

IN THE MATTER OF A CLASSIFICATION ARBITRATION

BETWEEN:

ONTARIO PUBLIC SERVICE EMPLOYEES UNION, LOCAL 416
(hereinafter called the Union)

RECEIVED - OPSEU
JUN 12 2013
OTTAWA R.O.

- and -

ALGONQUIN COLLEGE
(hereinafter called the College)

- and -

CLASSIFICATION GRIEVANCES OF
MS. JANET STRICKLAND AND MS. NASTIA TOUHLOVA
(#2011-0416-0012)
(hereinafter called the Grievors)

SOLE ARBITRATOR
PROFESSOR IAN A. HUNTER

APPEARANCES:

FOR THE UNION: Ms. Christine Kelsey
Ms. Janet Strickland, Grievor
Ms. Nastia Touhlova, Grievor

FOR THE COLLEGE: Ms. Diane McCutcheon, Acting Director,
Labour Relations
Ms. Lisa Taylor, Chair, Financial, Office and Legal
Studies

AN ARBITRATION HEARING WAS HELD AT ALGONQUIN COLLEGE IN
OTTAWA, ONTARIO ON MAY 3, 2013

DECISION

(1) Introduction

Before me are two (2) grievances (Grievors – Janet Strickland and Nastia Touhlova) dated August 18, 2011.

Both Grievors are employed as Student Success Specialists in the School of Business at Algonquin College.

As a result of grievance meetings between the parties the P.D.F. was revised by the College (June 2012), although not agreed to by the Grievors. The College has core-point rated the position at 501 points, Payband "G". The Union has core-point rated the position at 558 points, Payband "H".

The grievance was referred to arbitration and an arbitration hearing was initially scheduled for March 7, 2013; however, the arbitrator was ill and unable to travel to Ottawa. The arbitration hearing was held on May 3, 2013. I record my gratitude to both parties for the briefs submitted in advance of the hearing, and for their able presentations at the hearing in Ottawa.

(2) A Brief Overview of the Position

The Student Success Specialist works with business students with a mandate to facilitate their academic success in the Business program at Algonquin College. There are approximately three thousand (3,000) students in this program.

The incumbent must possess a detailed understanding of (a) the programs offered at the College; (b) how course and program changes are effected; (c) early warning signs of a student's failing performance; and (d) retention initiatives. The incumbent works with students, faculty, Departmental Chairs, Program Coordinators, and Deans to determine the best course of action for students.

The incumbent reviews and develops "at risk" measurement techniques; plans and implements retention initiatives; and compiles statistical reports on student success. Retention initiatives are designed to assist students who are at risk of failing or dropping out. Retention initiatives originate from the Student Success Committee, which includes Faculty, Management and Support Staff from several areas of the College. Retention initiatives include "blackboard training" (before classes begin); mentoring; and in class presentations to all incoming Business students in the first two (2) weeks of classes. This represents about twenty percent (20%) of the incumbent's time.

The primary function (sixty to seventy percent (60%-70%)) is guiding and assisting students. This includes (a) monitoring and tracking student success through a variety of formal and informal means; (b) meeting, tutoring and mentoring students individually or in groups; (c) communicating with "at risk" students as self-identified or identified by Faculty; and (d) advising prospective, current, or former students at the Student Success Office on such issues as admission requirements, records, course changes, and program requirements.

The other part of the Student Success Specialist position is Information Management (approximately twenty percent (20%)). This includes the K.P.I. survey to Business students; updating the Dean and Faculty on Student Success initiatives; advising on student retention techniques, and related work.

(3) Job Factors Agreed

The parties are agreed on the following job factors:

<u>Job Factor</u>	<u>Regular</u>		<u>Occasional</u>	
	<u>Level</u>	<u>Points</u>	<u>Level</u>	<u>Points</u>
1A. Education	4	48		
1B. Education	1	3		
2. Experience	4	54		
4. Planning/Coordinating	2	32	3	7
* 6. Independence of Action	3	78	4	9
* This factor was in dispute in the briefs I received in advance, but was agreed to by the parties at the arbitration hearing on May 3, 2013.				
8. Communication	3	78	4	9
9. Physical Effort - Regular	1	5		
10. Audio/Visual Effort	2	20		
11. Working Environment	1	7	2	9

(4) Job Factors in Dispute

3. Analysis and Problem Solving

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

The College has rated this factor at Level 3: "Situations and problems are identifiable, but may require further inquiry in order to define them precisely. Solutions require the analysis and collection of information, some of which may be obtained from areas or resources which are not normally used by the position."

The Union has rated this factor at Level 4: "Situations and problems are not readily identifiable and often require further investigation and research. Solutions require the interpretation and analysis of a range of information according to established techniques and/or principles."

I have reviewed the examples provided in the P.D.F. (acknowledging that the P.D.F. is in dispute), I have also reviewed the additional examples provided (in red ink) in the Union brief. I am satisfied that all examples, both College and Union, fall comfortably within a Level 3 rating. The

5. Guiding/Advising Others

This factor addresses assigned responsibility to guide or advise others within the position's expertise.

The College has rated this factor Level 3: "Advise others to enable them to perform their day-to-day activities."

The Union proposes Level 4: "Guide/advise others with ongoing involvement in their progress."

"Advise" means to recommend or provide knowledgeable direction.

