

MAK

IN THE MATTER OF AN ARBITRATION

BETWEEN:

ONTARIO PUBLIC SERVICE EMPLOYEES UNION, LOCAL 241
(hereinafter called the Union)

- and -

MOHAWK COLLEGE
(hereinafter called the College)

- and -

GROUP CLASSIFICATION GRIEVANCE OF ADMISSIONS ADVISORS
(BAIN GROUP GRIEVANCE)

SOLE ARBITRATOR
Professor Ian A. Hunter

APPEARANCES:

FOR THE UNION: Ms. Mary Anne Kuntz, Senior Grievance Officer

FOR THE COLLEGE: Mr. Daniel Michaluk, Counsel

AN ARBITRATION HEARING WAS HELD AT MOHAWK COLLEGE
ON JANUARY 19, 2010

DECISION

(1) Introduction

Before me is a group grievance (Exhibit 1) on behalf of six (6) Admissions Advisors at Mohawk College alleging improper classification at Payband 'H', 559 points. The parties are agreed on the content of the P.D.F.. I received helpful briefs from the Union and the College in advance of the hearing. The hearing was held at Mohawk College on January 19, 2010. Ms. Theresa Bain testified on behalf of the Grievors; Ms. Debbie Calarco, Assistant Registrar, testified for the College.

(2) Overview of the Position

Under the direction of the Assistant Registrar, the Admissions Advisor coordinates admission activities for one (1) or more Mohawk College programs, with the goal of admitting qualified applicants in order to meet the College's enrolment targets.

The incumbents do this by:

- (1) evaluating admission requirements of prospective applicants;
- (2) advising applicants of deficiencies in his/her application and how these deficiencies might be remedied;
- (3) having in mind target enrolments, manage, add to, or prune waiting lists;
- (4) assist non-qualified applicants to obtain alternative post-secondary education;
- (5) administer mature student tests, evaluate results, determine admissibility, and advise mature students of their educational options.

I heard evidence from Grievor Theresa Bain as representative of the group. Ms. Bain confirmed that the time allocations set out in the P.D.F. (Exhibit 3, pages 3-5) are roughly accurate. This was also confirmed by her Supervisor, Assistant Registrar Debbie Calarco. This means that about sixty percent (60%) of an Admissions Advisor's time is spent providing information or assistance to program applicants within her program area; this includes evaluating transcripts, determining equivalencies, recruitment, management of waiting lists, and follow-up.

Another ten percent (10%) of her time is spent testing mature students who may lack competency in English, Mathematics, or Science.

The remaining thirty percent (30%) of an incumbent's time is spent on related functions, such as ranking eligible applicants, calculating and posting grade point averages, making offers to applicants on the waiting list, dealing with international applicants, processing withdrawals and initiating tuition fee refunds, facilitating transfer of students in and out of co-op programs, recommending candidates for College tuition bursaries, and general related recruitment tasks.

The evidence of the Grievor, Ms. Bain, and of her Supervisor, Ms. Calarco, left no doubt in my mind that the Admissions Advisor plays a critical role in the College admission process. They are the front line service providers for applicants. The admission process is governed (externally) by the Ministry of Training, Colleges and Universities "Admissions Criteria", and (internally) by Mohawk College's own admission policies, which are part of the College's "Banner System". All of the Grievors work within these policies and have expert familiarity with them.

Applicants apply through the O.C.A.S. (Ontario College Application System); routine applications from properly qualified Ontario secondary school graduates are automatically processed by the Banner System. Admissions Advisors essentially here deal with exceptions. Such exceptions include determining course equivalencies, applicants who do not meet minimum grade requirements, and dealing with qualified applicants to "over subscribed" programs. For example, the College receives approximately ten (10) times as many applications as it has places in the Cardiovascular Technology program.

Mature student applications, foreign student applications, home-school applicants, and others who fall outside the "regular highschool stream" account for between forty and fifty percent of an Admissions Advisor's workload. This cohort of the Admissions Advisor's responsibilities require considerably more investigation, time and analysis and must generally be assessed on a "one off" basis.

(3) Job Factors Agreed

The parties are agreed on the following job factor ratings:

<u>Job Factor</u>	<u>Regular</u>		<u>Occasional</u>	
	<u>Level</u>	<u>Points</u>	<u>Level</u>	<u>Points</u>
1A. Education	4	48		
1B. Education	1	3		
2. Experience	5	69		
5. Guiding/Advising Others	4	41		
6. Independence of Action	3	78	4	9
8. Communication	3	78	4	9
9. Physical Effort	1	5	2	6

10. Audio/Visual Effort	2	35
11. Working Environment	2	38

(4) Job Factors in Dispute

The parties dispute the following job factors:

3. Analysis and Problem Solving

This factor measures the level of complexity involved in analysing 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: "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 has rated this factor Regular, Level 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."

In considering Levels 3 and 4, I note the following criteria of differentiation:

- Level 3 problems are identifiable; Level 4 problems are not readily identifiable;
- Level 3 problems require further “inquiry”; Level 4 problems often require further investigation and research;
- Level 3 requires collection of information; Level 4 requires “interpretation and analysis” of information.

