

IN THE MATTER OF AN EXPEDITED CLASSIFICATION ARBITRATION

B E T W E E N:

ONTARIO PUBLIC SERVICE EMPLOYEES UNION  
(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 MARGUERITE BOWERMAN  
OPSEU File No. 2009-0241-0006  
(hereinafter the "Grievor")

ARBITRATOR:

Richard H. McLaren, C.Arb.

REPRESENTING THE COLLEGE:

Nadine S. Zacks - Counsel  
Debbie Calarco – Associate Registrar,  
Admissions & Student Recruitment  
Hillary Moir - HR Labour Relations Assisstant

REPRESENTING THE UNION:

Keith Bates -  
Marguerite Bowerman – Functional Expert  
Deb Morissette - Local 241 President

A HEARING in RELATION to this MATTER WAS HELD at HAMILTON, ONTARIO  
on 25 JANUARY, 2011

## AWARD

The College evaluated the position of "Functional Expert-Admissions" (hereafter the "Functional Expert") and rated the position at 577 points, thus placing the position within Payband H. The sole incumbent, Marguerite Bowerman, grieves that evaluation, disputing 7 factors, and claiming the position ought to be rated at 741 points, making the position properly within Payband K. The Grievor and the College have been unable to reach an agreement on the Position Description Form (PDF), the most recent of which is dated December 9, 2009. Further, the Grievor considers that the PDF currently used by the College does not adequately reflect the complexities of the position and that the position is therefore improperly evaluated.

### Background

Two PDFs are referenced by the Grievor, one dated August 26, 2009, and the other dated December 9, 2009. The College utilized only the later PDF in rendering its evaluations. The department in which the Grievor worked, recently underwent a restructuring. The restructuring resulted in the loss of the Division within which she worked. While the Functional Expert's duties and responsibilities remained in tact and unaltered, the reporting structure was affected such that the Functional Expert reports to a different individual. The College maintains that the Functional Expert's primary responsibility is to provide technical expertise to support the College's admissions systems. Many of the Grievor's responsibilities relate to Banner<sup>1</sup>, a computer system used to manage: the application and acceptance of students; the student records, including programs and courses offered by the College; and, record student finances. It is the College's position that the incumbent follows processes within a set order of operations and refers to her supervisors if anomalies arise. The College submits that the position provides front-line technical support and is responsible for identifying and finding solutions

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<sup>1</sup> There is an 800 page Handbook describing the process performed by the Banner System.

to errors that occur in Banner or on OCAS (Ontario College Application System). The College further submits that the Expert reviews error reports automatically created by the system and engages in the appropriate response, claiming that most errors are not only straightforward and recurring, but the solution is readily available. In contrast, the Union submits that a review of p. 3 of the PDF of December 9, 2009, shows that the position demands a high level of expertise, as well as requiring the incumbent to represent the College on external user groups and play a role in developing, reviewing and proposing upgrades to the processes.

### **Preliminary Matters**

The arbitration data sheet signed off by the College and the Union in December of 2010 reveals the following seven factors are in dispute: #2. Experience; #3. Analysis and Problem Solving; #4. Planning/Coordinating; #5. Guiding/Advising Others; #6. Independence of Action; #7. Service Delivery and #8. Communication.

It was the submission of the College at the outset of the arbitration hearing that it is up to the Union to bring the evidence in support of their grievance. The College will not, and is not required to justify their rating in this proceeding. Rather, the Union must meet the onus placed upon it to establish its case. I agree with this submission and will apply it where it is appropriate to do so.

### **Factors in Dispute**

Each of the factors in dispute is dealt with below under separate headings.

#### **2. Experience: Ratings: College Level 4 / Union Level 5**

The PDF dated August 26, 2009, states that the position required a minimum of five

(5) years experience, while the PDF dated December 9, 2009, has been changed to three (3) years experience. The advertisement to which the Grievor replied stated that “a three-year College diploma in Computer Science” was a prerequisite. There was no requirement to have a minimum of five (5) years of related experience. The advertisement also stated that “the current classification is currently under review”. At the time the Grievor accepted the position, she met the threshold.

