

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

CENTENNIAL COLLEGE, TORONTO
SECRETARY/RECEPTIONIST SCHOOL OF CONTINUING
EDUCATION AND CORPORATE TRAINING

OPSEU Files 2007-0559-0021

Appearances:

Rasho Donchev and Rathimala Thambithurai for OPSEU

Nancy Fisher, Bev Shugg Babeito and Gary Brown for Centennial
College

Hearing held February 8, 2008 at Toronto, Ontario

Decision released February 18, 2008 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 Secretary/Receptionist, School of Continuing Education and Corporate Training at Centennial College. The grievance was brought by Rathi Thambithurai, the sole incumbent in the position.

2. In an informal process, I asked questions and heard the views of the grievor, as well as Manager Operations and Finance, Gary Brown, the grievor's supervisor. Information and submissions were also provided by the parties' spokespersons, Rasho Donchev for the Ontario Public Service Employees' Union (OPSEU) and Bev Shugg Babeito and Nancy Fisher for Centennial College.

3. Article 18.4.3.2 of the collective agreement requires that the arbitrator issue a brief written notice of decision within 14 days of the hearing.

4. The parties initially disagreed about the rating that should be given on 6 subfactors. In the course of the hearing, OPSEU reviewed its position on factor 9, Physical Effort and agreed that the present rating of Level 1, with an "Occasional" at Level 2, was accurate.

5. 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.

2. Experience

6. 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.

7. The Position Description Form (PDF) indicates that a minimum of two years experience is required. The job posting from which the grievor was awarded the position indicated that a minimum of three years of experience was required. The grievor explained that she possessed three years of experience when the job was awarded to her.

8. The College argued that one year of experience was sufficient. It acknowledged that the PDF showed two years of experience. But the College argued that when the grievance was filed, it realized that this position was inconsistent with other reception-

type positions in the College. The College's representative explained that similar positions were reviewed on both the Education and Experience factors and it was determined that a combined total of three years was appropriate. So, if the Education required was two years, then the Experience required was one year, or if the Education required was one year, then the Experience required was two years. The College said that it considered the components of its own two-year diploma in Office Management, which includes a work placement and teaches a range of practical skills that make students "job ready". As a result, the College submitted, someone coming to the job with a similar two-year diploma would only require an additional one year of office experience. The College noted that the job posting on which OPSEU relies occurred before the new job evaluation system was implemented, so it is not a fair reflection of current needs.

9. The College acknowledged that it had failed to update the PDF due to a vacancy in the position responsible for making such changes. As a result, the College failed to note that the PDF had not been updated when it agreed that the PDF as written is accurate.

10. OPSEU acknowledged that the College has the right to change the Experience requirement of a job, and accepted the reduction from three years (as on the job posting) to two years, as set out on the PDF. However, OPSEU did not believe that the College had justified the reduction to one year. OPSEU argued that the Secretary/Receptionist is required to train new part-time Secretary/ Receptionists; be knowledgeable about a range of business equipment and software applications that are unique to the College, and possess enough knowledge to be able to assist students to access and make use of that software. This is not, OPSEU argued, a typical office. The Secretary/Receptionist sits in a prominent place in the very busy lobby of the School of Education, which has 8,000 students enrolled each semester. The PDF records that the incumbent is responsible to provide accurate and timely information for all Continuing Education courses. There are 160 Continuing Education programs and approximately 1,200 courses per semester. For many of the students, English is a second language, and the Secretary/Receptionist is challenged in providing the information required.

11. I appreciate the need and desire of the College to maintain consistency in its job evaluation results. Consistency in establishing relative values is an important goal in the application of every job evaluation system. However, on my review of the PDF, and the particular demands of the position as outlined in OPSEU's submissions above, I have difficulty seeing how an incumbent with only one year experience in an office environment could satisfactorily perform the duties of this position, even with an educational background that included a work term. To be successful in this position, the incumbent must be organized, unflappable in the face of constant requests for service, very knowledgeable about Continuing Education programs, able to assist students in the use of College software and confident enough to teach the part-time receptionists how to function effectively. It is unlikely that one year of work would provide the range of experience, and just as important, the confidence required to assist others, whether students or part-time employees.

12. I conclude that the minimum experience required is a minimum of two years, for 39 points. Because the PDF was never changed to reflect the College's revised position, it does not have to be amended as result of this award.