I start with the P.D.F.. At pages 8-10 the P.D.F. gives three (3) examples of regular, recurring problems: (1) application from foreign trained doctor; (2) registration discrepancy in BScN program; (3) monitoring acceptance levels to attain optimal enrolment. At page 11 the P.D.F. gives an “occasional” problem example; an improper rejection letter. I have considered, and analysed, each of these examples and I find that each fits comfortably within Level 3.

I asked Ms. Bain what was the most complex problem she regularly faced? She replied: “The diversity of applicants we deal with, and how to tailor a correct response to each particular applicant”. Roughly half an Admissions Advisor’s workload comes from applicants outside the mainstream (i.e. Ontario highschool graduate stream). Even with the highschool applicants, an Admissions Advisor may be involved; e.g. in switching the applicant’s program after an unsuccessful first year.

But for what might be called the “atypical” applicant (as indicated, roughly forty to fifty percent of an Admissions Advisor’s workload), the analysis/problem solving

requirement is greater. The Admissions Advisor must “drill down” (Ms. Bain’s term) to correctly identify potential problems with the application; e.g. English language deficiency, course equivalencies, testing that may be required, etc.. From the evidence of both Ms. Bain and Ms. Calarco, I was left in no doubt that this is where analysis and problem solving skills of the Admissions Advisor are tested.

The situations and problems the Admissions Advisor is confronted with must (a) be properly identified, which may require further inquiry; (b) the Admissions Advisor may know what is necessary (e.g. English or math testing) or may have to check elsewhere (e.g. another College or University) to get further information (e.g. course equivalencies); and must then (c) steer the applicant to where any perceived deficiencies can be remedied.

In considering all of the examples Ms. Bain referred to, I note: (1) generally speaking the problems are recurrent and readily identifiable; (2) the problems often require further investigation but not research; and (3) while the Admissions Advisor collects information from various sources, she generally does not “interpret or analyse” it. All these factors indicate Level 3.

I asked Ms. Bain where an Admissions Advisor can go for assistance? She said: “The Coordinator, and we rely on each other a lot”. It is important here to note that the Admissions Advisor has no role in setting either (a) admissions criteria or (b) program requirements. Admissions criteria are set by the Ministry and by Mohawk College; program requirements are set by the various programs. The Admissions Advisor function is more than that of a gatekeeper; she exercises empathetic,

investigative and ameliorative skills, but she operates within admissions and program criteria that she has no discretion to alter.

Ms. Calarco testified that the most complex recurrent problem an Admissions Advisor faces is to make sure that "... unusual applicants do not fall through the cracks". She gave as examples an applicant who uses two (2) different names or who acquires two (2) identification numbers. Such problems, she testified, "might take an hour or two to correct".

From the evidence of both the Grievor and her Supervisor, I hold that the evidence fails to prove Level 4. In fact, the Manual's definition of Level 3: "Situations and problems are identifiable, but may require further inquiry in order to define them precisely. ..." could have been written to describe the Admissions Advisor position at Mohawk College.

Analysis and Problem Solving - Level 3 - 78 Points

4. Planning/Coordinating

This factor measures the planning/coordinating requirements of the position.

The College has rated this factor Level 2: "Plan/coordinate activities and resources to complete own work and achieve overlapping deadlines."

The Union rates this factor Level 3: "Plan/coordinate activities, information or material to enable completion of tasks and events, which affect the work schedule of other employees."

I note, first, that based on the evidence the primary person affected by the Admissions Advisor is the applicant or prospective applicant. The position does not require planning or coordinating activities which have a significant impact on the timetables or work of other College employees.

Second, I have considered the four (4) examples of planning/coordination set out at pages 12-14 of the P.D.F. [(1) Quick Admit; (2) Problem with Ranking Application; (3) Providing Ineligible Applicant with Options; (4) On-Campus Recruitment]. Again these examples do not reflect tasks which impact the work schedules of other employees. They do require planning and coordinating tasks and resources to complete the work of the Admissions Advisor. So, the P.D.F. examples incline me to a Level 2 rating.

So, also, does the *viva voce* evidence of Ms. Bain and Ms. Calarco. Ms. Bain pointed out that the Admissions Advisor is Mohawk's "front line officer" dealing with applicants. I accept that. I also accept that she and her colleagues "fulfil an important role representing the College in recruitment, including the annual "Red Carpet", Open House, and related activities. But these activities are planned, organized, and managed by others in the College; the Admissions Advisor attends in order to personalize the admission process and to provide information.

I accept, without reservation, Ms. Bain's evidence about the Admissions Advisor's role in (a) meeting and (b) managing program targets. This is important work, but it falls within "complete own work and achieve overlapping deadlines" (Level 2).

It is certainly true that much of the Admissions Advisor's work is subject to deadlines; but these deadlines are O.C.A.S. and College driven, and they relate to the academic calendar. The document (Planning and Coordinating) prepared by the Grievors and given to me at the hearing exemplifies this. Month by month the deadlines correlate to the inevitable seasons of the academic year. I went through each of those functions, month by month, and found little evidence of "... tasks and events, which affect the work schedule of other employees".

