difficulty in evaluating this factor where the incumbent has been in the position for a long time, in this case, 20 years, and the employer has not had to turn its mind to the level of experience it would require in a new hire.

14. The parties have already agreed that the position requires a three-year diploma in Computer Science, Electrical or Electronics Engineering, Computer Network Technologist or Computer Support System Support Technologist. In my view, that educational background combined with a minimum of 5 years of related experience would appear to be enough for someone to acquire the skills and knowledge to perform the duties and responsibilities outlined in the PDF.

15. I confirm the employer's rating of Level 5 for 69 points.

Analysis and Problem Solving

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

Notes to raters:

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

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

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

2. Consideration can only be give 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.

16. The employer rated the position at Level 4; *Situations and problems are not readily identifiable and often require further investigation and research. Solutions require interpretation and analysis of a range of information according to established techniques and/or principles.* The union submitted that Level 4, on a regular and recurring basis, with Level 5 on an occasional basis is more appropriate. Level 5 reads; *Situations and problems are complex and multi-faceted and symptoms are vague or incomplete. Further investigation is required. Solutions require the interpretation and analysis or information within generally accepted principles.*

17. The union argued that because the grievor is presented with problems that are only symptoms, they can be easy or complex to resolve. An evaluation at Level 5 recognizes the complexity and vagueness of the symptoms sometimes presented. Mr. Culverhouse recalled an example. An employee complained that her telephone went dead on an intermittent basis. In trying to determine the cause, Mr. Culverhouse looked at the phone, which he replaced in an abundance of caution. He then followed the wire all the way back to the communication centre. He used his knowledge and experience of

what had caused other telephone outages to try to extrapolate the cause of this unusual intermittent problem. He could find no problems. He then called in the service provider, who is typically called only in the event of a major outage. The service provider made suggestions for a few changes to the system, which Mr. Culverhouse implemented, but did not resolve the problem.

18. Then, when Mr. Culverhouse was looking at the box in the communication centre, he realized that one of the switches was not seated properly; it loosened from time to time. Mr. Culverhouse put a wedge in the spot and the problem was resolved.

19. In my view, the employer's evaluation of the position at Level 4 captures the work performed, and in particular the example cited by Mr. Culverhouse, which is set out in the union's proposed PDF. He was required to investigate and research, and, in this case, go to the service provider. He analysed, applied his research and implemented a number of suggestions. But when they were not successful, he continued his research, then applied his experience about how the box "ought to look" to realize that something was out of place. All the way along, Mr. Culverhouse brought a systematic approach, whose boundaries or framework were the phone system and the electronics that make it work. Mr. Culverhouse did not go outside those boundaries. In my view, Level 5 is meant to capture problem-solving whose boundaries or framework are something broader.

20. I also accept the employer's submissions that for the most part, the problem solving undertaken by Mr. Culverhouse falls within Level 3. But there will be occasions when the problem solving is more demanding. In addition, the obligation to research and recommend new equipment requires an analysis that fits within Level 4.

21. I confirm the employer's evaluation at Level 4, for 110 points.

Planning and Coordination

22. The subfactor reads as follows:

*This factor measures the planning and/or coordinating requirements of the position. This refers to the **organization and/or project management skills** required to bring together and integrate activities and resources needed to complete tasks or organize events. There may be need to perform tasks with overlapping deadlines (multi-tasking) to achieve the decided results.*

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

24. As I explained to the parties, without oversimplifying the subfactor definition, a significant difference between Level 2 and Level 3 is the ability to affect the work schedule of other employees. Mr. Culverhouse explained that when he has to alter a room set up or change equipment in a classroom, he works around the teaching schedule of the faculty and tries to avoid disrupting the College's main goal of providing good education.

25. Neither the PDF prepared by the College nor the changes suggested by the union indicate that the grievor has any responsibility for planning the work of others. In the end, the union conceded that the evaluation of Level 2 (32 points), with an occasional Level 3 (7 points) was appropriate.

