

IN THE MATTER OF A
CLASSIFICATION GRIEVANCE

BETWEEN:

OPSEU LOCAL 109

-and-

FANSHAWE COLLEGE

**Regarding the Classification of
Facilities Management- Intermediate Accountant
OPSEU #2007-0109-0012**

BEFORE : Kathleen G. O'Neil, Single Arbitrator

For the Union: André Savoie, Grievor
Marg Rae, President, OPSEU Local 109
Harold Sobel, Advisor

For the College: Sheila Wilson, Manager, Labour Relations
Harry Bakker, Director, Facilities Management
John Fleming, Manager, Financial Services

A Hearing was held in London, Ontario on November 19, 2008

A W A R D

This decision deals with a grievance dated March 14, 2007 claiming that the position of Facilities Management-Intermediate Accountant, currently held by Mr. André Savoie, is incorrectly classified at Payband G and asking that it be reclassified upward to Payband J. The employer maintains that the job is properly classified. Such disputes are decided by application of the recently revised job evaluation scheme, on which both parties have agreed, detailed in the “Support Staff Job Evaluation Manual”, which is referred to simply as the Manual below.

Overview of the Facilities Management-Intermediate Accountant Position

The incumbent in the position entitled Facilities Management – Intermediate Accountant is responsible for providing administrative support to facilities managers and project coordinators, by administering financial services and processes for the Facilities Management group at the College. This group is primarily responsible for physical plant construction and operations, health and safety, as well as campus security. The grievor reports to its Director. The grievor’s position was created in 2004, and he is its first incumbent. Major job duties include preparing and monitoring budgets for the facilities and their operations such as utilities usage. This includes significant involvement with electronic accounting programs and databases, including modifying them, and helping others learn how to use them. Part of the job is supporting coordinators for construction and other projects, as well as comparing data concerning benchmarks among other colleges and reporting on his findings.

I. THE PDF

The union proposed several amendments to the Position Description Form (PDF), to capture more detail of the grievor’s current work. The parties agreed on a few of these. Firstly, it was agreed that interaction that the incumbent has with Vice Presidents could be acknowledged somewhere in the PDF, but that it was not necessary for it to be in the job summary. In my view, this level of contact may be sufficiently captured in references to College Senior Management in various places in the PDF, but if the parties wish to make further specific reference to this level of contact, I will leave it to them to work out where. As well, the following changes to the PDF were agreed during the course of the hearing:

In the section of the PDF for Planning/Coordinating, Example #3, regular and recurring:
Insert “and Budget Package preparation” after the word “processes”

In the section of the PDF for Independence of Action:

Insert into the first box under regular and recurring: "college policies, Facilities strategies, general guidelines" after the word "regulations";

Insert into the second box under regular and recurring: "OCFMA and APPA guidelines" after the word "(GAAP)".

Turning then to the disputed matters in the PDF, I would note that as a general matter, a PDF is intended to be a clear statement of the duties assigned by the College, and, as the classification manual says at pg. 1:

It is not intended to represent a detailed working procedure nor a list of miscellaneous duties that are infrequently assigned to the position.

In this light, when deciding whether to accept a request to add more wording to an already quite detailed PDF, I am inclined to try to keep the document as concise as possible, as long as the document adequately describes the job as designed and assigned. Accordingly, if the matters raised are already covered somewhere in the PDF, it is usually not necessary to add further language on the same subject. As well, where the agreed forms call for up to three examples for regular and recurring functions and two for occasional, it is appropriate to keep to those limits. Further, where specifics can change over time, it is preferable to use general language rather than, for instance, specifying current dollar amounts when referring to the size of a budget. However, such information can be useful in briefs or at the hearing to assist the arbitrator in understanding the scope of the job.