Accordingly, I have concluded that Planning/Coordinating is correctly evaluated at Level 2.

Planning/Coordinating

- Level 2

- 32 Points

7. Service Delivery

This factor examines the manner in which the position delivers service to customers.

The College has rated this factor at Level 2: "Provide service according to specifications by selecting the best method of delivering service."

The Union has rated this factor at Level 3: "Tailor service based on developing a full understanding of the customer's needs."

Again, I have started with the P.D.F. and note, first, the variety of "customers" (from Deans to applicants, sponsors, guidance counsellors, etc.) to whom the incumbents must relate and deliver service. I note, next, the fact that forty to fifty percent of the Admissions Advisor's workload consists of non-traditional applicants (i.e. mature, foreign, home-schooled). Particularly with these applicants, the evidence established that the incumbents "tailor" the service to the particular needs of that applicant. The requirement to understand an applicant's special needs, and then to provide an individualized response to those needs, is a characteristic instance of "tailoring" service. Since this requirement applies in roughly half of an Admissions Advisor's workload, it is a regular, recurring function of the position.

Ms. Bain testified that "tailoring" service to the idiosyncratic needs of the applicant (or potential applicant) is the most complex part of her duties. When I asked her how different applicants were, and how often she had to investigate an idiosyncratic application and find a particularized solution, she applied: "Every phone call, every day". She elaborated: "On every call I have to ascertain what the real issue for that person is, and then I have to address it".

From the evidence, I find that the College has significantly undervalued Service Delivery in respect of its Admissions Advisors.

The Manual (page 22) defines what is meant by "tailor service" (Level 3); "This means that in order for the position to provide the right type of service, he/she must

ask questions to develop an understanding of the customer's situation. ...". This is what the Admissions Advisor does with respect to roughly half of her workload. Having correctly understood the nature of the applicant's problem, the Admissions Advisor then "customizes the way the service is delivered"; that is, she steers the applicant toward courses necessary to complete deficiencies; or she discusses financial ability and steers the applicant to resources in or out of the College that may be able to assist; or she directs them for English or math testing; or she discusses program requirements and, perhaps, steers the applicant to a more suitable program; or she examines a course transcript to see if perhaps the applicant has completed courses that might be considered equivalents; etc., etc.. To me, all of these are examples of customizing service to an applicant's idiosyncratic requirements, and bespeak "tailoring service based on developing a full understanding of the customer's needs". Indeed, it would not be a stretch to say that the core responsibility of a Mohawk Admissions Advisor is to tailor admission advice to the particular requirements of each applicant.

I therefore conclude that Service Delivery is properly evaluated at Level 3.

Service Delivery

- Level 3

- 51 Points

(5) Decision

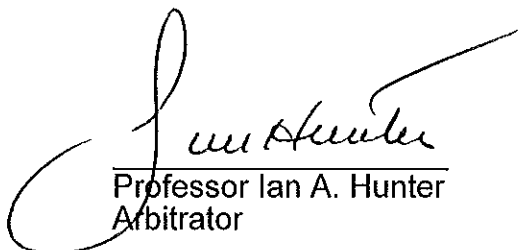
I have completed, and attach, an Arbitration Data Sheet.

From the evidence put before me the position of Admissions Advisor at Mohawk College is correctly evaluated at Payband 'I', 580 points.

Accordingly the Group Grievance before me (Exhibit 1) is allowed.

I remain seized to deal with any issue which may arise in the implementation of this Decision.

Dated at the City of St. Thomas this *1st* day of *FEBRUARY*, 2010.


Professor Ian A. Hunter
Arbitrator

ARBITRATION DATA SHEET - Support Staff Classification

College: Mohawk College Incumbent: Admissions Advisor Supervisor: Calarco, D.

Current Payband: H Payband Requested by Grievor: I

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 Level Points	Occasional Level Points	Regular/ Recurring Level Points	Occasional Level Points	Regular/ Recurring Level Points	Occasional Level Points	Regular/ Recurring Level Points	Occasional Level Points	Regular/ Recurring Level Points	Occasional Level Points	Regular/ Recurring Level Points	Occasional Level Points
1A. Education	4	48			4	48			4	48		
1B. Education	1	3			1	3			1	3		
2. Experience	5	69			5	69			5	69		
3. Analysis and Problem Solving	3	78			4	110			3	78		
4. Planning/ Coordinating	2	32			3	56			2	32		
5. Guiding/ Advising Others	4	41			4	41			4	41		
6. Independence of Action	3	78	4	9	3	78	4	9	3	78	4	9
7. Service Delivery	2	29			3	51			3	51		
8. Communication	3	78	4	9	3	78	4	9	3	78	4	9
9. Physical Effort	1	5	2	6	1	5	2	6	1	5	2	6
10. Audio/Visual Effort	2	35			2	35			2	35		
11. Working Environment	2	38			2	38			2	38		
Subtotals	(a)	534	(b)	24	(a)	612	(b)	24	(a)	556	(b)	24
Total Points (a) + (b)		558				636				580		
Resulting Payband		H				I				I		