It is submitted by the College that the Functional Expert position fits a Level IV rating because any individual with a three-year Computer Science Technology diploma and a minimum of three (3) years related work experience should be capable of performing the responsibilities of the position. Experience translates into the understanding of how to apply one’s knowledge to the duties of the position. It is the practical application of the techniques, methods and practices necessary to perform a specific job.

It is submitted by the Union that the experience the incumbent possesses is indispensable to the proper functioning of the position. You need five (5) years of actual or related work experience to function in the job. Experience at this level is required to fully understand the high level of detail and complex OCAS Banner module.

*(i) Finding*

With three (3) years of related experience, a person would have gone through the academic cycle three times, thereby having the three opportunities reinforcing their skills annually. I do not find that it is necessary to have more than three (3) years of related experience. I also note that had the Grievor been required to have five (5) years related experience at the time of successfully posting into the job, she would not have been eligible to apply. For all of the foregoing reasons, I confirm the rating assigned by the College for the position as requiring three (3) years of related work experience as described in the December 9, 2009 PDF.

**3. Analysis and Problem Solving: Ratings: College Level 3 / Union Level 4**

*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 level and points currently assigned do not adequately define the high level of investigation and judgment required to analyze the OCAS data, perform detailed edit checks, generate error reports, and investigate invalid transactions. The Union suggests that problems and issues are on-going and not exclusive to any implementation or new upgrades. "The incumbent must maintain accountability and utilize judgment to ensure the system standards are met". Without the extensive knowledge of Banner tables, forms, business processes and constant investigation of the applicant data and OCAS processes the Grievor would not be able to effectively troubleshoot or negotiate enhancements that would be acceptable to all users of the Banner Module.

The Union cites several examples of why this factor is at a level 4. One example is the work performed with the Banner Ontario Leadership Team (BOLT) working group. That group is involved in the redesign and the enhancement of the Banner Canadian Solution Centre. The incumbent is a vital resource person to BOLT and provides input to assist in the redesigns and enhancements. This is an annual process and takes up about 15% of the work time as set out in the December PDF.

A further example of the high functioning of the incumbent was cited in solving the problems with the College system when an application confirmed their program choice via the web. The desired outcome was to allow the applicant to change their program decision. If the student applicant did change their program the Banner forms and table should have reflected that new choice but did not do so. The incumbent identified this

problem and assisted in its correction.

The other example of functioning at level 4 related to the investigation of the applicant data and the OCAS processes, Banner errors, reactions and Applicant reports, which are evaluated by the incumbent in order to troubleshoot and identify the problem.

The College submits that generally speaking, the level of analysis or problem solving is straightforward, characterized by clear processes. Specifically, the College states that problems are “easily identifiable” and responses are systematic. The College argues that there are three dimensions on which the responsibilities of the level are differentiated. They are: i) the degree to which problems are identifiable; ii) the scope of information typically required to address the problem; and, iii) the scope of judgement.

The College proposes that the Level 3 rating used in determining the scope of information and the scope of judgment typically required to address problems is precisely outlined in the Support Staff Job Evaluation Manual (May 2009) (the “Manual”). The College asserts that the extension of gathering more information, possibly from unfamiliar sources, is that which distinguishes the solution obtained from the modification of existing alternatives or past practices required for a Level 4 rating. Level 4 analysis requires “research” and interpreting a much broader range of information. Most problems identified through error reports generated by the system being maintained by the Functional Expert and the problem is actually identified in said report. Most errors are routine problems and therefore both the problem and the solution are familiar to the Functional Expert. There is limited interpretation or analysis required of the data.

(i) Evidence

The evidence of the Grievor is the identification of a problem that was not a “system” bug that resulted in a change to work practices and a manual solution that was developed, tested and documented by the Grievor. There was no past practices or recourses available to assist with identifying the problem or developing the solution. The upgrade has

been tested, implemented and now running without error.

