

IN THE MATTER OF AN ARBITRATION

BETWEEN:

Georgian College
("The College")

and

OPSEU Local 349
("The Union")

Classification Grievance of Bruce La Brie
2007-0349-0026

ARBITRATOR: Mary Lou Tims

APPEARANCES:

FOR THE EMPLOYER: Angela Cicino
Joyce Goheen
Michelle O'Gay

FOR THE UNION: Dagmar Sepper
Bruce La Brie

Hearing held in Barrie on March 29, 2011.

AWARD

The grievor, Mr. Bruce La Brie, holds the position of Senior Accounts Payable Officer with Georgian College of Applied Arts and Technology (“the College”). I have before me his June 1, 2007 grievance asserting that his position was incorrectly rated by the College at Payband H. The grievance requests that the position be rated at Payband I and that the grievor be compensated retroactive to March 1, 2007.

The grievance challenged the accuracy of the grievor’s job description in effect at the time. The Union confirmed at the hearing, however, that the Union agrees with the content of the May 2008 Position Description Form (“PDF”) before me in these proceedings. It is the rating of four factors which remained in dispute between the parties: Analysis and Problem Solving, Independence of Action, Communication and Audio/Visual Effort.

There were no objections regarding the arbitrability of the grievance or my jurisdiction to hear and determine it.

The Position Summary in the PDF describes the grievor’s position as follows:

The incumbent is responsible for the investigation, development, implementation, testing, documentation and training on the Banner financial modules. This includes system access security, various update and balancing functions to ensure the integrity of the financial system.

The incumbent is also responsible to maintain and co-ordinate an effective Accounts Payable process and assist in the development of accounting procedures to ensure timely and accurate delivery of accounting information. The incumbent responds to various requests for information by designing effective reports and inquiries using a number of reporting tools and assists with the year-end close process.

The Senior Accounts Payable Officer reports to Ms. Michelle O’Gay, identified on the PDF as Manager, Accounting. Mr. La Brie, Ms. O’Gay and Ms. Joyce Goheen, Human Resources, gave evidence in these proceedings which I have considered in reaching the conclusions set out herein. In addition to pre-hearing Briefs filed by the parties, I have also considered the helpful submissions made by the parties’ representatives at the hearing.

ANALYSIS AND PROBLEM SOLVING

The College rated this factor at level 3, Regular and Recurring. The Union accepted this as appropriate, but argued that an Occasional level 4 rating is also warranted.

Levels 3 and 4 Analysis and Problem Solving are described in the Support Staff Job Evaluation Manual (“the Manual”) 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.
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.

The Union urged me to have regard for the PDF as a whole and to take note of “key words” used therein to describe the analytical and problem solving function of the grievor’s position.

It relied as well on the Occasional examples of Analysis and Problem Solving found in the PDF, suggesting that these warrant an Occasional level 4 rating. One example pertains to an “error-out” in the tax code disallowing use of a Blanket Order. The PDF describes that the “problem” is “identified” through a call from a user, leading to further investigation. Steps taken by the incumbent, as described by the PDF, include reviewing Blanket Orders, undertaking a “surface scan” of the commodity in issue, and examining and comparing similar commodities. Upon discovering a conflict in tax codes being utilized, the incumbent revised the commodity tax code to correct the situation.

The PDF set out as a second example of Occasional Analysis and Problem Solving a scenario in which a vendor telephones regarding an invoice and cheque “stuck in the system.” According to the PDF, the incumbent “analyzes the situation to understand how it came about,” searches for and reviews the invoice and the Shipping/Receiving documents, ultimately finding and correcting the problem.

The grievor offered a number of additional examples of Analysis and Problem Solving. He testified that he was asked to ascertain whether transactions with external users upon which HST was to be charged and internal transactions upon which HST was

not to be levied could “fit” within the College’s existing accounting system. He noted the need to ensure that internal and external revenues were not “blended” in the system. The grievor explained that it was necessary for him to gather and analyze information, partly on the basis of past practice.

He also described his role where the Owen Sound Dining Room, which had not been set up as a commercial enterprise, began booking public functions, with the need to collect HST. He investigated the Dining Room’s accounting structure and explained to the Campus Manager that he would set the Dining Room up in the same way that the Barrie Dining Room was structured. He ensured that the Campus Manager would be able to access reports relating to the area, and set up specific accounts in response to the Manager’s “wants and desires.”

Another situation or problem described by the grievor involved the Bookstore and the fact that there was no process in place allowing credits from vendors to be entered into the store’s accounting system. In addressing this situation, it was necessary for the grievor to analyze the transactions needed, and to involve his IT contact, ensuring that the Bookstore and College systems were “in synch.”

