

IN THE MATTER OF A
CLASSIFICATION GRIEVANCE

BETWEEN:

OPSEU LOCAL 612

-and-

SAULT COLLEGE

**Regarding the Classification of
Admissions/Records Officers
DeGregorio-Chanas, Vairo, Kennedy and Kasch
OPSEU #2008-612-063**

BEFORE : Kathleen G. O'Neil, Single Arbitrator

For the Union: Lorri Foley, Chief Steward, OPSEU Local 612
Mary Ann DeGregorio-Chanas, Angie Vairo, Jo-Ann Kennedy,
and Anne Kasch, Grievors

For the College: Daniel J. Michaluk, Counsel
Janice Beatty, VP Human Resources and Student Services
Lanie Cerasuolo Manager, Labour Relations
Mary Ellen Tomie, Registrar

A Hearing was held by written briefs and conference calls
Briefs - January 16 and February 20, 2009 (reply)
Conference calls - October 22, 2008, February 6 and March 27, 2009

A W A R D

This decision deals with a grievance dated March 13, 2007 claiming that the position of Admissions/Records Officers, held by Angie Vairo, Jo-Ann Kennedy, Mary Ann DeGregorio-Chanas and Anne Kasch, is incorrectly classified and asking that it be reclassified upward to Payband G. The job was originally rated at Payband E, but during the grievance procedure, it was raised to Payband F. The employer maintains that the job is properly classified at that level.

The matter falls to be decided by application of the recently revised CAAT Support Staff Job Evaluation Manual (referred to below simply as “the Manual”), a document negotiated provincially, to the job duties set out in the Position Description Form (referred to below as the PDF). It is important to underline that it is the basic requirements of the job as set out in the PDF that are evaluated in this system, and not the performance or worth of any of the incumbents, even if they perform at a level or possess skills that surpass the requirements of the job as set out in the PDF. My role as an arbitrator in dealing with this grievance is limited by Article 18.4.5.1 to determining whether the job is properly evaluated pursuant to the Manual. The detailed provisions of the Manual are aimed at providing an objective basis for the placement of a huge variety of jobs across the college system on the common salary grid in the collective agreement. The exercise is somewhat technical, and is no comment on the value of the incumbents’ work to the College community in terms of their personal effort or in the sense of how much their contribution to the College’s work is appreciated by their colleagues and those who rely on their work. The College’s brief stresses that the incumbents are extremely valued by the employer.

Overview of the Admissions/Records Officers Position

The position entitled Admissions/Records Officers is responsible for reviewing applications to the college to ensure that students have the necessary qualifications, as well as maintaining accurate student records and generating appropriate correspondence. The incumbents provide advice and guidance to applicants, students,

their advisors and the general public regarding College programs, requirements and fees. They are also responsible for fee assessments as well as the diploma audit necessary to ensure eligibility to graduate. Since the records created and maintained by the incumbents are relied on throughout the College, a high degree of quality and accuracy is required.

The Expedited Arbitration Procedure

The parties agreed to submit their briefs and make their submissions in writing after the scheduled hearing was unavoidably adjourned due to the health of a necessary participant. After reviewing the briefs, I scheduled a conference call to give me an opportunity to pose some questions and afford the parties the opportunity to make closing remarks. Given the fact that the job description was agreed, and the remaining dispute was limited to the rating of two factors, this was a very appropriate use of the expedited process for the dispute in question, which afforded me all the information I needed to make this decision, while limiting the cost and delay for the parties.

Factors In Dispute

There is no dispute over the content of the PDF dated May 21, 2008, but the rating level for two factors remains in dispute. They are:

- i. Planning and Coordinating
- ii. Independence of Action

i. Planning and Coordinating

The dispute between the parties is between Level 2, attributed by the College, and Level 3, sought by the union.

The Manual's Description of Level 2 is:

2. Plan/coordinate activities and resources to complete own work and achieve overlapping deadlines.

The Manual's Description of Level 3 is:

3. Plan/coordinate activities, information or material to enable completion of tasks and events, which affect the work schedule of other employees.

“Affect” and “Other employees” from Level 3, are defined terms, whose definitions read as follows:

Affect - to produce a material influence upon or alteration in.

