

IN THE MATTER OF AN ARBITRATION

BETWEEN:

Northern College
("the College")

and

Ontario Public Service Employees Union, Loc. 654
("the Union")

Grievance of Maire Leigh Sheppard

ARBITRATOR:

Mary Lou Tims

APPEARANCES:

FOR THE COLLEGE:

D. Michaluk – Counsel
C. Bender
C. Carbone

FOR THE UNION:

L. Lachance – Chief Steward, Local 654
M.L. Sheppard
A. Parnell

Hearing held in Timmins on November 23, 2009.

AWARD

I have before me the November 28, 2007 grievance of Ms. Maire Leigh Sheppard. Ms. Sheppard holds the position of Senior Library Technician at the Porcupine campus of Northern College in Timmins, Ontario. She alleges that her position has been improperly classified at Payband G, and she seeks reclassification to Payband H.

There were no objections with respect to my jurisdiction or to the arbitrability of the grievance.

Both parties filed written submissions prior to the hearing in accordance with the collective agreement. In addition, the grievor and her supervisor, Ms. Christine Bender, Supervisor, Student Services and Facilities, testified at the hearing.

Included in the College's Brief was a Position Description Form dated September 26, 2007 ("the PDF"). The Position Summary in the PDF describes the "overall purpose" of the Senior Library Technician position as follows:

The incumbent assumes a leadership and coordination role for College-wide Library Services, including resolving problems/queries referred by other Library Technicians. Coordinates and directs information management functions, that is all electronic resources (MARC catalog of records accessed by clients, staff, off-site patrons and LRC staff; SIRSI province-wide circulation system used by LRC staff and off-site patrons; and electronic data base resources, such as ERIC, accessed by patrons and staff), for the LRC team for collection development and major projects, college wide. The incumbent is responsible for leadership in, and the overall efficient operation of the Learning Resource Centre/Student Success Center, Porcupine Campus. Duties include circulation, acquisitions, cataloguing, interlibrary loans, reference and research assistance, as well as audio visual services. The incumbent takes a leadership role in providing library services to all College sites and satellite operations and distributed learning students – including representing College on provincial Bibliocenter Users Advisory Group and other provincial, national, local, and College library committees and groups. Incumbent provides support to the Student Success Center, including liaising with faculty, students and other staff as well as recruiting student and community tutors, providing support services for hiring and utilizing same, and matching tutors/students.

The Union disputed certain aspects of the PDF content. It filed in its Brief a draft PDF ("the proposed PDF") which it suggested more fully reflects the duties and responsibilities of the grievor's position. While the Union's representative asked that I

refer to its PDF in rating the disputed factors here, she advised that the Union did not seek an order that the PDF language be amended.

The rating of three factors is in dispute between the parties: Education, Analysis and Problem Solving, and Service Delivery.

The evidence established that the grievor holds the only Senior Library Technician position at the College. The College also employs three Library Technicians. One works with the grievor, and two work at other campuses.

According to the College's Brief, approximately seventy per cent of the Senior Library Technician position duties relate to the College's library, called the Learning Resource Centre ("LRC"). Approximately twenty-five per cent of the position duties relate to the College's Student Services Centre, and the remainder of the position's time is allocated to other duties.

EDUCATION – (1A)

The College rated Education (1A) at level 3, and the Union seeks a rating of level 4.

The Support Staff Job Evaluation Manual ("the Manual") indicates that this factor "identifies the **minimum** level of formal education that is required to perform the responsibilities of the position." (bolding in original) (p. 8) Level 3 Education is a "2 year diploma or equivalent," and level 4 Education is a "3 year diploma/degree, trade certification, or equivalent."

The Union's proposed PDF states that the minimum level of formal education required for the grievor's position is a Bachelor of Arts degree with "Library Techniques component." At the hearing, the Union took the position that a three year university degree and a two year Library Technician diploma, or a Bachelor of Arts degree from Lakehead University with a concentration in Library and Information Studies are appropriate educational requirements for the position.