Guiding /Advising Others

26. This subfactor reads as follows;

*This factor refers to any **assigned responsibility** to guide or advise others (i.e. other employees, students) in the area of the position's expertise. This is over and above communicating with others in that the position's actions directly help others in the performance of their work or skill development.*

27. The employer evaluated this subfactor at Level 1 on a "regular and recurring" basis, with an "occasional" Level 2. The union argued that Level 2 on a "regular and recurring basis" was more appropriate. Level 1 reads; *Minimal requirement to guide/advise others. May need to explain procedures to other employees or students.* Level 2 reads; *Guide others so they can complete specific tasks.* It is acknowledged that the grievor is required to explain how the audio or video equipment works and to orient employees on the telephone system when they are first hired, when they forget and when new features are added.

28. The only dispute between the parties is how often Mr. Culverhouse is required to perform this guiding or demonstrating. He said that it happens on a daily basis. He said that some members of faculty have failed to learn or retain the information about how the equipment works and each time they must use it, he is called on. Some forget because they use it infrequently, while others have simply not chosen to absorb the knowledge, in part because Mr. Culverhouse is readily available to assist them.

29. The employer relies on the entries in the Track-It! System to explain its rating on this subfactor. Track-it! is a computerized system where people are supposed to log their need for technical assistance. The employer readily acknowledged that calls for Mr. Culverhouse's assistance also come by way of phone call or by catching him as he passes in the hall. Mr. Culverhouse added that he wears a pager, carries a walkie-talkie and can be accessed through any phone in the building by pressing a single digit.

30. The employer relies on the entries in Track-it! to create a picture of the range of calls Mr. Culverhouse receives, and to calculate the percentage that would entail guiding and advising. On the employer's calculation, most of the calls involve service, and only a small percentage involve guiding and advising of a sort that would attract a Level 2 rating.

31. In my view, Mr. Culverhouse's observation that he is required to demonstrate the operation of equipment on a daily basis is more accurate information. It would not surprise me if people would not resort to Track-it! if they were looking for an explanation, rather than a fix. It is more likely that people looking for help on how to use phones, or video or audio conferencing would place a phone call, page Mr. Culverhouse or catch him in the hall. Therefore, in my view extrapolating the amount of guiding Mr. Culverhouse provides from the Track-it! system is not all that reliable.

32. I am satisfied on the basis of the information provided by Mr. Culverhouse that he gives Level 2 guiding and advising so others can complete specific tasks, that is operate the equipment, on a regular and recurring basis. I concur with the union's position of Level 2 for 17 points.

Independence of Action

33. *This subfactor measures the level of independence or autonomy of the position. The following elements should be considered:*

- *The types of decisions that the position makes*
- *What aspects of the tasks are decided by the position on its own or what is decided by, or in consultation with, someone else, such as the supervisor*
- *The rules, procedures, past practice and guidelines that are available to provide guidance and direction*

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

34. The College proposes Level 3; *Position duties are completed according to general processes. Decisions are made following general guidelines to determine how tasks should be completed.* The union and Mr. Culverhouse propose Level 4; *Position duties are completed according to specific goals or objectives. Decisions are made using industry practices and/or departmental policies.*

35. The notes to raters are helpful:

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

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

36. The union argued that Mr. Culverhouse works independently, with a wide range of discretion to solve problems and find appropriate solutions. For example, Mr. Culverhouse is setting up an auto attendant on the College's phone system for the exclusive use of the health clinic. Mr. Culverhouse said that he devised this strategy to reflect the clinic's new independent status, without consulting with his manager Mr. Senyuk. The College responded that it expects Mr. Culverhouse to take that kind of initiative, but it falls well within the description at Level 3. The College phone system had the capacity for three auto attendants, and Mr. Culverhouse is configuring one for the use of the health clinic. In this case, the limits of the position's independence are determined by the phone system itself. That is one of the constraints on the autonomy of the Audio Video Systems Technologist. The employer argued that the College sets the

broad objectives, but the incumbent has the autonomy to decide which more detailed steps are to be used to meet those objectives.

37. I conclude that Level 3 is appropriate. The incumbent's manager sets broad parameters for the job, which is the maintenance of the phone, audio and video conferencing systems. The grievor has considerable autonomy to decide, for example, how to configure a classroom, or how to provide "independence" within the phone system for the health clinic. However, the systems themselves provide significant parameters and the grievor does not have the discretion to operate outside of them. I affirm the employer's rating of Level 3 (78 points).