Other employees - includes full-time, part-time, students, contractors

The Notes to raters for this factor provide, in relevant part, that:

2. Planning is proactive while coordinating is reacting and organizing in response to planning.

3. To clarify the differences between levels 2, 3 and 4:

Level 2 - the position plans and prioritizes its own activities. Planning and coordinating are typically focused on completion of assigned activities within established deadlines or procedures (e.g. scheduling, coordination of data for reports, setting-up of new software in a department to meet specific business needs). The position may coordinate or make arrangements for an event by coordinating the calendars of others.

Level 3 - the position decides the order and selects or adapts methods for many work assignments. Typically, the planning and coordination at this level, which affects the work schedule of others, are requests for materials/information by specific deadlines in order for the position to plan events or activities (e.g. conferences, research projects, upgrading hardware or software).

This factor, the Manual emphasizes, measures organizational and/or project management skills. There are three examples of regular and recurring activities for this factor in the PDF. The first deals with analyzing applicants' eligibility, the second with managing wait lists for over-subscribed programs, and the third is the manual adjustment of fees when necessary to correct the result generated by the automated computerized process. For occasional activities, there are two: manually verifying diploma audits and processing “quick admit” applications in the four weeks leading up to fall and winter registration periods. My task is to apply the provisions of the Manual to the PDF to determine which level is the most appropriate, viewed in the context of the job as a whole. For this factor, the key differences between the levels is whether the planning and coordinating requirements of the job are focused on the completion of the incumbents' own work, or on planning or coordination of activities or information to enable the completion of tasks and events which affect the work schedule of other employees.

In this regard, it was agreed during our first conference call that the term “other employees”, which appears in the Level 3 factor definition, only includes students if they are also employees. As a result, an arbitral precedent to which the union objected was excluded from this expedited process. During this call the union also objected to the inclusion of the PDF for the Operations Team Leader in the College’s brief. I allowed it to stand for the purpose of shedding light on the incumbents’ duties, not for comparative rating purposes. In the end, nothing in the decision turns on the Team Leader’s PDF.

The union submitted that the incumbents often have to request information from other employees, such as faculty, coordinators and counselors, which they need by certain deadlines, affecting the work schedules of other employees, so that the level 3 rating is justified. By contrast, the College maintains that these requests fit within Level 2 because they are part of planning and prioritizing the incumbents own activities so they can complete their work within the established deadlines, as set out in the Notes to Raters for Level 2.

Having reviewed the Manual’s criteria in light of the detailed submissions of the parties orally and in writing, it is my determination that the “best fit” for this factor is Level 2. The incumbents routinely collect data to provide accurate information within established deadlines, which corresponds to the Level 2 example, “coordination of data for reports” in the mandatory Notes to Raters. The Level 3 Note to Raters does not fit as well, since it requires both that the planning and coordinating affect the work schedule of others, and that the material and information request is for the purpose of planning events or activities, for which the Manual uses examples such as conferences or upgrading hardware or software.

Although I accept that there is some effect on the work of others when the incumbents ask administrators or faculty about course equivalents, for example, the evidence does not warrant a finding that it is at the level required, i.e. affecting the work schedule of others, given that the definition of “affect” is to produce a “material influence upon or alteration in”. There was no evidence supporting a finding that there was a material influence on the work *schedule* of other employees as a result of the incumbents’ requests. For one thing, it appears that the incumbents are able to answer many questions without contacting other employees, since much of the information they

request comes from applicants and external agencies. Further, the evidence is not persuasive that answering questions from the incumbents within a defined time line does not fit into the other employees' existing work schedules. The union emphasized in its reply brief that events and processes seldom run smoothly or according to a pre-designed plan, and that in this respect, the incumbents use their knowledge and expertise to deal with the situation, contacting the dean's office, chair's office or the IT department for information required to complete their daily tasks. This is not disputed, but it fits quite well with the Level 2 Note to Raters which specifies that "planning and coordinating are typically focused on completion of assigned activities within established deadlines or procedures". Good examples of this are coordinating information to complete the diploma audits and gathering information to assess applications within the deadlines provided.