The grievor has a Bachelor of Arts degree in Humanities from Laurentian University, and a two year Library Technician diploma. She has been employed by the College as a Library Technician since 1980, and became the Senior Library Technician in 2003. The Senior Library Technician was not a posted position and the parties agreed that the only Library Technician position posted at the College since 1994 was a post-

grievance posting in 2008 requiring a “two year CAAT diploma in Library Technician (*sic*) or a combination of relevant education and experience.”

The Union emphasized three points in arguing that the higher rating sought for this factor is warranted. First, it referred to the grievor’s role in assisting students, faculty, and members of the public in accessing appropriate research materials. The Union’s evidence established that forty to fifty research requests are received each semester. It stated in its Brief that “the LRC is expected to provide reference and research assistance to students enrolled in the Four Year Bachelor Science of Nursing (*sic*) degree program from Laurentian University; to students enrolled in the Three Year diploma programs such as Civil Engineering and to students in the Veterinary Technician Two Year diploma program offered at the Haileybury Campus.” The Union’s representative noted as well that the grievor provides research assistance to faculty members working on Masters Degrees. In the Union’s submission, the grievor’s university degree provides her with the “necessary parameters” to comprehend and to respond to client research needs.

The Union argued as well that the grievor must effectively question those seeking research assistance in order to fully understand their needs. It pointed out that there is no established line of questions for such reference interviews, and that the grievor needs to understand university level research requirements in order to be of assistance.

The Union also addressed what it characterized as the grievor’s daily role in assisting students in the Student Success Centre. The grievor indicated that it was only through her university degree that she is able to assist students in various programs and at different levels.

The College asserted, and the Union did not dispute, that Library Technician programs in Canada are usually two years in duration. The College filed in its Brief course information relating to two year Library Technician diploma programs at Ontario Community Colleges. The College also noted that Lakehead University offers a Bachelor of Arts degree program with a concentration in Library and Information Studies.

Ms. Bender reviewed Library Technician and Lakehead University course information. She was of the view that the College Library Technician programs more specifically address the role of the College’s Library Technician than what she regarded as the “more generic” and therefore “less attractive” courses offered in the Lakehead

University program. She believed that the two year Library Technician diploma program is the proper minimum educational requirement for the grievor's position.

The College argued that the two year Library Technician diploma program together with the past experience required for the position equips the Senior Library Technician to assist with research requests and to question clients regarding their research needs. The College further took the position that the grievor's position has no assigned responsibility for providing direct learning support for students.

In the College's submission, the current educational requirement set out in the PDF is appropriate when viewed in the context of the undisputed experience requirement of a minimum of five years in "a library technician or related position . . . including leadership experience."

The Union has not, in my view, demonstrated that this factor should be rated at level 4. There was no dispute between the parties at the hearing that the two year Library Technician diploma program provides at least in part the "minimum level of formal education" required to perform the duties of the Senior Library Technician position. The grievor testified that she has a Library Technician diploma and the Union acknowledged that this is, in part, an appropriate educational requirement.

I am asked by the Union to conclude, however, that such diploma is not by itself the appropriate minimum level of formal education required to perform the position duties but that a three year Bachelor degree is also required. I was not convinced that the Library Technician Program is lacking as a minimum level of required education for the Senior Library Technician position taking into account the duties and responsibilities of the position. While it may be that the grievor's further education assists her in the performance of her duties, the Manual is clear that this factor is intended to measure only the "minimum level of formal education" required. The evidence, in my view, does not demonstrate that a university Bachelor level degree program is properly regarded as part of the minimum level of required formal education for the Senior Library Technician position. I am not convinced that the higher factor rating sought by the Union is warranted.

The rating of this factor at level 3 is confirmed.

ANALYSIS AND PROBLEM SOLVING

The College rated this factor at level 3 and the Union seeks a rating of level 4.

The Manual defines level 3 Analysis and Problem Solving as follows:

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.

Level 4 Analysis and Problem Solving is defined as follows:

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.