5. Guiding/Advising others

13. 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.*

14. The College suggests Level 2, *Guide others so they can complete specific tasks.* OPSEU submits that Level 3 *Advise others to enable them to perform their day-to-day activities* is more appropriate. The definitions and Notes to Raters are important. "Guide" is defined as "demonstrates correct processes/procedures for the purpose of assisting others with skill development and/or task completion." "Advise" is defined as "has the authority to recommend or provide knowledgeable direction regarding a decision or course of action".

15. The Note to Raters provides a clarification of the differences among Levels 3, 4 and 5. Level 3 is explained as; "this may be a position with a particular area of expertise (eg. 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".

16. It is acknowledged that the Secretary/Receptionist plays a role in the training of part-time secretary/receptionists who work in the evenings. The grievor's supervisor said that new part-time employees are trained on the Colleges' e-mail and intranet systems by others, but that the incumbent would provide all of the other training. The manager would arrange for the part-time person to come in a couple hours early, for a couple of days, to overlap with the incumbent. Mr. Brown said that he would introduce the new person to the Program Officers in the department, but would depend on Ms. Thambithurai to show the part-time person how the desk is organized, where forms are kept. He said that you really have to be "at the desk" responding to inquiries and seeing how information is found and relayed to students to really understand how to perform the job.

17. Ms. Thambithurai said that the most important thing to show new people is the phone system and how to find the numbers of people in the department and elsewhere on campus. She said that she would also explain what course of action to take when certain things happen, like calling all the students in a class when the teacher has cancelled a class. Ms. Thambithurai is also responsible for orienting temporary employers (from the I-Centre) when they are needed to fill in for absent part-time secretary/receptionists.

18. The parties do not disagree about what tasks the incumbent is responsible for in respect of guiding and advising, but disagree about what Level it translates to. I think that Level 2 fits best. The grievor's role with part-time and temporary employees does not reach the level of "Advise" as defined in the job evaluation system; she does not recommend or provide direction for a course of action, A review of the Notes to Raters indicates that Level 3 is not a good fit; the grievor does not have a particular area of expertise which is used to help others complete their tasks. In my view, the grievor's responsibilities are more in the area of "guidance". She demonstrates correct processes and procedures to help the part-time employees complete their assigned tasks.

8. Communication

19. 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 the differences between levels 2 and 3:

“ ‘Explain’ and ‘interpretation’ in level 2 refers to the fact that it is information or data in which needs to be explained or clarified. The position exchanges basic technical or administrative information as the normal course of the job and may be required to deal with minor conflicts or complaints. This level may also include exchanges that are of a more complex nature where all the parties to the communication are technically competent. That is, for those people the communication is relatively basic as they share a vocabulary and understanding of the concepts.

‘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”.

20. The parties agree that much of the information that was important to consider for factor 5, "Guiding and Advising Others", set out above, is relevant to this factor too. OPSEU also focused on Ms. Thambithurai's role in helping students log onto "my centennial" and Blackboard, College intranet sites. The information may be provided to student in person, or over the phone and the grievor would walk them through the process, step by step.

21. OPSEU said it would not be unusual for Ms. Thambithurai to solve conflict issues at the first stage, including a service complaint about a part-time secretary/receptionist. It is agreed that more significant conflict issues would be referred to one of the Program Officers or to her manager. The union asserts that Level 3 is appropriate because OPSEU sinterpret her communication tasks as involving "communicating technical information and advice to secure understanding".

22. The College argued that Level 2 was the best fit. The examples of Ms. Thambithurai all demonstrate providing technical information and advice. But there is no need to "explain" and "interpret" as those words are defined in the job evaluation system. The College conclude that the grievor is not responsible for ensuring that students fully understand-that is a role for others, such as the Program Officer.

23. I find that Level 2 is a better fit. While the incumbent is responsible for communicating about a wide range of programs and providing complete and accurate information about them, she is not required to assess students' comprehension of the information, and then look for ways to interpret, re-define or take other steps to ensure their understanding.

10. Audio/Visual Effort

This factor read as follows:

This factor measures the requirement for audio or visual effort. This factor measures the following two aspects:

- a) *the degree of attention or focus required, in particular for:*
 - periods of short, repetitious 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.

Two of the Notes to Raters are particularly relevant to this job:

“5. In determining what constitutes an interruption or disruption, you must first decide whether the “disruption” (i.e. 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 assigned tasks or duties while tending to customer requests, then those requests cannot 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”.