I have reviewed the changes to the PDF in dispute, and am not persuaded that they are necessary to capture the essentials of the job in dispute. Further, I find they are reflected in other parts of the PDF dated March 1, 2007 drafted by the College, with a few exceptions which go beyond what the College has assigned. In particular, I accept the College's submission that "audit" is used only for a specific auditing function by someone external to the department being audited, rather than the reviewing and verifying of financial information performed by Mr. Savoie. The College acknowledges that he has become involved in providing material from his division to an internal auditor who reports to the Vice President, but underlines that he will not be performing the internal audit himself. The incumbent indicated that what he meant by audit was to verify costs, a function which I find to be adequately covered in several parts of the PDF. Further, the word "negotiate" has a defined meaning under the current evaluation system, which is not something the College has assigned to this position, and for which the union is not seeking additional points *per se*. Caution is required when using terms defined in a certain way in the Manual in a PDF. Defined terms are meant to be understood in the defined way and to attract

points at the level of the defined term. Accordingly, using them in the PDF when this is not intended is a confusing practice which should be avoided where possible.

The incumbent wished to add specific reference to computer work he has done in a number of places in the PDF, in particular in the area of programming. Although presented in much more general language, I am satisfied that the PDF sufficiently captures the assigned responsibilities in this area, for example, under section 1(b) of the Duties and Responsibilities section and in the examples under the factor Analysis and Problem Solving.

II. FACTORS IN DISPUTE

The six factors still in dispute will be discussed in turn. They are:

- i. Education 1A
- ii. Experience
- iii. Analysis and Problem Solving
- iv. Planning and Coordinating
- v. Independence of Action
- vi. Communication

i. Education 1A

The College has listed the minimum educational requirement as a 2 year diploma or equivalent, while the union submits that it should be at the level of a 3 year diploma/degree plus professional certification or equivalent.

The Job Evaluation Manual underlines that this section identifies the minimum level of formal education that is required to perform the responsibilities of the position and does not measure the educational background of the incumbent. In this regard, the incumbent came to the job with a 4 year degree and courses leading to the CGA designation, a combination which represents a substantially higher level of educational preparation than either party claims as the appropriate minimum. At the time he entered the job, it was posted as a two year educational requirement, but during the review of the job as part of the implementation of the new job evaluation system, it was at one point rated as 3 years. When the incumbent challenged the experience rating for the job, which will be dealt with below, the College revisited the educational requirement. The result was disturbing to the union in that, not only did the College not agree with the union's claim for the experience factor, but reduced the rating for education. The College explains that the three year level appeared in a version of the PDF before the job description had been approved by the evaluation committee - that no one with a mandate to agree to a PDF had agreed to three years, although it may have been a proposed level. Further, the College notes that the two factors of education and experience are interrelated, and that it is appropriate to review one in light of the other, as they are two areas in which a candidate can demonstrate qualifications for the job.

The union defends its claim for the higher level on the basis that the job demands have increased over time, including inheriting tasks concerning the significant portfolio of utilities from a departing staff member whose job was rated three levels higher, as well as the significant portion of the job related to information technology, much of it developed by the incumbent. Mr. Savoie notes the amounts of money he is dealing with are in the millions, the databases he has created are very complex and the courses being suggested to him to better prepare himself for the job include advanced computer courses and human resources courses for the aspect of the job which involves managing people. All and all, he does not see how someone with a two year diploma would have the capacity to handle it all. Further, he said that the accounting courses would never have the training in programming or the technical aspect of reading architectural drawings necessary to the demands of the job. Even with over 10 years experience, he has found creating accounting systems challenging.

By contrast, the College looks at the Education factor, with its two parts, and the Experience factor together, in order to avoid double counting. In general, the College stresses that it has the right to define the position, and the incumbent's job is considered an intermediate accounting role, which does *not* require any accounting designation, which is what would be indicated by the level sought by the union, i.e. "3 year diploma/degree, trade certification, or equivalent". However, courses towards a professional accounting designation, at the significant level of 101 to 520 hours, are required in the "Education B" portion of this factor, which is not in dispute. Further, the College is of the view that the programming portion of the job would be captured in either the two-year diploma or enrollment in courses towards the CGA designation. Together with the three years required under the "Experience" factor, the College maintains that this bundle of preparation would equip a candidate to perform in the job at the entry level.

The union takes issue with the idea that a standard accounting course would teach the types of computing, including coding, which goes well beyond data entry, which the incumbent is doing in this job. The incumbent himself learned his programming skills during ten years of experience in industry prior to coming to the College, and additional courses taken prior to and after starting the job.