There was no dispute between the parties that there is a significant analytical and problem solving role associated with the grievor's position. In the College's submission, however, this is properly reflected here in a level 3 rating.

The parties each explored a number of examples of Analysis and Problem Solving. They addressed the Senior Library Technician's duties relating to the Student Services Centre. They described the need for the grievor to gather information and her responsibility for connecting students with resources. The evidence established that the grievor matches students with tutors to address identified needs, hires community tutors, and sets up group tutoring arrangements as required. The evidence also establishes the need for the grievor to follow up on such arrangements and to address problems that may arise. The Union referred to the grievor's role in setting up and referring students to study groups and time management groups. The grievor also testified that she refers students for assessment to the Centre for Disabilities.

The parties also asked me to consider the analysis and problem solving involved in the research assistance provided by the grievor to students, to faculty, and to members of the public. The grievor testified that she must question the library client so as to understand the topic to be researched, and the format and the complexity of the research materials sought. In the Union's submission, it is necessary for the Senior Library Technician to analyze and interpret the responses provided in order that she can offer meaningful assistance.

The parties also addressed the role of the Senior Library Technician in ordering materials to support programs offered by the College, and in assisting faculty in accessing resources for course delivery. While the Union accepted that faculty members are the course providers, it suggested that the grievor supports them in assessing what resources are available. The grievor addressed the need to perform such role where new programs are offered, where full-time faculty provide her with a "wish list," and where she receives no recommendation from part-time faculty regarding resource materials necessary to enhance curriculum delivery. She testified that she must also respond to issues relating to outdated materials, and must ensure that library resource requirements associated with accreditation are met.

The parties addressed as well the College's relationship with the Ontario College Library Service ("OCLS") and previously with Bibliocentre, and the related duties and responsibilities of the Senior Library Technician. The evidence established that the Bibliocentre, recently replaced by the OCLS, is a provincial agency that designs and develops services for use by College libraries. The Union emphasized that although a large amount of information is available through such system, it is the grievor's responsibility to "individualize" it and to evaluate the needs of the College. The Union's Brief stated that the grievor provides future direction for the LRC. The evidence established that the OCLS has a menu of available services with associated costs. The grievor's analysis of these services in the context of her knowledge of the library, supports recommendations she makes to her supervisor, Ms. Bender. The Union argued that the grievor's role goes beyond the provision of information.

The grievor spoke of raw data in the OCLS data base and described that she downloads from such data base on a monthly basis in such a way that the College system accurately reflects its available resources. The Union noted that the grievor is responsible for the data base used by the LRCs at three College campuses.

Level 4 Analysis and Problem Solving, according to the Manual, contemplates the need to address situations or problems that are "not readily identifiable" and that "often require further investigation and research." I am not convinced that the examples relied upon by the Union, including those addressed above, reflect such situations and problems. Rather, in my view, the evidence before me reflects situations and problems that are "identifiable" but "may require further inquiry in order to define them precisely."

As stated in the Notes to Raters pertaining to 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.” (p. 14)

The level 3 factor definition speaks to solutions which “require the analysis and collection of information. . . .” The level 4 definition addresses solutions which require the “interpretation and analysis” as defined of a “range of information according to established techniques and/or principles,” also as defined. I am unable to conclude on the basis of the evidence before me that the analytical and problem solving role of the Senior Library Technician can be so characterized, and am satisfied that the problem solving responsibilities of the position fit within the level 3 factor definition.

The rating of this factor at level 3 is confirmed.

SERVICE DELIVERY

The College rated this factor at level 2, regular and recurring, and the Union seeks a rating of level 3, regular and recurring and level 4, occasional.

The Manual provides the following factor level definitions:

2. Provide service according to specifications by selecting the best method of delivering service.
3. Tailor service based on developing a full understanding of the customer’s needs.
4. Anticipate customer requirements and pro-actively deliver service.

The Manual provides further definitions, including the following:

Tailor – to modify or adapt with special attention in order to customize it to a specific requirement.