Service delivery

38. This subfactor is described 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.

39. The College seeks Level 2; *provide service according to specifications by selecting the best method of delivering service*, with an "occasional" Level 3. OPSEU and Mr. Culverhouse seek Level 3 on a "regular and recurring basis"; *tailor service based on developing a full understanding of the customer's needs*.

40. The union argued that the Audio Video Systems Technologist is regularly required to tailor service based on customer needs, as demonstrated by the need to configure phone system features such as call-forwarding, conferencing etc. based on the customer's needs. The employer argued that the same example, as well as an overall appreciation of the position's work, shows that Mr. Culverhouse typically chooses from a fixed array of options to meet clients' needs, but he has no real means to tailor the service beyond that. The employer submits that any tailoring occurs on only an occasional basis.

41. I conclude that Level 2 is the better fit most of the time. Mr. Culverhouse has knowledge about the capabilities and appropriateness of a range of equipment. He is able to talk to clients about their needs, and based on his knowledge of the functionality of the equipment, he can select the features of the equipment or system to meet that need. That work is the predominant nature of service he provides, and the level that is provided most of the time. The opportunity to tailor solutions to customer needs is an occasional activity, and attracts an occasional Level 3. I affirm the employer's rating at Level 2, regular and recurring, Level 3 occasional, for 35 points.

Communication

42. This factor reads as follows:

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

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

The Notes to Raters provides the following to clarify:

'Explain' and 'interpretation' in level 3 refers to the need to explain matters by interpreting policy or theory in such a way that it is fully understood by others. The position must consider the communication level/skill of the audience and be sensitive to their abilities and/or limitations. At this level, if the exchange is of a technical nature, then usually the audience is not fully conversant or knowledgeable about the subject matter. Unlike communicating with people who share an understanding of the concepts, in this situation the material has to be presented using words or examples that make the information understandable for non-experts or people who are not familiar with the intricacies of the information.

'Gaining cooperation' refers to the skills needed to possibly having to move others to your point of view and gaining commitment to shared goals. The incumbent works within parameters determined by the department or College and usually there is a preferred outcome or goal. The audience may or may not have divergent views.

43. The employer rated the position at Level 3, *Communication involves explaining and/or interpreting information to secure understanding. May involve communicating technical information and advice.* The union and Mr. Culverhouse argue for Level 4, *Communication involves explaining and/or interpreting information to instruct, train and/or gain the cooperation of others.*

44. The union argued that the incumbent has a responsibility to communicate with voice mail users about the importance of clearing their messages to retain the functionality of the system, and to ensure that callers to the College are answered in a timely way. To achieve those goals, the union submitted, the grievor must obtain the cooperation of others.

45. The employer submitted that the grievor is not responsible for gaining cooperation, training or instructing in a formal setting. Instead, the grievor is responsible for communicating information, such as how audio equipment works, and the various functions of the phone system, to users.

46. I have reviewed the duties and responsibilities of the position, and considered the information provided by the parties. The grievor's main responsibility is maintenance and resolution of day-to-day problems for the telephone, video and audio systems. Meeting those responsibilities requires him to provide information to others, some of it technical. But Mr. Culverhouse does not provide formal training and is not required to "gain cooperation" to the point of convincing others to share his goals. For example, Mr. Culverhouse admitted that when he has concerns about people's failure to check their voice mail on a regular basis, all he can do is contact the relevant department and raise his concerns. He is not in a position to do more. I confirm the employer's rating of Level 3, for 78 points.

Union's proposed changes to the PDF

47. As set out earlier, the union has proposed making additions to the PDF to correct what it sees as the employer's failure to recognize the depth of activity performed by the grievor. I have reviewed the union's proposed changes. With respect, I do not believe that the additions would provide a better PDF.

Summary

48. For the reasons set out above, I make the following determinations:

Education 1B	Level 1	3 points
Experience	Level 5	69 points
Analysis and Problem-solving	Level 4	110 points
Planning and Coordinating	Level 2 R	39 points
	Level 3 O	
Guiding and Advising	Level 2	20 points
Independence of Action	Level 3	78 points
Service Delivery	Level 2 R	35 points
	Level 3 O	
Communication	Level 3	78 points

49. When those numbers are added to the points on the subfactor levels already agreed by the parties, the grievor receives 542 points, in Payband H.

Signed at Georgetown Ontario, this 25th of November 2009.



Mary Ellen Cummings