The union also gave the example of wait lists for oversubscribed programs affecting more than the applicants. It is of course true that improperly managed lists can have a significant impact on other departments, increasing workload for staff and faculty to accommodate additional students. Nonetheless, what this factor measures is whether in carrying out the assigned duty, which presumes a properly managed list, the incumbents alter the work schedule of other employees or contractors of the College. The material before me does not establish that to be the case. Rather, it establishes that the incumbents calculate average grades and rank applicants for oversubscribed programs, and once it is determined by the Registrar how many offers to send out, they generate the offer letters. I do not see this as demonstrating that the incumbents are affecting the work schedule of other employees. Other employees make the decisions about the size of the programs, and the incumbents are required to carry out those decisions. In doing so, they may be required to coordinate data to generate reports and letters, all the while scheduling the completion of their own duties to meet overlapping deadlines, which fits well at Level 2. Another example raised by the union was the incumbent making an appointment with the college counselors for an applicant during the "Quick admit" process, and it was asserted that given the quick time lines, the counselors would have to change their schedules. This example also fits within the notes to raters at Level 2 which speaks of completing assigned activities within the established deadlines, and specifically mentions scheduling and coordinating the calendars of others, which is a different function than altering the work schedule of others.

More significant, in my view, is the fact that there is no evidence that the information which the incumbents collect and coordinate is used by them to *plan* events or activities such as conferences or research projects, as required by the Notes to Raters at Level 3. Thus, even if the incumbents sometimes exercise a material influence on or alteration in some other employees' work schedules to accommodate a request made by the incumbents, Level 3 is not a good fit. It is important to underline that the second Note to Raters provides that "planning is proactive while coordinating is reacting and organizing in response to planning". It is my view that the function of the Admissions/Records officers is much more focused on carrying out plans made by others, rather than having any assigned duty of proactively planning events themselves. Taking the example of convocation, there is a college committee which plans Convocation. The incumbents do not sit on the committee, nor is there any assigned duty in relation to planning convocation in the PDF. Rather they carry out the crucial function of performing the diploma audits so that the plans made by the committee can be carried out according to the pre-determined qualifications by the pre-determined dates. They plan their own work to meet the imposed deadlines, sometimes discussing among the four incumbents, which fits with level 2 as detailed in the Manual's factor description, "plan/coordinate activities and resources to complete own work and achieve overlapping deadlines." There is a reference to coordination and preparation of the graduation list, by downloading and manipulating data, but this is not a planning or coordinating function which alters the work schedule of other employees. Indeed, there is no reference to planning in the job duties for this position at all.

The union argued that the whole admissions process is a planning process. In this regard, I accept that for the college as whole, the admissions process is a fundamental building block for all its other plans as to what employees and facilities are necessary, for example. And the incumbents' duties are critical to making the admissions process a reality. Nonetheless, the PDF does not reflect the idea that the incumbents have been assigned the planning function for the admissions process itself. It is much more focused on the responsibilities to carry out the admissions plan, coordinating information to complete the incumbents' own work of assessing applications in the context of overlapping deadlines, which fits well with the level 2 factor definition.

In the result, I confirm the rating for this factor at Level 2.

ii. Independence of Action

This factor measures the level of independence or autonomy in the position. The College has rated Independence of Action at Level 2 and the union seeks Level 3. These levels are described in the Manual as follows:

2. Position duties are completed according to established procedures. Decisions are made following specific guidelines. Changes may be made to work routine(s).
3. Position duties are completed according to general processes. Decisions are made following general guidelines to determine how tasks should be completed.

The Manual further provides that the following elements should be considered when choosing the rating level:

- the types of decisions that the position makes
- what aspects of the tasks are decided by the position on its own or what is decided by, or in consultation with, someone else, such as the supervisor
- the rules, procedures, past practice and guidelines that are available to provide guidance and direction

These considerations, when taken as a whole, will define the parameters and constraints of the position within which the incumbent is free to act.

Notes to Raters:

1. Sometimes Supervisors may be in another location, and not always physically available to the incumbent. This does not automatically indicate a higher level of independence than for those who work in close proximity to their Supervisor. With the use of email, cell phones, pagers, etc. guidance may be readily available to the incumbent. Also, written and customary procedures, processes, etc may form a framework which guides much of the position's activities and results in a similar level of autonomy as an individual who is in the same physical location as his/her Supervisor.
2. When determining the guidance and direction provided also consider the checks and balances that are in place to verify the work. This includes activities, such as feedback by end users, computer system verification routines, other employees reviewing the work, work checked or verified during the next step of a process, supervisor reviews the work.

3. To clarify the differences between levels 2 and 3:

Level 2 - duties are completed based upon pre-determined steps. Guidelines are available to assist, when needed. The position only has the autonomy to decide the order or sequence that tasks or duties should be performed.

