

IN THE MATTER OF AN EXPEDITED CLASSIFICATION ARBITRATION

B E T W E E N:

ONTARIO PUBLIC SERVICE EMPLOYEES UNION, Local 241
(FOR SUPPORT STAFF)
(hereinafter called the "Union")

- and -

COLLEGE COMPENSATION and APPOINTMENTS COUNCIL
(FOR COLLEGES OF APPLIED ARTS and TECHNOLOGY)
In the form of MOHAWK COLLEGE
(hereinafter called the "College")

- and -

GRIEVANCE of FILOMENA MORASSUTTI
OPSEU File No. 2012-0241-0001
(hereinafter the "Grievor")

ARBITRATOR:

Richard H. McLaren, C.Arb.

REPRESENTING THE COLLEGE:

Dan Michaluk - Counsel
Patricia MacDonald - Associate Dean,
Community & Continuing Education
Fred Deys – Director Compensation &
Benefits
Cecilia Otero - Classification Consultant

REPRESENTING THE UNION:

Keith Bates – Union Steward
Mena Morassutti – Grievor
Kathy Maxwell - Local 241 President
Lily Bellardini - Observer

A HEARING in RELATION to this MATTER WAS HELD at HAMILTON, ONTARIO
on 18 DECEMBER 2012.

AWARD

The College evaluated the position of “Client Services Representative” (hereafter the “CSR”) and rated the position at 325 points, thus placing the position within Payband D.

The sole incumbent, Filomena Morassutti, grieves that evaluation, disputing 2 factors, and claiming the position ought to be rated at 388 points, making the position properly within Payband E. The Grievor and the College have an agreement on the Position Description Form (PDF). There are approximately 20 Client Service Assistants in the College that perform reception duties which might be similar to the CSR position. They are all paid at Payband “E”.

A preliminary procedural matter arose in respect of the Grievance. There is a request for the granting of retroactive pay to 1 March 2007. The College argues that I am without jurisdiction to hear that aspect of the grievance and make a ruling. It cites a provision in the Collective Agreement to support its argument. At the time of the hearing, it was unknown whether there would be any entitlement to retroactive pay. Therefore, with the concurrence of both representatives of the parties, I agreed not to deal with this issue at the time of the classification hearing. I have retained jurisdiction over this matter which shall be dealt with at a later date and time should it become necessary to do so following the issuance of this award.

Background

The CSR provides a variety of reception and client assistance services, as well as clerical support to the Community Employment Services Team at the College. The position is a front line one. The incumbent is supervised by the Associate Dean Community Employment Services. The PDF describes the purpose of the position as being responsible for setting up appointments for clients with Employment Services staff at the

College's two campuses. The position is a customer service one providing support for diverse clientele including students, employers and the general public. The duties include client intake processing, records management, office records maintenance, office supply inventory and ordering. In addition, the incumbent is required to generate regular statistical reports. She also disseminates relevant program, service and college information to clients and other associated agencies. To carry out these functions, the incumbent must determine eligibility for service to a client; or problem solve for the client; or, refer the client to appropriate community agencies. The clerical support for client intake and assessment process comprises approximately 65% of the time for the position with a further 30% absorbed by maintaining record management and office information systems. The remaining 5% comprise a variety of infrequently occurring tasks.

Factors in Dispute

There are 2 factors in dispute in this proceeding. Each of the factors in dispute is dealt with below under separate headings.

3. Analysis and Problem Solving: Ratings: College Level 2 / Union Level 3

This factor measures: (a) the level of complexity involved in analyzing situations, information or problems of varying levels of difficulty; and (b) developing options, solutions or other actions.

The Union submits that the problem solving and eligibility determinations qualify the position for being considered to be at level three. The problem solving involves determining which counselors are available on a given day to see clients. If counselors are absent, then the CSR must determine from the client if someone else could see them and then find a counselor or reschedule an appointment. The eligibility determinations relate to an assessment of the client as to his or her eligibility to be served by the counselors. The

determinations involve obtaining information from the client and applying that information to defined criteria to determine either that the client is, or is not, eligible. The Union suggests that the incumbent, being the only person working at Payband “D” of all the receptionists, is indicative of an inequitable determination of the factor and should support a higher rating than the College has given the position.

The College submits that generally speaking, the level of analysis for problem solving and eligibility determinations are straightforward, characterized by clear processes. Specifically, the College states that problems are “easily identifiable” and responses are systematic. The role is that of a receptionist providing client assistance services as well as clerical support to the Community Employment Services Team.