Anticipate – given advance thought, discussion or treatment to events, trends, consequences or problems; to foresee and deal with in advance.

Proactive – to act before a condition or event arises.

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

Level 2 – service is provided by determining which option would best suit the needs of the customer. The incumbent must know all of the options available and be able to explain them to the customer. The incumbent selects or recommends the best option based on the customer’s need. There is no, or limited, ability for the incumbent to change the options. . . .

Level 3 refers to the need to “tailor service.” 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. The customer’s request must be understood thoroughly. Based on this understanding, the position is then able to customize the way the service is delivered or substantially modify what is delivered so that it suits the customer’s particular circumstances.

The Union addressed in its proposed PDF and in its Brief a number of examples of Service Delivery including the Senior Library Technician’s role in providing research assistance, in matching students with tutors, in monitoring the student/tutor relationship, and in determining whether and how library fines are payable.

It argued that the grievor provides research assistance which requires “client centered service delivery” insofar as the grievor must assess content, complexity and format of research sources on an individual basis unique to each client. Such example, in my respectful view, reflects level 2 Service Delivery. The grievor when responding to a request for research assistance does not “tailor” the service delivered in accordance with the factor definitions, but rather, must know the options available to the client and must select and recommend the option best suited based on client need. The service is not “modified or adapted.” The same comments apply when considering the role of the Senior Library Technician with respect to tutors.

The evidence established as well that fines for overdue library materials can be imposed at the rate of one dollar per day per unit. To the extent that the grievor can waive the fines if appropriate, or accept a donation of food to the Food Bank in lieu of monetary payment, this does not in my view reflect level 3 Service Delivery.

The Union’s Brief and the evidence at the hearing also addressed the grievor’s identification of “needs for Study Skills and/or Time Management workshops to address classroom expectations.” At the hearing, the Union referenced the grievor’s role related to the provision of workshops or other group sessions in response to needs identified by students, faculty or by the grievor. The Union’s proposed PDF also includes as an example of Service Delivery “Orientation and Instruction of electronic resources of professional scholarly publications.”

The parties differed in their characterization of such responsibilities. The College suggested that the grievor may “establish” workshops designed and delivered by external

providers and that this exemplifies level 2 Service Delivery. The grievor testified that she “assists in the design of the workshops.” In the Union’s submission, this reflects level 3 Service Delivery.

Although not referenced at the hearing, I note that the PDF includes as an occasional example of Planning and Coordinating the development of promotional materials, actions, events, and in-class presentations for the Student Success Centre.

The Union’s evidence before me established that the grievor may set up audiovisual displays to address identified student needs and, if necessary, may retain the services of community tutors. The Union described that the Senior Library Technician “provides resources to have workshops available as needed.”

While in my view the design of workshops and other such sessions could in appropriate circumstances reflect level 3 Service Delivery, the evidence before me on this point, when viewed in its entirety, falls short of establishing regular and recurring “tailoring of service” based on “a full understanding of the customer’s needs.”

The Union also sought an occasional level 4 rating. The grievor testified that she reviews course outlines and curriculum during at least two of the three College semesters, and has discussions with faculty members and with Deans to anticipate and respond to upcoming needs for library resources. Upon doing so, she determines what is currently available in the LRC and orders materials as appropriate. The Duties and Responsibilities section of the PDF states that the grievor “consults with teaching staff to identify curriculum needs.” The Union argued that this role reflects the anticipation of customer requirements and the proactive delivery of service within the meaning of the level 4 definition. The College took the position that the grievor responds to a need driven by faculty determination of course content and that this is not level 4 Service Delivery.

The Notes to Raters pertaining to level 4 Service Delivery state in part that “the position designs services for others by obtaining a full understanding of their current and future needs,” and that such information “is considered in a wider context... necessary... for the position to be able to structure services that meet both the current stated needs and emerging needs.”

The evidence, in my view, does not establish an occasional requirement for the Senior Library Technician to deliver service at level 4 as described in the Notes to Raters.