The grievor also testified that he receives requests for Cognos reports, not always of the “cookie cutter” variety. He indicated, by way of example, that he was recently asked by the IT Manager for a report regarding amounts paid by the IT and the International departments with respect to a College contract with Skybridge. The grievor indicated that this was a “different type of report” insofar as he had to “split things within one purchase order.”

The Union suggested that the above examples demonstrate that the grievor’s position is confronted with “rare things” which require “extraordinary techniques to identify problems and find solutions.” It argued that the grievor deals on an Occasional basis with situations and problems that “are not readily identifiable” and that require further investigation and research. The Union suggested as well that such problems are solved through reliance upon past practice and through the analysis of information “according to established techniques and/or principles” as defined. It noted the need for the grievor to perform his duties within the parameters of Generally Accepted Accounting Principles (GAAP) and the College Financial Information System (CFIS). Ms. O’Gay described GAAP as guiding accounting principles applicable to all

accountants. She offered as an example of such principles the need to match expenses with revenue for a given reporting period. Ms. O'Gay described the CFIS as the College framework for the reporting of financial information and Mr. La Brie indicated that it identifies where "numbers are slotted in."

The College argued that the examples before me reflect level 3 Analysis and Problem Solving. In the College's submission, although the problems encountered by the Sr. Accounts Payable Officer may "require further inquiry" in order that they be precisely defined, they are nonetheless "identifiable." Ms. O'Gay acknowledged that the grievor performs his duties within the constraints of GAAP and the CFIS, and recognized that GAAP are "available" in addressing problems. The College suggested, however, that problem solving in the grievor's position is based on past practice and involves the straightforward and sequential elimination of possible sources of errors until a solution is found.

Having considered the evidence before me and the submissions of the parties, I am not convinced that a level 4 Occasional rating is warranted in the present circumstances. The PDF examples relating to an "error-out" in the tax code or an invoice and cheque "stuck in the system," reflect identifiable problems. The same must be said of the examples of Analysis and Problem Solving raised by the grievor at the hearing. When considering the viability of fitting the College's marketing entity within existing accounting structures, addressing the accounting structure of the Owen Sound Dining Room, assisting the Bookstore, and preparing reports, in all instances, the problem at hand is identifiable. It may be that "further inquiry" is required in precisely defining situations and problems, but this falls squarely within the level 3 factor definition. In my view, the Notes to Raters pertaining to level 3 aptly describe the examples of Analysis and Problem Solving before me in stating that "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."

Similarly, it is clear that the incumbent collects and analyzes information in order to problem solve, as demonstrated through the evidence. Such analysis did not strike me as simplistic. The parties referenced GAAP and the CFIS, and accepted that the grievor works within the parameters of both. Both the grievor and the College agreed, however, that the analytical task involved in problem solving is based to some significant extent on

past practice. That is well reflected in the evidence before me. The Notes to Raters are of assistance and state in part as follows:

For level 3, the incumbent would be gathering information, analyzing each new piece of information in relation to the other pieces. . . .

I am of the view that the grievor's problem solving role is well described by the level 3 definition.

The College's rating of this factor is confirmed.

INDEPENDENCE OF ACTION

The College rated this factor at level 3, Regular and Recurring. In the Union's submission, it is properly rated at level 4, Regular and Recurring.

Levels 3 and 4 Independence of Action are defined in the Manual as follows:

3. Position duties are completed according to general processes. Decisions are made following general guidelines to determine how tasks should be completed.

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

The following key definitions set out in the Manual must also be considered:

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

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

Industry Practice – technical or theoretical method and/or process generally agreed upon and used by practitioners to maintain standards and quality across a range of organizations and settings.

Policies – broad guidelines for directing action to ensure proper and acceptable operations in working toward the mission.

I have considered the PDF in its entirety, including the Duties and Responsibilities section which sets out the following “significant duties and responsibilities” of the position:

- Monitors and maintains the financial modules of Banner
- Monitors and coordinates the accounts payable function
- Ensures that all financial transactions are processed and completed prior to month-end

- Participates in the preparation of the year end financial statement
- Generates new financial report formats as required
- Other

The PDF states that materials such as the software user manual, the College policy manual, CICA handbook, GST/PST websites, GAAP and CFIS guide the incumbent. Work is reviewed through exception reports, daily contact with supervisor and others regarding issues, problems, or activities, review of GST/PST self-assessments and U.S. exchange reconciliation, and staff meetings. The PDF further states that the grievor makes decisions regarding start-up after testing Banner features, the approval of U.S. invoices for posting and payment, and the assignment of work to Co-op student, but that decisions regarding department procedures are made in consultation with the supervisor and those regarding procedure changes with the Controller.