(ii) Findings

This is a factor where the Union must establish that it has met the onus. I find that there is a difference in the daily work of the position which the December PDF records as representing 40% of the time annually. In contrast the external work of the incumbent on the BOLT about which much of the testimony is given represents 15%. The provision of technical support and the setting of the Banner Admissions system each academic cycle add another 30% according to the December PDF to the regular routine of the job. None of those functions meet the description of being a Level 4 factor because there is little gathering of more information outside of the system involved to perform the work. However, the external work of the position on BOLT and with OCAS does represent a higher functioning level of analysis and problem solving that merits a rating of occasionally performing at the Level 4. Therefore, I confirm the College rating of the position as being at Factor Level 3 but I find that the Union has established an occasional rating at Level 4. Therefore, I would adjust the overall rating to Level 3 with an occasional rating at Level 4, adding 9 points to the point score for the position.

**4. Planning and Coordinating: Ratings: College Level 3 /Union Level 3 + 40**

The Support Staff Job Evaluation Manual describes the factor as follows:  
*This factor measures the planning and/or coordinating requirements of the position. This refers to **the organizational and/or project management** skills required to bring together and integrate activities and resources needed to complete tasks or organize events. There may be a need to perform tasks with overlapping deadlines (multi-tasking) to achieve the decided results.*

Level 4 planning involves "... *multiple inputs and complex tasks, frequently requiring the coordination of activities or resources of a number of departments, such as a major*

*campus renovation or major technology upgrade. The position could be responsible for multiple concurrent major projects at the same time. At this level, the position would have the authority to require others to modify their schedules and priorities”.*

For this factor, both the College and the Union agree on the evaluation of the core duties of the job being at Level 3. However, the Union would also rate the position on occasion at Level 4 thus placing the overall job evaluation at Level 3 + 4O which would add an additional 7 points to the rating.

The Union submits that the Grievor is responsible for all upgrades and enhancements to the Admissions Module, in addition to College wide upgrades of the computer systems. These activities include: OCAS upgrades to Banner 8.3; project Activity Management; the OCAS Admissions Module Project Plan; and Weekly Project meeting and status reports. Thus, the incumbent is responsible for ensuring the efficient operation of information and data flow, data integrity and implementation of all upgrades and enhancements to the Admissions Module. In some cases, the Functional Expert is expected to develop a manual process to achieve a required outcome. In order to achieve the required outcome, specific variables must be entered in order to get the correct outcome for programs. The consequence of lack of performance in this area can result in loss of revenue to the College by affecting enrolment management.

The College states that the Grievor has no responsibility for planning “multi-faceted” events and no authority to require others to modify their schedules and priorities. While the Functional Expert is a key member of the team that tests and implements new releases of Banner, the Functional Expert is not responsible for planning the upgrade. The Functional Expert acts as the liaison between those who run the project. The College upholds that schedules and priorities of others dictate those of the Functional Expert (ie, deadlines established by OCAS, the academic calendar and the Minister’s Binding Directive on Admissions). The four regular and recurring planning activities (done annually) are not multi-faceted, or complex.



(i) *The Occasional Element within the Factor*

In order to be recognized, the “occasional” level must be at a higher factor level than that assigned to the “regular & recurring” level, which the parties agree is at Level 3. In its submission, the College asserts that the position does not have responsibility for planning “multi-faceted” events and has no authority to require others to modify their schedules and priorities”. This quote from the College brief and Job Evaluation Manual is from the Factor Level and Factor Definition section of the Manual. If one goes to the “Notes to Raters” to clarify the difference for Level 4 quoted above, it can be determined that multi-faceted events are but one example. There is however, an illustration of another event: a “major technology upgrade”. The evidence before me is that a major technology upgrade has occurred twice in the five (5) years the incumbent has been in the position. Accordingly, within every three (3) years of experience required for the job, there is likely to be at least one major upgrade. That is not sufficiently frequent to achieve Level 4 occasional status. The other major technology upgrades are the annual testing and implementing of new releases of Banner. However, the evidence does not establish that the incumbent is in a planning role in her involvement with these annual upgrades. On the evidence I must reject the submissions of the Union for a rating of Level 4 occasional.