To this the College replies that the Notes to Raters in the Manual instructs that it is today's educational standards that are to be measured, rather than the educational background of the incumbent, and that they are confident that the bundle of preparation called for would, in today's environment, adequately equip a candidate. As well, when dealing with the discussion of the Experience factor, also in dispute, Mr. Bakker, the grievor's supervisor, indicated that if the

incumbent had been unable to do the programming function himself, the informational technology department would have been able to develop the necessary tools for use by the person in the position.

This is the kind of dispute in which it is important, albeit difficult, to separate the incumbent and his considerable skills and experience from the minimum level of requirements for a job. And although the manual states that the PDF is to describe the position as it now exists, it is still meant to measure the position as designed, rather than what a particular incumbent has made of the job, unless the College is defining the job at that level. Most importantly, in the area of education, the Manual is very clear that what is being measured is the *minimum* level of formal education required. In this case, the incumbent came with a much higher level of educational preparation than the posting called for, and, especially after several years of experience in the job, is likely working at a level far beyond what a new incumbent with the minimum educational preparation would do. As well, it is appropriate, in interpreting the Manual's direction to apply "today's standards", to consider that the role of information technology appears to be increasing in all areas of education and it would be surprising if that did not include accounting. Additional education beyond the minimum will be an asset to a candidate in securing a job, as well as additional value to the College, but it is not what is being evaluated. In this respect, I am not persuaded that the College's package of required qualifications is inadequate to the job as described.

In the result, the College's rating of the factor Education 1A is confirmed.

ii. Experience

This factor measures the typical number of years of experience, in addition to the necessary education level discussed above, 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, i.e., the minimum time required in prior positions to learn the techniques, methods and practices necessary to perform this job. Again, this experience may be less than the experience possessed by the incumbent.

The College has rated this at a minimum of 3 years, with the following specification:

Relevant experience in statistical/accounting work. Colleges experience an asset. Must include experience with Excel, WordPerfect/Word and Powerpoint Presentation.

By contrast, the union asks for a minimum of 5 years, and wishes to add many more specifics as to computer competencies. The incumbent notes that, when the position was posted in 2005, 5 years experience were required, and that the responsibilities of the job have only increased since

then, so that it does not make sense in his view to require fewer than five years. Further, the incumbent notes that this was not a case of a very old job description, so that there should be no change in the standard required, particularly as there is no mention of the many other computer skills needed for the job.

The College explains that the level of experience required for different jobs across the College was quite inconsistent prior to the recent review of all the job descriptions. In updating them all, they tried to be consistent in providing the minimum level of experience to learn how to apply the material learned in the education required, as required by the manual.

It is very difficult to define with any precision the minimum level of experience to learn to apply a certain level of education, particularly as individuals vary greatly in what they retain and how fast they can learn to put it into practice. Further, we are again in the circumstance where the incumbent came with much more experience than the minimum required. There is much to be said for the straightforward proposition that, since the job responsibilities have not decreased, one wonders why the years of experience required should be reduced. Nonetheless, there is also much to be said for the College's response that in today's environment some of the computer skills emphasized by the incumbent would now be part of the package of learning and experience set out, keeping in mind that this is the minimum level required. Further, as to the programming functions that the incumbent has performed, the College notes that this is not an ongoing requirement, and that the incumbent would have been hired without them, and arrangements to bring in someone to start up the database would have been made as necessary. Since this is an area in which it is hard to be precise, and in light of the College's right to determine the job qualifications, on balance, I am not persuaded to add the proposed additional computer qualifications to the PDF, or that I should disturb the College's rating.

iii. Analysis and Problem Solving

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 factor at Level 3, which reads as follows:

3. Situations and problems are identifiable, but may require further inquiry in order to define them precisely. Solutions require the analysis and collection of information, some of which may be obtained from areas or resources which are not normally used by the position.

The union maintains it should be rated at Level 5, as follows:

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 following wording describes Level 4, which falls between the two proposed levels:

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.

Relevant definitions of terms in this range of factor descriptions are 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.