The Union noted that the grievor changes features in the Banner Accounting system, although it accepted that “larger” changes are made in conjunction with Ms. O’Gay. The Union also suggested that although department procedures are changed in conjunction with the supervisor, the incumbent may discover the need for and initiate such changes.

The grievor stated that Ms. O’Gay gives him autonomy to “carry on” with his work, although he agreed that he confers with her if “it gets to the point that it affects how we do things in the department or in the College.”

The Union noted that the grievor assists customers who do not know what is needed. He discusses a manager’s requirements and, in the Union’s view, independently develops an appropriate solution without the benefit of a “tidy framework” for doing so.

The grievor spoke in this regard of problems relating to electronic funds transfer (“EFT”) to OMVIC by the College. He testified that he followed up with IT where a systemic problem was uncovered and rectified. Ultimately, he took the necessary steps to facilitate EFT payments to OMVIC. The grievor noted that this was “something that the College wanted to do” and that he did not speak to Ms. O’Gay about it.

The grievor also addressed his role in following up with IT regarding the automation of certain journal entries, noting that he received Ms. O’Gay’s “OK” after he “had things in place.” He suggested that he took such action in furtherance of departmental policy that “things have to be done by month end.”

He further described a situation in which he overrode the petty cash policy limiting the amount paid out to \$50 and gave the Purchasing Manager \$100 when the postage meter was empty and cheques needed to be mailed before a long weekend. He was guided, in his view, by an industry standard that parties expect to receive cheques in a timely manner.

The College accepted that the grievor makes day to day operational changes in the Banner system, such as revising an address, but stated that he does not change the broad features of the system on his own. It emphasized that the objectives to be accomplished by the grievor are “pre-determined” by others. While it commended him for the “great job” he did in dealing with OMVIC on the EFT issue, it noted that the grievor acted pursuant to a College decision to move toward EFT.

The College noted that the grievor’s duties are guided by a number of processes, guidelines and procedures. Included in the materials before me by way of example was a document entitled “Georgian College Accounting Department Process - Maintaining the Chart of Account Structure” which sets out instructions for the creation of a new organization code. The Payment Procedure put before me also sets out in step by step format payment procedures. The grievor accepted that such processes and procedures apply to his position duties.

The College suggested as well that the decisions made by the grievor’s position are in accordance with guidelines, and not industry practice or departmental policies. While the College accepted GAAP as an industry practice, it argued that guidelines also exist for his position’s decision making.

Although I accept that the grievor performs his day to day duties with certain autonomy, I am not convinced that this factor should be rated at level 4 as argued by the Union. The Notes to Raters with respect to level 3 provide that “specific results or objectives that must be accomplished are pre-determined by others.” This, in my view, is reflected by the evidence. By way of example, while the grievor was commended for his work in facilitating EFT for the OMVIC, the College objective of moving toward EFT was predetermined for him. While the grievor’s position does have the ability to select the processes to achieve the predetermined end result with the assistance of guidelines such as those in evidence before me, it is not fair to say that decision-making is based on

industry practices or departmental policy as defined. Such autonomy was not demonstrated by the Union.

Having considered the PDF as a whole in light of the parties' evidence before me, I am satisfied that the grievor's position duties are better described as completed according to general processes as defined than according to specific goals or objectives. Further, it is clear, in my view, that decisions by the grievor's position are made following "general guidelines to determine how tasks should be completed" and not through use of industry practice and departmental policies.

The College's rating of this factor at level 3, Regular and Recurring, is confirmed.

COMMUNICATION

The College rated this factor at level 3, Regular and Recurring and level 4, Occasional. The Union seeks a rating of level 4, Regular and Recurring.

The factor definitions set out in the Manual are as follows:

3. Communication involves explaining and/or interpreting information to secure understanding. May involve communicating technical information and advice.
4. Communication involves explaining and/or interpreting information to instruct, train and/or gain the cooperation of others.

The Manual contains a number of definitions which must be considered. Of particular importance here are the following:

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

The PDF states that the grievor's position trains groups of 15-20 staff members and managers on the use of the Banner system in a classroom setting, and that as of the date of the PDF, this took place approximately every two months. The grievor advised and Ms. O'Gay agreed that each session lasts between 1.5 and 2 hours for a total of 9 – 12 hours per year. The College awarded the Occasional level 4 rating on this basis and the Union accepted that this function by itself would be properly rated as Occasional.