For all of the foregoing reasons, I confirm the rating of both parties that the Factor ought to be at Level 3, and I reject the Union submission that there ought to be an adjustment to an occasional Level 4.

**5. Guiding: Ratings: College Level 3 / Union Level 5**

*This factor refers to any **assigned responsibility** to guide or advise others (e.g. other employees, students, clients) in the area of the position’s expertise. This is over and above communicating with others in that the position’s actions directly help others in the performance of their work or skill development.*

It is submitted by the Union that the Functional Expert gives input and votes on new development outcomes for software or negotiates new enhancements when meeting with the BOLT working group OCAS or the Canadian Solution Centre to meet needs of the Banner system. The Functional Expert makes on the spot decisions without consulting a supervisor. Procedures and training manuals are developed by the Functional Expert and these manuals are continually updated and modified. The Functional Expert advises Admission Advisors on how to handle the suspension of a program according to timelines and outcome.

It was submitted by the College that the Level 3 Guiding and Advising rating for the Functional Expert should not be altered because there are no significant assigned responsibilities for skill development. Further, there is no direct responsibility for skill development that characterizes Level 5 Guiding and Advising. The Functional Expert's actions do not directly help others in the performance of their work or skill development. Level 3 does involve engagement with individuals that enables the performance of day to day activities. It is submitted that Level 5 includes added responsibility of "allocating tasks to others". The Functional Expert's role is focused on technical expertise to support the Banner and OCAS systems. There is no responsibility to support the capacity of a team of workers. The Functional Expert works independently in completing her assigned tasks. The Functional Expert provides quick orientation to Admissions Advisors but this "quick orientation" would not be considered a "significant element of the position". The Functional Expert does not counsel Admissions Advisors on their capabilities or skills, nor does the Functional Expert engage in follow-up in any activity that involves "ongoing involvement". The Expert does not delegate tasks to any individuals.

(i) Evidence

The evidence does not support the assertion that the Grievor votes or negotiates at the external meetings. She advises and is a technical resource for managers who are in attendance. It is the managers who would have the final say in the decisions made at external meetings. The evidence did reveal that because of the serious illness of one

manager since last October the Grievor may in fact be doing more in this connection of Guiding and Advising than the position would require. The purpose of Job Evaluation is to rate the position not the job performance of the incumbent. I accept that due to this illness, the Grievor has taken on more of a role here than the PDF calls for. I do find that the Grievor was required, over the past five (5) months, to undertake more responsibility with respect to Guiding and Advising than the position would require.

(ii) Findings

I find that due to the departmental restructuring and the illness of a manager, the situation has resulted in some greater responsibilities being placed upon the Grievor. These greater responsibilities however are on a temporary basis and will diminish or cease altogether once the manger returns to work; or is replaced and the restructuring is fully digested as an organizational change. I also find that the role of the incumbent in the external portions of her work is to provide a combination of technical and business expertise to support the Banner and OCAS systems. She is not guiding and supporting others by making decisions herself or voting or negotiating positions on behalf of the College. In the internal work at the College the Functional Expert does not act in a fashion similar to a “supervisor” as suggested as being required in the “Note to Reader”. Similarly, when I examine the Level 4 note, I do not find that the position requires assisting less experienced staff, nor does the Functional Expert contribute to his or her own on-going skill development. In contrast, the external portions of her work, does require some assisting of less experienced staff, albeit they may be higher classified individuals. The Functional Expert does actively contribute to problem solving as well as skill and knowledge development. To reflect this aspect of the position, it is appropriate to award a factor of Occasional at Level 4, thereby adding 3 ranking points.