Level 3 - specific results or objectives that must be accomplished are pre-determined by others. The position has the ability to select the process(es) to achieve the end result, usually with the assistance of general guidelines. The position has the autonomy to make decisions within these parameters.

For the factor of Independence of Action, the job description provides that the incumbent is expected to carry out daily responsibilities with little or no direct supervision, and that a high degree of responsiveness and independent action is required, with the supervisor available to provide direction as needed. In respect of procedures and guidelines available to guide the incumbent, the PDF gives an extensive list of schedules, deadlines, policies and guidelines, with which the incumbents are expected to become familiar. The College argues that these are the kinds of things that Level 2 is referring to when it speaks of “established “procedures” and “guidelines”, terms defined in the Manual as follows:

Procedure – a sequence of steps to perform a task or activity.

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

By contrast, the union argues that these are better described as “general processes”, a term found in Level 3. “Process” is defined in the Manual to mean:

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

Each of the factor definitions for this factor has two parts, the first describing how duties are performed, and the second describing how decisions are made. As the point level rises, the level of detailed control of the work decreases. At level 2, duties are performed according to established procedures, while decisions are made following specific guidelines and changes may be made to work routines. By contrast, at Level 3, duties are completed according to general processes, and decisions are made following general guidelines. The types of decisions required are illustrated in the PDF duties and responsibilities section and the Analysis and Problem Solving section. Prime examples are deciding whether an applicant is eligible for admission, whether a fee assessment is

correct and whether a student's record establishes that the requirements for graduation have been met.

This position is a mix of independent action, as evidenced by the lack of day-to-day supervision while the incumbents make decisions as to the adequacy of qualifications and correctness of fees, for example, combined with a significant lack of autonomy as to the content of the decisions. The incumbents are required to apply the qualifications for admission for example, and to advise of predetermined alternatives to admission to the requested program for example. They do not have freedom to change the requirements which they are assigned to apply or inform others about. Further, even though it is true as the union argues, that the incumbents do not frequently refer tasks or decisions to the Team Leader or supervisor, there is a significant amount of verification described in the PDF, from computer generated reports, which are reviewed by the supervisor and other users.

Because words like procedures and processes have overlapping meanings, and guidelines are part of the descriptions of both the factor levels in issue here, it is important to keep the context and the guidance from the notes to raters in mind and to underline that the objective is to find the "best fit".

The notes to raters for this factor are helpful in distinguishing the levels. Level 2 duties are said to be completed based on pre-determined steps, autonomy being in the ability to decide the order or sequence that tasks or duties should be performed. As for Level 3, specific results or objectives to be accomplished are pre-determined by others, but the position has the autonomy to select the processes to achieve those results. The information before me is not persuasive that the incumbents have latitude to choose processes. When required to do a fee assessment, or diploma audit, for example, what was described was a well established procedure for comparing the individual records with the pre-determined rules for fees or graduation requirements. As to processing applications and determining eligibility for admission, describing the process as "general" would be a misnomer. It is very specific, with detailed qualifications, timelines and structure at every turn. This is not a question of the work being determined by the SIS computer system; it is a matter of the undisputed fact that the functions of the Registrar's office are circumscribed by a raft of policies and procedures generated by the Ministry,

upper levels of College governance and very detailed academic and financial requirements for admission and graduation.

The PDF provides that the incumbents are able to develop and modify work methods to adapt to the complexity of the project or situation. The union argues that this goes beyond the portion of the factor description at Level 2 which says: "Changes may be made to work routines". Method is not a defined term in the Manual, but its ordinary dictionary meaning of "a mode of procedure or a defined or systematic way of doing a thing" (The Canadian Oxford Dictionary 2001) does not persuade me that what is being referred to is consistent with the Level 3 requirement that the incumbents have the ability to select the process to achieve the end result. For example, the material before me establishes that the routine method for review of applications may be individualized where there are special circumstances such as international qualifications or mature students to be assessed, requiring inquiries of external sources as to equivalencies, but the process of comparing the qualifications to the entrance requirements is not optional. This is a better fit with Level 2's reference to changes to work routines than Level's 3's reference to ability to select processes. Having said this, it is important to underline that I accept without hesitation the union's argument that the incumbents do not just do the same thing over and over again. The incumbents' job involves many procedures and a very diverse clientele, which they serve with tact and diplomacy by making important assessments within the bounds of the College's requirements and the cycle of the College calendar.

