

IN THE MATTER OF AN ARBITRATION

between

ONTARIO PUBLIC SERVICE EMPLOYEES UNION

and

Northern College

Classification Grievance of Deanna McChristie

Before: Louis M. Tenace

For the College: Dan Michaluk, Hicks Morley
Cheryl Carbone, Supervisor, Staff Relations
John Hodgson, Operations Manager

For the Union: Frank Wright, President, OPSEU Local 654
Deanna McChristie
Lucille Lachance, OPSEU Local 654

Heard in Kirkland Lake, Ontario, Thursday, April 30, 2009

AWARD

Deanna McChristie is currently employed at Northern College as a Student Services Clerk classified at Payband E. She is seeking reclassification to Payband F, retroactively to March 1, 2007. Her grievance was filed on November 23, 2007.

At the commencement of the hearing, the Union informed me that there was an issue it wished to raise concerning the timeliness of the College's written submission. However, this matter was quickly resolved to the satisfaction of the parties and the hearing proceeded.

During the course of the hearing, the Union informed me that the College's rating for Factor 1b (Education) was no longer being disputed and the Union position in this regard was withdrawn.

Additionally, the College altered its rating for Factor 5 (Guiding/Advising Others) by including an "Occasional" rating of Level 3, 3 Points. Consequently, three factors remain in dispute and are discussed below:

4. Planning/Coordinating – *Management proposes Level 2, 32 Points;*
Union proposes Level 3, 56 Points.

The Union believes that the Position Description Form (PDF) is lacking in that it tends to describe most of the activities for this factor in terms of a coordinating function. The Union believes that that it should reflect the planning aspect to a much greater extent. The coordinating role involves more mundane and reactive tasks which are often performed in relation to some other planning process for which the main responsibility often resides elsewhere. The planning role places more emphasis on the incumbent deciding the order, selection and adaptation of various methods of accomplishing the tasks.

Much of the Union's submission on this factor centered around the fact that the grievor is the only person in Student Services at Northern College doing this work. While there are other persons available (Academic Coordinators), some are based in locations other than Kirkland Lake while others are part-time and not sufficiently available.

Management submits that this position does not involve any significant responsibility for "planning or coordinating activities, information or material to affect the work of others". As far as management is concerned, a level 3 rating for this factor would require the incumbent to produce a material influence upon or alteration in the work of others.

What is abundantly clear to me is that the incumbent/grievor is an extremely conscientious employee who takes upon herself much more than is set out in the PDF. While this is indeed commendable, the evaluation of a PDF is not based on an incumbent's qualities. As is specified in the Notes to Raters, **“Job evaluation is concerned with the content of a position and not the assessment of an individual's performance.”**

In my opinion, the “best fit” for this factor based on the PDF is a level 2, 32 points. Notwithstanding this finding, I hasten to add that I believe it would be in the College's interest to take a very careful look at the Planning/Coordinating factor for this position. I am convinced that there is room for a more accurate depiction of the duties which, on the surface, appear to be described as mechanical and/or reactive in nature when, in fact, they are not.

The rating for this factor remains unchanged at Level 2, 32 points.

5. Guiding/Advising Others – *Management proposes Level 2, 17 Points;*
Union proposes Level 3, 29 Points.

During the course of the hearing, the College allowed agreed to recognize and add an “Occasional “ rating for this factor of level 3, 3 points. The College views this position as one which consists mostly in providing information, explaining procedures or guiding others so they can complete their tasks.

The Union pointed out that there is no full-time Academic Coordinator in Student Services. The incumbent of this position must meet with students and advise them which courses to select, either to be able to graduate or to meet the prerequisites for other courses or field. Such a role would normally be performed by an Academic Coordinator were such an individual around. Further, the incumbent is the contact person with the Ministry for student aid in the absence of the Financial Aid Officer. However, this person is away for two months every summer so the responsibility devolves to the Student Services Clerk position.

I am unable to agree with the College submission with respect to the duties of this position. As outlined in the Job Evaluation Manual (the Manual), **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.** Further, the Note to Raters specifies the following for level 3:

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 task.

Based on what was presented to me during the hearing, it seems to me that level 3, 29 points is a more accurate reflection of the duties. The PDF specifies that this position has “minimal requirement to guide and advise others. The incumbent may be required to explain procedures to other employees or students.” What is apparent to me is that the incumbent of this position has an absolute requirement to assist students in the selection of their courses, among other things, so that they can work towards a diploma or certificate. It goes well beyond merely helping students to complete forms and explaining options. The incumbent requires a significant degree of knowledge and expertise to fulfill the functions. I would evaluate this factor at level 3, 29 points while removing the “Occasional” aspect offered by the College during the hearing.

This factor should be altered to Level 3, 29 Points.

10. Audio/Visual Effort – *Management proposes Level 1a, 5 Points;*
Union proposes Level 2a, 20 Points.

Having heard considerable detail about the types of duties involved in this position, I am satisfied that they are not of such a nature where the incumbent is unable to maintain concentration and focus for most if not all of the time. Whatever interruptions might occur I would consider an inherent part of the job and they should have little impact on the tasks being performed or upon deadlines to be met.

The rating for this factor remains unchanged at Level 1a, 5 Points.

In conclusion, I have altered Factor #5 – Guiding/Advising Others by accepting the Union’s submission for this factor at Level 3, 29 Points. Although the College saw fit to allow for an “Occasional” rating of Level 3, 3 Points, given my conclusion, I see no need to include it.

Consequently, the total points for this position are now 372, resulting in Payband E (340-399 points). The completed Arbitration Data Sheet is attached.

I thank the parties for their cooperation during the hearing.

Signed in Ottawa this 3rd day of May, 2009

Louis M. Tenace (arbitrator)

Arbitration Data Sheet - Support Staff Classification

College: NORTHERN Incumbent: DEANNA McCHRISTIE Supervisor: JOHN HEDGSON
 Current Payband: E Payband Requested by Grievor: F

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	3	35			3	35			3	35		
1B. Education	1	3			1	3			1	3		
2. Experience	3	39			3	39			3	39		
3. Analysis and Problem Solving	3	78			3	78			3	78		
4. Planning/Coordinating	2	32			3	56			2	32		
5. Guiding/Advising Others	2	17	3	3	3	29			3	29		
6. Independence of Action	2	46	3	9	2	46	3	9	2	46	3	9
7. Service Delivery	2	29			2	29			2	29		
8. Communication	2	46	3	9	2	46	3	9	2	46	3	9
9. Physical Effort	1	5			1	5			1	5		
10. Audio/Visual Effort	1a	5			2a	20			1a	5		
11. Working Environment	1	7			1	7			1	7		
Subtotals	(a)	342	(b)	21	(a)	393	(b)	18	(a)	354	(b)	18
Total Points (a) + (b)		363				411				372		
Resulting Payband		E				F				E		

Signatures:

DEANNA McCHRISTIE (Grievor) _____ CHERYL CARBONE (College Representative) APRIL 30, 2009 (Date)

FRANK WRIGHT (Union Representative) _____ APRIL 30, 2009 (Date)

JM Sewell (Arbitrator's Signature) _____ APRIL 30, 2009 (Date of Hearing) MAY 3, 2009 (Date of Award)