The Union argued as well, however, that the grievor discusses and explains "the rules of Accounts Payable practices" to managers on an ongoing basis, and was of the

view that this too constitutes level 4 Communication. The PDF reflects the grievor's role in responding to questions "concerning functionality and how to use the financial system" and the College accepts that he regularly offers such assistance to managers.

The Union was asked to comment on the Manual definitions of "instruct" and "train" and specifically to the references therein to "a formal setting such as a workshop or lab environment" or "a formal instructional setting." In the Union's submission, when the grievor speaks to a manager in his or her office, this is a "formal setting," and such communication satisfies the level 4 factor definition.

The College on the other hand argued that such one on one discussions and conversations between the grievor and managers do not take place within the formalized settings contemplated by the level 4 definition, and do not exemplify level 4 Communication.

I agree with the College and accept that it is not open to me to disregard the Manual's definitions in considering the appropriate factor level. The classroom training sessions provided by the grievor to staff and managers occupy no more than twelve hours per year and the Occasional level 4 rating awarded by the College addresses this function.

There is no dispute that the grievor discusses and explains relevant matters with managers on an ongoing basis. Such discussions do not take place within the formal settings contemplated by the Manual's definitions of "instruct" and "train" and are well captured by the level 3 definition. There was no suggestion by the Union that the grievor engages in communication "to gain the cooperation of others" as also addressed by the level 4 definition.

The Notes to Raters are of assistance and state as follows:

"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.

Based on the evidence before me, I conclude that the day to day discussions between the grievor and managers relied upon by the Union here are properly reflected in the level 3, Regular and Recurring rating.

The College's rating of this factor is confirmed.

AUDIO/VISUAL EFFORT

The College rated this factor at level 2, focus interrupted and the Union seeks a rating of level 3, focus interrupted.

Level 2 Audio/Visual Effort is defined in the Manual as "regular and recurring long periods of concentration; or occasional extended periods of concentration." Level 3 Audio/Visual Effort is defined as "extended periods of concentration."

The Manual defines "long period" as "up to 2 hours at one time including scheduled breaks," and "extended period" as "more than 2 hours at one time including scheduled breaks."

The PDF refers to the grievor's involvement in "year-end problem solving/reconciliation," requiring "infrequent" extended periods of concentration, biweekly during a two month period.

The Union questioned the good faith of the College, noting that this factor was at an earlier point rated by the College at level 3, focus maintained. In the Union's submission, "as it became apparent that the Focus is Interrupted, HR has reduced this level to level 2 to avoid higher points." Ms. Goheen responded to the Union's allegation. She suggested that such change resulted when the College came to believe that it had initially misunderstood the rating of this factor after the Joint Classification Committee offered clarification. I am not prepared to attribute bad faith to the College in these circumstances.

The Union argued that extended periods of concentration are required in the grievor's position beyond the circumstances addressed in the PDF and on a Regular and Recurring basis. While the Union accepts that the example set out in the PDF reflects "crunch time" when the need for such concentration is "magnified," the grievor suggested that he regularly spends his whole working day engaged in analysis requiring concentration. In the Union's submission, this should be reflected in a level 3 rating.

The College took the position that in rating this factor, it is necessary to consider the "normal level of attention to detail" required, which, in its view, is significant here. In the College's submission, one then considers examples where higher than normal levels of concentration are required. It emphasized in this regard the Notes to Raters

which state that “raters must only consider tasks or situations where a higher than usual level of focus or concentration is required.”

The Manual is clear that the Notes to Raters must be followed, and I therefore accept the College’s submission in this regard. The Union and the grievor provided examples of such tasks where a higher than usual level of concentration is required, including creation of cost centres and self-assessment of taxes. Ms. O’Gay and the grievor were largely in agreement on the level of concentration required for and the time spent on such work.

I agree with the Union that the PDF is not exhaustive in setting out tasks which require a higher than usual level of concentration on an extended basis. That said, even taking into account the Union’s evidence adduced in these proceedings, the Union was unable to demonstrate that extended periods of concentration, as contemplated by this factor and described by the Notes to Raters, are required more than occasionally.

Accordingly, the rating of this factor is confirmed.

CONCLUSION

For the reasons set out above, I am of the view that the disputed factors were properly rated and that the grievance must be dismissed.

The parties and their representatives were of much assistance to me throughout these proceedings, and I thank them.

DATED AT TORONTO this 14th day of April, 2011.

Mary Lou Tims, Arbitrator