Even from the position description ("Student Success Specialist") it is obvious that the position entails working closely with students and faculty. That involvement is directed to one end – helping students to succeed in their Business program. The incumbent provides knowledgeable direction to this end. As I read the Manual, and the Notes to Raters (page 18) the key distinction between Levels 3 and 4 is this: Is the guidance/advice provided by the incumbent sporadic, "one-off" advice (Level 3) or is there a continuing, ongoing involvement with the student to ensure success throughout the student's academic program?

The Grievors' evidence on this was very clear: their involvement with the academic career of a student who may be at risk does not end with the first meeting with the student. Rather, they follow-up with the student throughout his/her career at Algonquin College to graduation (and sometimes even beyond).

True, the Grievors cannot require any student to follow, or even to incorporate, the advice provided. But they follow-up in an ongoing manner with (a) the student and (b) whatever other College facility or service may be involved (e.g. Health Services, Registrar's Office, etc.). Ms. Strickland testified that "most of the time" she is involved with her "at risk" students right through to that student's graduation, and this evidence was not contradicted by Ms. Lisa Taylor, Chair, Financial, Office and Legal Studies, the Supervisor who testified for the College. She testified: "In some cases, the Student Success Specialist will be involved throughout the student's time at the College". She explained that the Student Success Specialist will be involved with "probably less than half the students in the program", but with those students the involvement can be "frequent".

On the evidence before me, the Grievors have an “ongoing involvement” in the student’s progress. Therefore, I concluded that Guiding/Advising Others should be rated at Level 4.

5. Guiding/Advising Others	Level 4	41 Points
----------------------------	---------	-----------

7. Service Delivery

This factor considers the service relationship that is an assigned responsibility of the position. In this case, the recipients of service are primarily students.

Is the primary focus to “provide service according to specifications by selecting the best method of delivering service” (the College) or to “tailor service based on developing a full understanding of the customer’s needs” (the Union)?

The College rating is Regular Level 2; Occasional Level 3.

The Union rating is Regular Level 3; Occasional Level 3. This was the rating provided in the P.D.F. In fact, the Union meant a Regular rating at Level 3 and no Occasional rating and proceeded at the hearing on that basis.

The Notes to Raters (Manual page 22) defines Level 3 service as “tailoring service”; meaning that the position holder must “ask questions to develop an understanding of the customer’s situation”. This point was stressed over and over in their oral evidence by both Grievors; the service they provided must be “customized ... to suit the customer’s particular circumstances”. The evidence of Ms. Taylor, in my judgement, confirmed the validity of this assessment. This suggests Level 3.

It is interesting that the College acknowledged Level 3, but gives it only an “Occasional” rating. But the evidence of the Grievors was that tailoring advice to the specific customer's needs was not an “occasional” but a regular and recurrent (in fact, “constant”) aspect of the position.

Finally, I note that Algonquin has tried to make the Student Success Specialist a “one stop shopping area” for student problems. And, based on the Grievors’ evidence, this has been successful. Ms. Strickland testified: “Ninety percent of student problems will be serviced by us; in only ten percent of cases will the student have to see someone else”. This is so, I concluded, because the position must get to the bottom of what the student’s problem really is (e.g. academic, personal, medical, financial, etc.) and then must modify or adapt the advice given to ensure resolution of that problem.

7. Service Delivery

Level 3

51 Points

(5) Conclusion

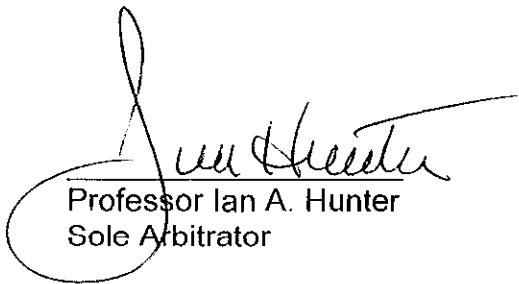
The grievances are allowed.

From the evidence put before me, I have concluded that the Student Success Specialist position should be evaluated at Payband "H", 529 points.

I have attached a completed Arbitration Data Sheet.

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

Dated at the City of St. Thomas this 17th day of May, 2013.


Professor Ian A. Hunter
Sole Arbitrator

Arbitration Data Sheet – Support Staff Classification

College: Algonquin Incumbents: Nastia Touhlova & Janet Strickland Supervisors: Lisa Taylor & Peter Fortura

Current Payband: F Payband Requested by Grievors: H Steward: Christine Kelsey

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

<u>Factor</u>	<u>Management</u>				<u>Union</u>				<u>Arbitrator</u>			
	<u>Regular/ Recurring Level</u>	<u>Points</u>	<u>Occasional Level</u>	<u>Points</u>	<u>Regular/ Recurring Level</u>	<u>Points</u>	<u>Occasional Level</u>	<u>Points</u>	<u>Regular/ Recurring Level</u>	<u>Points</u>	<u>Occasional Level</u>	<u>Points</u>
1A. Education	4	48			4	48			4	48		
1B. Education	1	3			1	3			1	3		
2. Experience	4	54			4	54			4	54		
3. Analysis and Problem Solving	3	78			4	110			3	78		
4. Planning/ Coordinating	2	32	3	7	2	32	3	7	2	32	3	7
5. Guiding/ Advising Others	3	29			4	41			4	41		
6. Independence of Action	3	78	4	9	3	78			3	78	4	9
7. Service Delivery	2	29	3	6	3	51	3	6	3	51		
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	20			2	20			2	20		
11. Working Environment	1	7	2	9	1	7	2	9	1	7	2	9
Subtotals	(a)	461	(b)	40	(a)	527	(b)	31	(a)	495	(b)	34
Total Points (a) + (b)		501				558				529		
Resulting Payband		G				H				H		