Analysis - to separate into parts and examine them in relation to basic principles to determine how they fit together or cause the problem.

Relevant Notes to Raters read as follows:

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 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.

3. To clarify the differences between levels 1, 2 and 3:

...At level 3, the types of problems that are encountered are readily identifiable but the position must be able to identify when additional information is needed to clearly understand the problem or situation. In order to develop an appropriate solution, the position will need to gather more information. In many circumstances, this additional information or clarification will be readily available, but there will be times when the position will need to seek the additional information from a source it is unfamiliar with.

Level 2 versus level 3 - wording in a PDF that suggests there is a need to get additional information, such as problems that require the incumbent to look at several sources of information or ask questions of other departments, does not necessarily mean that level 3 would apply. For example, if dealing with a question regarding a "hold" on a student record, the incumbent might have to

check several screens on the student record system to see if it is a financial hold, or an academic hold, and might even have to contact the academic or finance department for an answer. However, these are procedural steps that should be followed one by one until the problem is identified and solved. There may be some judgement (level 2) in deciding which step to try first, but the analysis, if any, is quite straightforward (level 2).

For level 3, the incumbent would be gathering information, analyzing each new piece of information in relation to the other pieces, and possibly exploring new or unusual directions to seek more information based on the results of the investigation or analysis.

Starting with the current rating at Level 3, there is much about it that appears to be a good fit, especially in light of the notes to Raters. Firstly, the notes indicate that consideration can only be given to the extent that judgment is allowed within the constraints of the position, and that it is not the incumbent's capability that is being measured. Further, the description of an incumbent who gathers information, analyzes each new piece in relation to the other and possibly explores new or unusual directions to seek more information based on the results of the previous analysis describes quite well the examples in the PDF.

The first example in the PDF for this factor, dealing with cost variances, indicates that the incumbent extracts information in order to identify variances, and determine their cause. In doing this, he is definitely analyzing each new piece of information in relation to others, and sometimes has to explore new or unusual ways to organize the information to find the root cause. The second example concerns assessment and analysis of budget tracking for projects. This involves reviewing and adjusting budgets and verifying expenditures, which can be complex because of the number of projects involved. However, the analysis described is extracting and combining data for analysis and assessment purposes, and then reviewing and comparing budget to actual experience to assess the acceptability of inconsistencies, and to determine the materiality of variances according to generally accepted accounting principles. All of this fits well within the concept of collecting and analyzing information. The third example, which deals with identifying variances between budgets and actual use of utilities, is similarly consistent with the idea of analyzing each new piece of information in relation to the others.

In regards to this third example, the incumbent indicated there were two occasions where the problem turned out to be gas leaks, which were not readily identifiable. In one, he was able to identify a gas leak as the cause of an unexplained balloon in gas charges at a time where a specific building was showing very low usage. Although the union argues that this example shows that the position is at level 4, this example is both an unusual occurrence and adequately captured by the Level 3 note to raters. The usage figures and gas charges were readily identifiable as part of gathering financial information, but the incumbent had to seek and explore

new directions, such as looking at the architectural drawings, going down to the building and smelling the leak to get the further information he needed in order to adequately explain the elevated charges compared to the low usage figures. The solution was obtained from an area or resource not normally used by the position, i.e. physically investigating the location and then reporting the information so that the leak could be fixed by the local gas company. This shows that the incumbent was able to identify that more information was necessary to clearly understand the problem or situation. Once the information was available, the solution was fairly straightforward. Faulty meters were identified with the supervisor of the mechanical and electrical team, the utility company was contacted, and they fixed the leak and made recommendations about maintenance of filters.

The incumbent also offered an example of an occasion when the installation of VISTA on staff computers inadvertently resulted in unauthorized access by certain users to confidential information. The incumbent was able to ascertain that VISTA had stripped internal controls and he was able to develop a solution. Although this example does fit better at Level 4, it appeared to be an unusual, non-recurring event, rather than an essential part of the job, which is what is to be rated.