(i) Findings

The eligibility determination is a quick assessment against very rigorous criteria where minimal judgment is used to make the assessment. It is in effect, a first line response and then the providing of information that is within the incumbent’s sphere of knowledge. The problem solving is mostly in connection with the availability of counselors to see a client. It is not complex or difficult problem solving requiring investigation from sources other than the information at hand. The person as the first line responder must give accurate information but it is not information that she needs to go and find or assess before responding. The information providing is of a routine nature and rarely if ever requires investigation to define the situation or the problem. The position is a front line response that has to happen quickly on the spot and is not a long or contemplative referral. The deeper questioning and probing occurs after the referral.

The difference between Level 2 and Level 3 in the Job Evaluation Manual is the extent to which, in determining how to resolve the problem, the incumbent must go beyond what is being told to them by the client. There is on occasion, a requirement for the incumbent to obtain additional information such as determining why there is a hold on a student record. All that is required to solve such a query is to access the College’s

appropriate student record or financial aid system and give the client an explanation. These are processing steps and not ones involving investigation and adding information to previously obtained information and solving the problem. The steps are merely required to answer a simple query that the client has. Level 2 does contemplate some freedom in determining how the problem could be resolved. Level 3 requires the application of a greater degree of judgment with multiple courses of action arising from complex or multi-faceted issues or problems. This level of functionality is not required in the CSR position. It is a quick, first line response to a well-defined problem not requiring analysis of the problem, but rather, the application of information readily at hand or within the sphere of knowledge of the incumbent.

Therefore, I confirm the College rating of the position as being at Factor Level 2.

11. Working Environment: Ratings: College Level 1/ Union Level 2

The work is performed within an environment which the incumbent describes as comfortable and beautiful. The College invited the arbitrator to take a view of the work station but that invitation was declined in view of the incumbent's description of her work station. The concern of the Union relates to the fact that the first line responder needs to deal with individuals who may not have bathed recently and can omit body odors and smells which are hard to endure. There is also a problem with some clients using body scents which leave a distinctive odor in the air for some time after the person is no longer present. The Union also submits that from time to time, there are unruly or angry clientele who present a challenge to deal with.

The problems of which the CSR incumbent encounters in the smells and odors of some clients is in my view over emphasized in this proceeding. I accept it does occur and is a problem with any front line position. However, it does not make the work environment on a regularly and recurring basis a smelly one because some clients may omit noxious odors. The angry or unruly client seems to be a very rare occasion and is to be dealt with

on a regularly and recurring basis a smelly one because some clients may omit noxious odors. The angry or unruly client seems to be a very rare occasion and is to be dealt with by the supervisor not the CSR. Only one incident was cited of a swear word contained in a recorded telephone message. That is insufficient evidence of angry and unruly clients for me to accept that it ought to be taken account of in rating of the work environment.

I confirm the evaluation by the College, given the definition and guidelines of the Manual and the conditions under which the work is performed. There will be no change in the rating.

CONCLUSION

For all of the foregoing reasons, I confirm the ratings of the College in the CSR position. Therefore, there is no foundation to the grievance and it is ordered that the grievance be dismissed.

DATED at LONDON, ONTARIO THIS 21st DAY of DECEMBER, 2012.

A handwritten signature in black ink, reading "Richard H. McLaren". The signature is written in a cursive style with a horizontal line underneath the name.

Richard H. McLaren, C.Arb.
Arbitrator

AMENDED

Arbitration Data Sheet – Support Staff Classification

College: Mohawk College

Incumbent: Filomena Morassutti

Supervisor: Patricia MacDonald

Current Payband: D

Payband Requested by Grievor: E

1. Regarding the attached Position Description Form:

- The parties agree on the contents
 The union disagrees with the contents and the specific details are attached

2. The attached Written Submission is from: The Union The College

Factor	Management				Union				Arbitrator							
	Regular / Recurring		Occasional		Regular / Recurring		Occasional		Regular / Recurring		Occasional					
	Level	Points	Level	Points	Level	Points	Level	Points	Level	Points	Level	Points				
1A. Education	3	35			3	35			3	35						
1B. Education	1	3			1	3			1	3						
2. Experience	2	24			2	24			2	24						
3. Analysis and Problem Solving	2	46			3	78			2	46						
4. Planning/Coordinating	2	32			2	32			2	32						
5. Advising/Advising Others	2	17			2	17			2	17						
6. Independence of Action	2	46			2	46			2	46						
7. Service Delivery	2	29			2	29			2	29						
8. Communication	2	46			2	46			2	46						
9. Physical Effort	1	5			1	5			1	5						
10. Audio/Visual Effort	0		2	35	0		2	35	0		2	35				
11. Working Environment	1	7			2	38			1	7						
Subtotals	(a)	290	(b)	35	(a)	353	(b)	35	(a)	290	(b)	35				
Total Points (a) + (b)					325				388				325			
Resulting Payband	D				E				D							

Signature:


 Arbitrator's Signature

Dec. 18, 2012
 Date of Hearing

Dec. 21, 2012
 Date of Award