24. The parties agree that interruptions are an integral or primary responsibility of the positions. The PDF allocates 75% of the time in the job to providing frontline customer service to students, staff and visitors by phone and in person. Other tasks include calling a list of students to advise them that a class is cancelled, preparing Word documents for the manager, arranging room bookings and catering orders for meetings and posting student marks in the College database at the request of a teacher. The “other tasks” described in this paragraph comprise approximately 3% of the remaining 25% of the tasks of this position.

25. The parties agree that Level 2 “regular and recurring long periods of concentration; or occasional extended periods of concentration” is appropriate. What they disagree about is whether the effort is “Focus maintained” or “Focus interrupted”. Those terms are defined:

“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.”

26. Most of the tasks that the grievor performs that require concentration would not demand a significant effort to return to. Booking a meeting room, or completing a catering order do not engage a lot of thought. Posting marks, on the other hand, may require a refocus, because of the need for accuracy and returning to a computerized database. I must take into account that the primary activity of this job is customer service and the Notes to Raters reminds me that demands for service are not interruptions to be counted under this factor. It is only a small portion of the remaining 25% of the job duties that comprises tasks demanding concentration, and only an even smaller portion where interrupted focus requires backtracking to

determine where she left off. I conclude, then, that Level 2, Focus Maintained, is the better fit.

11. Working Environment

27. This factor is defined as follows:

This factor looks at the environment in which work is performed and the extent to which there exists undesirable or hazardous elements.

28. Level 1 is defined as "Acceptable working conditions." Level 2 is defined as

"Working conditions involve:

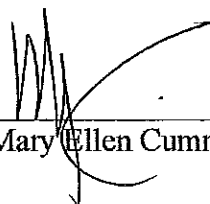
- difficult weather conditions
- smelly, dirty or noisy environment(s)
- exposure to very high/low temperatures
- verbal abuse
- working in isolated or crowded conditions
- travel"

29. The parties agree that the grievor has some exposure to the conditions outlined in Level 2. The dispute is whether it is "regular and recurring" or "occasional". Ms. Thambithurai works in an open area near the entrance to the School of Continuing Education. It is somewhat noisy, with people coming and going, and groups of students or staff congregate to chat. Although OPSEU also argued that Ms. Thambithurai, because she is faced with angry students complaining, for example about the cancellation of a class, is subject to "verbal abuse", those conditions do not meet the definition. "Verbal abuse" is defined as "more than dealing with someone who is angry or upset". Therefore the only condition I have to consider is a sometimes noisy environment. I am not satisfied that the environment is noisy enough of the time to warrant the conclusion that it is a "regular and recurring" aspect of the job. I find that Level 1 with an "occasional" Level 2 is the best fit.

Summary

30. I have determined that the only factor that should be amended is 2, Experience and it should be found to be at Level 3, for 39 points. This raises the total score for this position to 340 points, payband E.

Dated at Georgetown Ontario, this 18th day of February, 2008.



Mary Ellen Cummings

Arbitration Data Sheet - Support Staff Classification

College: Centennial Incumbent: Rathi Thambithurai Supervisor: Gary Brown
 Current Payband: D Payband Requested by Grievor: F

1. Concerning the attached Position Description Form:

X 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						
1B. Education	1	3			1	3						
2. Experience	2	24			3	39			3	39		
3. Analysis and Problem Solving	2	46			2	46						
4. Planning/Coordinating	2	32			2	32						
5. Guiding/Advising Others	2	17			3	29			2	17		
6. Independence of Action	2	46			2	46						
7. Service Delivery	2	29			2	29						
8. Communication	2	46			3	78			2	46		
9. Physical Effort	1	5	2	6	1	5	2	6				
10. Audio/Visual Effort	2	20			2	35			2	20		
11. Working Environment	1	7	2	9	2	38			1	7	2	9
Subtotals	(a) 310		(b) 15		(a) 415		(b) 6		(a) 325		(b) 15	
Total Points (a) + (b)	325				421				340			
Resulting Payband	D				F				E			

Signatures:

(Grievor)

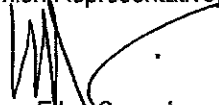
(Date)

(College Representative)

(Date)

(Union Representative)

(Date)


 Mary Ellen Cummings
 (Arbitrator's Signature)

February 8, 2008
 (Date of Hearing)

February 18, 2008
 (Date of Award)