An area that is not specifically covered by Level 3 concerns the frequent usage in the PDF of the requirement for the incumbent to use generally accepted accounting principles (GAAP), for instance to determine the materiality of variances between actual and budget figures, something that is listed in all of the regular and recurring examples in the PDF for this factor. This is an area that could involve the exercise of judgment more in line with the second sentence in Level 4, which involves the interpretation and analysis of a range of information according to established techniques and/or principles. The phrase “established techniques and/or principles” is defined as set out above to include, in professions, a systematic procedure to accomplish a task.

In relation to where the incumbent’s use of GAAP fits within the evaluation scheme, the College submits that the job has to be evaluated as a whole, and that it is not a full accounting position requiring an accounting designation, with which would come the professional principles. The fact that the framework for an intermediate accountant such as the incumbent includes working within the GAAP principles is not sufficient, in the College’s view, to take the matter out of Level 3, when all the other variables are factored in. Specifically, the College maintains that the first sentence of Level 4 is not a good fit, in that situations are generally identifiable, and well covered by the first sentence of Level 3 which indicates that generally situations and problems are identifiable, but may require further inquiry. Further, the College representatives point out that all the incumbent’s work is reviewed by accredited accountants in the finance department, and that the incumbent

would often be consulting with them. It is acknowledged that he is involved in entering data with high numbers, but his entries are considered pending until approved by others.

As for Level 5, I am not persuaded it is the best fit. In particular, although the area of managing the College's facilities may be complex and multi-faceted, the symptoms of the typical problems dealt with in the PDF and the evidence were not vague, e.g. cost variances are very specific. Although information about some problems might be incomplete, such as with the gas leak example, most of the symptoms described at the hearing and in the PDF were apparent in the data reviewed by the incumbent. More importantly, the second sentence of the Level 5 criteria, requiring solutions according to generally accepted principles, does not apply well. The Manual's prescribed definition of generally accepted principles at this level is the collectivity of moral or ethical judgments, which is quite different and broader than the generally accepted accounting principles used by the incumbent to assess variances. Since Level 5 is not a good fit, in my view, the choice is between Levels 3 and 4.

Level 3 is a quite decent fit, but, as noted, there are some aspects of the job that appear to relate to level 4. In the circumstances, it is necessary to choose the "best fit", or the more appropriate of the two. The factor Analysis and Problem Solving deals with solving problems, a process which requires both the identification of the problem, and its solution. The Notes to Raters, a compulsory part of the evaluation system, list a variety of considerations which are helpful. Foremost among these is the directive that consideration can only be given to the extent judgment is allowed, within the parameters and constraints of the duties. It is a bit curious, given this direction, that none of the factor definitions use the word judgment at all. Nonetheless, in light of the notes to raters which appear to use judgment as a key element in terms of what one is allowed to do in terms of defining and solving problems, one can attempt to infer the level of judgment from the factor definitions, which should be incrementally higher with each level. The first note to raters gives a list of factors, such as how problems are defined, and the range of choice of action, to consider in this regard.

Firstly, at level 3, it appears that judgment is necessary to know when further inquiry is necessary to define problems or solutions. For Level 4, by contrast, the problems are not readily identifiable, presumably requiring more judgment to identify them, through investigation and research, as opposed to just further inquiry. Investigation and research are not defined terms in the manual, but a dictionary definition (The Canadian Oxford Dictionary, Oxford University Press 2001) indicates that investigation means a formal examination or study, and research, a systematic study to discover new or collate existing information. Research is not a term used in the PDF's examples for analysis and problem solving, but the word investigates is used in relation to

determining the root causes of variances and creating spreadsheets to assist with their analysis and reporting and recommendation for correction to the internal clients. Focussing on the three regular and recurring examples, all relate to monitoring data and figures to identify, report on and correct variances between budgets or other reference documents. The two occasional examples deal with developing a tool to provide information and urgent reporting for additional funding. The judgment, or range of choice of action, defined by these examples relates more to how to extract and present information than what decision to make to solve the financial problems themselves. Nonetheless, there are instances where recommendations are made to others for resolution of material variances and he is empowered to correct self-evident errors. It is clear that spending decisions are not part of the incumbent's job, except to the extent that he verifies whether purchase orders or invoices are within previously approved budgets before they are paid. Rather, his job, as described by the PDF, is focused on collecting, tracking and analyzing data to surface problems.