**6. Independence: Ratings: College Level 3 / Union Level 4**

It is submitted on behalf of the Union that the Functional Expert does not require

instructions and is able to determine personal deadlines in order to meet implementation deadlines. The setup of the OCAS Banner Module is unique for each college and there are no defined rules or guidelines and procedures. The Grievor is expected to utilize College policies and department policies to direct decision making requirements for maintaining the OCAS Admissions Module. Keeping the system up and running is paramount. The incumbent is frequently required to proceed in the absence of supervisory input. On numerous occasions the Grievor has been told to do what is needed to keep the system running. It is submitted that the Grievor's work fits well within the "Notes to Raters" description at Level 4 and indeed beyond that.

The College submits that Level 3 is the best fit because the position duties are guided by a number of well-established processes and general guidelines. The Functional Expert enjoys a limited autonomy in deciding how to go about her work and ensure the processes related to admissions are run correctly. The Functional Expert follows general processes in completing most of her work – performs recurring operations to transfer and process data. Certain reports and letters are created from established templates.

(i) Evidence

The Grievor testifies about the difficulties in moving away from the use of a SIN number towards another method of student identification. A witness for the College confirmed that the incumbent requires technical expertise to carry out her function but the suggestion that there is no direction given to the position is not correct. There has been some hiatus where there has been less direction because of the illness of one supervisor.

(iii) Findings

A Level 3 rating does not require the steps and tasks to be defined. The position enjoys a relatively broad scope of autonomy as demonstrated in the testimony of the Grievor. The decision making in the position is supported merely by general guidelines and industry, College and department policies. There is an escalating level of the degree of autonomy in making decisions. Level 4 and 5 have a broad free-range of discretion.

The position does not require such a free range in accomplishing the work objectives. For example, there is a daily flow of file transmissions from OCAS into the College's Banner system. This and the daily table population and letter generation are daily routine processes not activities at Level 4 or above. Troubleshooting involves a greater degree of initial independence, but what cannot be resolved readily and easily is then accomplished through the supervisor or a resource in IT. Troubleshooting guidelines can be found in the manual and many of the individual error messages are easily resolved. The work of the position involved in the member external user groups has been taken account of elsewhere in the evaluation and does not influence the assessment here. The student identification number problem referred to in the Grievor's testimony is self-correcting over time and will not be a part of the work of the position on an on-going basis and should not be taken into account for rating the position. For all of the foregoing reasons, I find that the various processes in place and systems used constrain the independence of action and find that the rating of the College at Level 3 appears to be correct. It is not established that the rating should be altered.

**7. Service Delivery: Ratings: College Level 3 / Union Level 4**

*This factor looks at the service relationship that is an assigned requirement of the position. It considers the required manner in which the position delivers service to customers and not the incumbent's interpersonal relationship with those customers.*

The Union submits that the whole process of redesigning the method of recording and retrieving data under a key index and moving away from the use of a SIN has changed the way future delivery of services will occur. The BID and BOLT groups are searching for a better way to do this aspect of the system. It is submitted that the pro-active functions of the Grievor justify the service delivery at Level 4.

The College has rated this factor at Level 3: The Expert does not anticipate customer requirements except in this one area of searching for a new method of indexing.

However, that function is not a responsibility of the position and she acts as a resource in that activity.

(ii) Evidence

The evidence was focused on the search for a new student identification method and not on the activities of the position in any other aspect.

(iii) Findings

Level 4 requires that a person anticipate customer requirements and pro-actively deliver services. There is no doubt that the Grievor is involved in such activities with a large group of others in searching for the best method of eliminating the SIN as a method of identifying students and implementing a different student identification system. However, that is a small part of the work of the position and will disappear when the search is completed. Furthermore, in that process, the Grievor is not acting to anticipate a particular customer requirement, but instead is part of a resource group looking at how to change this one indexing feature. The position requires direct services to the Associate Registrar, Admissions & Student Recruitment, the Admissions Advisors and other system users. The service is in large measure, the reaction of the incumbent to customer inquiries or problems. Such activities are providing tailored services to the user. I find the factor has been properly rated at the Level 3.