I also accept, as the union argued, that all work, no matter at what level, can be broken down into steps. It is the nature of the steps, and how well-defined they are in advance, which makes the difference between the levels in this factor. One of the key differences is between choosing processes (Note to Raters - Level 3) and completing tasks based on pre-determined steps with the autonomy to decide the sequence of those steps (Note to Raters - Level 2). Taking the example of processing admission applications, the evidence does not support a finding that there is any choice about the nature of the steps involved. One has to compare the applicant's transcript or substitute documents to the entrance requirements. Once the extent of the match between the applicant's background and the entrance requirement is assessed, the incumbents take the next step, depending on what is found in the first step. There is no suggestion in the

evidence that the incumbents can choose to admit or reject applications by some other process than the one customarily followed in the Registrar's office. There was the example of changes to the process when the high school curriculum was revised to require three instead of two math courses to obtain a high school diploma. But there was no evidence that an incumbent in this position had the option to choose what process to use to handle the change. The closest item in the PDF is the indication that the incumbents participate with other clerks and the supervisor in reviewing existing processes and in the design and application of new ones. But this is quite different from the situation at Level 3, where the employee is given objectives and has the freedom to choose the process to achieve it. Rather, it appears that once a change was made in the content of the entrance requirements as part of the admissions process, the incumbents were required to administer it in that new, but still pre-determined, way.

In general, it is clear that the incumbents have the freedom to choose how to sequence their work to get it all done within the many pre-determined time lines. They no doubt also each have a personal style, and routines that may differ in sequence one from the other, or from one type of case to another, but there is no evidence that it is the incumbents who have the discretion to decide what steps or processes are necessary to do tasks such as register a student, maintain student records, do a diploma audit or fee assessment, for example.

Given the range of information that the incumbents are expected to be familiar with, and the wide variety of needs demonstrated by the people they serve, as well as the fact that an experienced incumbent might rarely have to pull out a guideline to decide what to do, the job may appear more independent than what is provided in the "nuts and bolts" of the PDF. In the end, on the basis that the guidelines for the duties and decision making for this job are very specific, rather than general, and that there appears little latitude concerning the choice of process to achieve the assigned responsibilities, I find Level 2 to be a better fit than Level 3.

In the result, the factor for Independence of Action is confirmed at Level 2.

* * *

To summarize, the College's rating for the factors Planning and Coordinating and Independence of Action is confirmed, leaving the point rating at 449, which falls into Payband F. The arbitration data sheet reflecting this is attached to this decision.

In the result, the grievance and its request to raise the rating to Payband G are denied as I do not find the job to be improperly rated.

Dated at Toronto this 31st day of March, 2009.

Original signed by Kathleen G. O'Neil

Kathleen G. O'Neil, Single Arbitrator

Arbitration Data Sheet – Support Staff Classification

College Sault Incumbent: Registrar's Group Supervisor MaryEllen Tomie

Current Payband E (re-evaluated to F) Payband Requested by Grievor G

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	3	35			3	35			3	35		
1B. Education	1	3			1	3			1	3		
2. Experience	4	54			4	54			4	54		
3. Analysis and Problem Solving	3	78			3	78			3	78		
4. Planning/Coordinating	2	32			3	56			2	32		
5. Guiding/Advising Others	3	29			3	29			3	29		
6. Independence of Action	2	46			3	78			2	46		
7. Service Delivery	2	29			2	29			2	29		
8. Communication	3	78	4	9	3	78	4	9	3	78	4	9
9. Physical Effort	1	5			1	5			1	5		
10. Audio/Visual Effort	2	35			2	35			2	35		
11. Working Environment	1	7	2	9	1	7	2	9	1	7	2	9
Subtotals	(a) 431		(b) 18		(a) 487		(b) 18		(a) 431		(b) 18	
Total Points (a) + (b)	449				505				449			
Resulting Payband	F				G				F			

Signatures:

See attached _____
 (Grievor) (Date) (College Representative) (Date)
Laurie Foley Aug 1, 2008 Chief Steward
 (Union Representative) (Date)
Kathleen O'Neil March 27, 2009 March 31, 2009
 (Arbitrator's Signature) (Date of Hearing) (Date of Award)