In the end, I find the most useful indicator for choosing between the two factors is whether the situations or problems are readily identifiable or not. I am not persuaded that, in general, the problems presented to the incumbent are not readily identifiable, which is a necessary criterion for Level 4. Rather, it would appear that the application of the accounting processes the incumbent uses are able to readily identify variances and other data necessary to surface accounting issues, and that their solutions at the incumbent's level generally require collecting the appropriate information and analyzing it, all of which is adequately captured at Level 3. In this context, I consider the generally accepted accounting principles to be a main tool for analysis of the information collected, which is adequately captured at Level 3. In sum, and although it is true that the use of the GAAP can fit into the second sentence of Level 4 as well, I do not find Level 4 to be the best fit because of the requirements of the first sentence that situations and problems not be readily identifiable.

Accordingly, the College's rating for the factor Analysis and Problem Solving is confirmed.

iv. Planning and Coordinating

The dispute between the parties is between Level 2, attributed by the College, and Level 3, sought by the union.

The Manual's Description of Level 2 is:

2. Plan/coordinate activities and resources to complete own work and achieve overlapping deadlines.

The Manual's Description of Level 3 is:

3. Plan/coordinate activities, information or material to enable completion of tasks and events, which affect the work schedule of other employees.

"Affect" and "Other employees" from Level 3, are defined terms, whose definitions read as follows:

Affect - to produce a material influence upon or alteration in.

Other employees - includes full-time, part-time, students, contractors

The Notes to raters for this factor provide, in relevant part, that:

2. Planning is proactive while coordinating is reacting and organizing in response to planning.

3. To clarify the differences between levels 2, 3 and 4:

Level 2 - the position plans and prioritizes its own activities. Planning and coordinating are typically focussed on completion of assigned activities within established deadlines or procedures (e.g. scheduling, coordination of data for reports, setting-up of new software in a department to meet specific business needs). The position may coordinate or make arrangements for an event by coordinating the calendars of others.

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).

The examples given in the PDF are a mix. The first, dealing with providing financial liaison for energy conservation and utilities improvement strategy seems well captured by Level 2 as it involves coordination to provide accurate information, which is captured by the Level 2 element "coordination of data for reports". The second example, providing training on incumbent-created data bases, involves scheduling training sessions, which would appear to affect the schedules of others, evoking Level 3, but is also partially reflected in the reference in the Level 2 notes to raters of coordinating the calendars of others. The third example, development and coordination of the internal chargeback process goes well beyond this type of coordinating calendars, and is

more appropriately viewed as Level 3 in that it involves analyzing and organizing accurate and timely records for hundreds of concurrent projects, as well as the development of an easy to use chargeback process and communicating it effectively to over 20 project coordinators and managers. Further, this portion of the PDF specifies that the incumbent determines deadlines according to project time and College accounting cycles, as well as deciding whether process changes are required.

The grievor mentioned that the title of this job when he started was financial coordinator, and that it continued to be descriptive of what he does. When he has a deadline, such as a budget review or to prepare information for back-up for grants, the grievor schedules backwards, including meetings with project coordinators in a sequence which will give him the input he needs, which he then reviews with the managers. For certain data he has to coordinate with computer technicians and systems analysts, and he might have to say "I need the information immediately" and the other employee would change his schedule to provide it.

He also assists in the preparation of a report for 24 colleges who share data on benchmarks for facilities utilization. He needs to coordinate the receipt of information from all 24 colleges, and follow up if he does not get it on time.

Thus, there are elements of the job at both of the levels in dispute here. As to the best fit, it is my view that Level 3 is a considerably better fit, in that his planning and coordination of both information and meetings with internal clients is crucial to enabling the completion of all the budget tasks in the facilities management area. Further, it affects the work schedule of others, particularly the project coordinators and managers with whom the incumbent regularly works to prepare and verify data for budget and other financial reporting purposes, as well as recommending solutions and implementing agreed on changes. Also, the assigned computer work which requires the creation of databases and other tools, involves the selection and adaptation of methods, as well as showing others how to use them which affects their schedules, going well beyond level 2.