**8. Communication: Ratings: College Level 3 / Union Level 4**

*This factor measures the communication skills required by the position, both verbal and written and includes . . . letters, reports, proposals or other documents.*

It is submitted by the Union that the position requires excellent communication and effective negotiation skills to facilitate buy-in and ownership of complex projects and milestones. It is submitted that she steers negotiations in external communications and pushes to achieve what is needed by her college. To implement the Banner System

upgrades it is necessary to negotiate with the IT Department.

It is submitted by the College that the daily routine does not require the Functional Expert to gain others' cooperation and consent and is not required to engage in formal instruction and training of others. While there may be some of this in the external work being done it is not a significant element of the position.

(ii) *Findings*

A rating at Level 4 requires that the position be involved in instruction or training or gaining the cooperation of others in a formal setting. This simply does not occur with this particular position even when dealing with the external aspects of the position. For this reason, I find the position requires communication at the level to secure understanding and it is appropriately rated by the College at Level 3.

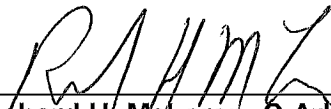
**CONCLUSION**

The total points, when adjusted as rated by this award, are "regular & recurring" 577 "occasional" 12, for a total of 589. That places the Payband within Level I, the range in the Manual being between 580 - 639. See the attached rating sheet.

The parties are hereby directed to take the necessary steps in order to implement this decision. If there are any disputes as to the implementation of my award, I retain jurisdiction to resolve those disputes and issue a supplementary award to complete the process of ensuring that the remedy is complete and the Grievor is made whole to the extent that may be required.

I will remain seized of this matter with jurisdiction to complete the remedy in this award for a period of 45 days from the date herein. Either party may on written request to the Arbitrator ask me to reconvene the hearing for the purposes of determining the remedy aspects of this award. If no written request is received within the stipulated time frame, I will no longer retain jurisdiction over the implementation of the remedy arising from this Award.

DATED at LONDON, ONTARIO this 18<sup>th</sup> day of February, 2011.

  
Richard H. McLaren, C.Arb.  
Arbitrator



## Arbitration Data Sheet - Support Staff Classification

College: MOHAWK Incumbent: MARGUERITE BOWERMAN Supervisor: CAM HIGGS  
 Current Payband: H Payband Requested by Grievor: K

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	4	48			4	48			4	48		
1B. Education	2	12			2	12			2	12		
2. Experience	4	54			5	69			4	54		
3. Analysis and Problem Solving	3	78			4	110			3	78	4	9
4. Planning/Coordinating	3	56			3	56	4	7	3	56	-	-
5. Guiding/Advising Others	3	29			5	53			3	29	4	3
6. Independence of Action	3	78			4	110			3	78		
7. Service Delivery	3	51			4	73			3	51		
8. Communication	3	78			4	110			3	78		
9. Physical Effort	1	5			5	5			1	5		
10. Audio/Visual Effort	3	50			3	50			3	50		
11. Working Environment	2	38			2	38			2	38		
<b>Subtotals</b>	(a) 577		(b) 0		(a)		(b)		(a) 577		(b) 12	
<b>Total Points (a) + (b)</b>	577				741				589			
<b>Resulting Payband</b>	H				K				I			

**Signatures:**

Bowerman  
(Grievor)

Dec 20/10  
(Date)

Fred Day  
(College Representative)

Dec 20/10  
(Date)

[Signature]  
(Union Representative)

Dec 20/10  
(Date)

[Signature]  
(Arbitrator's Signature)

25 JAN 2011  
(Date of Hearing)

18 FEB. 2011  
(Date of Award)

MOHAWK COLLEGE  
DEC 20 2010  
Human Resources