In the result, the rating for Planning and Coordination should be raised to Level 3.

v. Independence of Action

This factor measures the level of independence or autonomy in the position. The College has rated Independence of Action at Level 2 and the union seeks Level 3. The two levels are defined as follows:

2. Position duties are completed according to established procedures. Decisions are made following specific guidelines. Changes may be made to work routine(s).
3. Position duties are completed according to general processes. Decisions are made following general guidelines to determine how tasks should be completed.

The Manual defines the words “procedure” and “guideline” from level 2, and “process” from Level 3 as follows:

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

Guideline - a statement of policy or principle by which to determine a course of action.

Process - a series of activities, changes or functions to achieve a result.

The Manual further provides that the following elements should be considered when choosing the rating level:

- 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.

Notes to Raters:

....

2. When determining the guidance and direction provided also consider the checks and balances that are in place to verify the work. This includes activities, such as feedback by end users, computer system verification routines, other employees reviewing the work, work checked or verified during the next step of a process, supervisor reviews the work.

3. To clarify the differences between levels 2 and 3:

Level 2 - duties are completed based upon pre-determined steps. Guidelines are available to assist, when needed. The position only has the autonomy to decide the order or sequence that tasks or duties should be performed.

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

The area of Independence of Action is one in which it is particularly difficult to separate the incumbent from the job description. In actuality someone with the experience of the current incumbent may consult less and be afforded more independence than someone less experienced. Nonetheless, the job description provides that the job is performed independently,

following established guidelines, GAAP regulations and past practices. Although the word “established” is to be found in the description for Level 2, it is coupled with the word “procedures”, defined as a sequence of steps to accomplish a task, and the element that decisions are made according to specific guidelines. This seems to provide more regimented direction than that described in the PDF and the evidence, particularly when one looks at the note to raters, which says that at Level 2, the position only has the autonomy to decide the order or sequence that tasks or duties should be performed. The examples given in the PDF of the decisions made by the incumbent are:

- Adjustments required in accordance with generally accepted accounting principles,
- work process/ means to perform analysis of large amounts of financial data

These are much better captured at level 3, particularly in light of the note to raters concerning level 3, which provides that the incumbent would have the ability to select the processes to achieve the end result. This is quite appropriate to the aspect of the job in which the incumbent is required not just to choose, but to *develop* reporting processes, using Excel and Access, sophisticated computer applications, the use of which involves more than following pre-determined steps with only the authority to decide the order in which they are performed, which is what the notes to raters describe at Level 2. The evidence supports Mr. Savoie’s assertion that when he is preparing data, for instance to support grants, he is working according to procedures which he creates, figuring out by himself how to pull together data for a variety of projects.

There are necessarily many checks and balances in most financial jobs, and as was noted at the hearing, even management has spending and other limits. The Finance department and computer systems are important controls on the incumbent’s work. Further, the incumbent meets with the Director regularly to discuss outstanding matters and internal clients decide whether or not to act on the incumbent’s recommendations. Nonetheless, the PDF says that the incumbent works with minimal supervision and makes decisions within the scope of his expertise. The decisions which require consultation with his supervisor are only ones that will have an adverse impact or are new, which describes quite a bit of daily autonomy. Further, the PDF provides that Ministry issued guidelines, Generally Accepted Accounting Principles and past practices are what guide the incumbent, which are better described by the wording of Level 3 “general processes” and “general guidelines”, than Level 2’s “established procedures” and “specific guidelines”. The evidence supports a finding that the incumbent performs his work according to general accounting processes, in order to achieve the analysis, tracking, verification, reporting and recommending that make up the bulk of his job. This is particularly so in developing ways to enable better reporting and databases, as well as performing adjustments and determining the materiality of variances according to generally accepted accounting principles. This goes well

beyond authority *only* to establish the order or sequence of tasks, the hallmark of Level 2 set by the notes to raters.

In the result, the factor for Independence of Action should be raised to Level 3.

vi. Communication

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

The College has rated the Communication factor at Level 3:

3. Communication involves explaining and/or interpreting information to secure understanding. May involve communicating technical information and advice.

The union seeks Level 4:

4. Communication involves explaining and/or interpreting information to instruct, train and/or gain the cooperation of others.

Relevant definitions from the Manual are:

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.

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.

The Notes to Raters include the following directions:

"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.

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.

Level 3 is a good fit for the ordinary day-to-day communication done by the incumbent, such as providing information regarding variances to Project Coordinators, or providing reports with recommended corrective action to the Director, managers or Project Coordinators, as well as providing guidance and support on proper accounting policy and procedures. The PDF also lists instructing or training on an infrequent basis, wording which is seen at Level 4, rather than Level 3. As defined, instructing and training require a formal setting rather than the informal guidance provided frequently by the incumbent to anyone who needs it. The incumbent has done training in a formal setting, but very infrequently. It is true, as the College submits, that neither training nor instructing appears in the list of duties and responsibilities of the job. Rather, it is "functional guidance" that is referenced in terms of the incumbent's role in regards to methods for data entry and preparation of analyses and reports. All in all, it is my view that Level 3 is a better fit.

Further, although this is a factor for which there is the option of recognizing occasional activity which goes beyond the regularly assigned level of communication, it does not appear that the formal instruction is done frequently enough to be considered occasional, which is described in the "How to Use the Manual" instructions at paragraph 4a) as "once or twice a month or three or four time per year" in respect of significant duties or responsibilities "without which the position duties could not be performed". I am not persuaded that the formal instruction done by the incumbent is occasional as defined, or essential to the job, especially as there are other training resources in Information Technology.

The incumbent wished to move the phrase "convincing managers to accept an adjustment that adversely impacts the financial condition of the division/department/project is warranted" marked as "Infrequent" from the box for "Imparting technical information and advice" to the box entitled "Obtaining cooperation and consent" and change the frequency to "Monthly". The evidence did not support a finding that it was necessary to do this kind of convincing that frequently. As well, since the decision making power rests with the manager, this function does amount to advice, so that I am not persuaded the initial placement is inappropriate.

In the result, the College's rating for the factor Communication is confirmed.

* * *

To summarize, the College's rating for the factors of Education, Experience, Analysis and Problem Solving and Communication are confirmed, while the factors for Planning and Coordinating and Independence of Action should be raised one Level. This brings the point rating to 551, which falls into Payband H. The Arbitration Data Sheet showing the point rating is attached.

In the result, the grievance is allowed in part. The job should be classified at Payband H, instead of Payband G. I will remain seized to the extent necessary to resolve any problems of implementation or retroactivity which the parties are unable to solve themselves.

Dated at Toronto this 8th day of December, 2008.

Original signed by Kathleen G. O'Neil

Kathleen G. O'Neil, Single Arbitrator

Arbitration Data Sheet - Support Staff Classification

College: Fanshawe College Incumbent: André Savoie Supervisor: Harry Bakker
 Current Payband: G Payband Requested by Grievor: J

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			4	48			3	35		
1B. Education	3	21			3	21			3	21		
2. Experience	4	54			5	69			4	54		
3. Analysis and Problem Solving	3	78		0	5	142		0	3	78		
4. Planning/Coordinating	2	32		0	3	56		0	3	56		
5. Guiding/Advising Others	3	29		0	3	29		0	3	29		
6. Independence of Action	2	46		0	3	78		0	3	78		
7. Service Delivery	3	51		0	3	51		0	3	51		
8. Communication	3	78		0	4	110		0	3	78		
9. Physical Effort	1	5		0	1	5		0	1	5		
10. Audio/Visual Effort	3	50			3	50			3	50		
11. Working Environment	1	7	2	9	1	7	2	9	1	7	2	9
Subtotals	(a)	486	(b)	9	(a)	666	(b)	9	(a)	542	(b)	9
Total Points (a) + (b)		495				675				551		
Resulting Payband		G				J				H		

Signatures:

 (Grievor) (Date) (College Representative) (Date)

 (Union Representative) (Date)

Kathleen O'Neil
 (Arbitrator's Signature) Nov. 19/08
 (Date of Hearing)

Dec. 9/08
 (Date of Award)