

IN THE MATTER OF AN EXPEDITED CLASSIFICATION ARBITRATION

BETWEEN:

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 CAMBRIAN COLLEGE
(hereinafter called the "College")

- and -

GRIEVANCE of SUSAN NEWSON
OPSEU File No. 2010-0656-0005
(hereinafter the "Grievor")

ARBITRATOR:

Richard H. McLaren, C.Arb.

REPRESENTING THE COLLEGE:

Daniel Draper, - Dean School of Health
Sciences

André Durette, - Manager Staff Relations

REPRESENTING THE UNION:

Rosaline Silliker - Local 656, President

Chad Ravary - Chief Steward

Susan Newson - Grievor

A HEARING in RELATION to this MATTER WAS HELD at SUDBURY, ONTARIO
on 8 JUNE 2011

AWARD

The College evaluated the position of "Dental Clinic Receptionist" (hereafter the "DCR") and rated the position at 253 points, then 272 points, and finally re-evaluated same to 295 points after Step II of the Grievance procedure, thus placing the position within Payband D. The sole incumbent, Susan Newson, grieves the final evaluation of 295 points, originally disputing 7 factors. By the time of the arbitration, Ms. Newson had reduced her grievance claim to dispute five of the factors.

At the outset, Ms. Newson claimed the position ought to be rated at 460 points; however following her revised position, based on the changes the College had made, she claimed the position ought to be rated at 440 points. That point total would place the position within Payband F. 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 January 18, 2011. The Grievor considers that the PDF currently used by the College does not adequately reflect the duties and responsibilities, or the complexities of the position and therefore, the position is evaluated improperly.

Background

Three PDFs are referenced by the College, one dated February 26, 2010, November 25, 2010, and January 18, 2011. The College utilized the later PDF in rendering its evaluations leading to this arbitration. The position which the Grievor holds is relatively new and still developing. Since commencement of the grievance process, the College has re-assessed two factors, and the Grievor's payband was amended accordingly with retroactive pay back to November 2010 from the time the Grievance was filed. The College maintains that the DCR's primary responsibility is to provide front-line customer service and clerical support as the focal point of the appointment system to the Cambrian College Dental Clinic. In contrast, the Union submits that a review of the PDF of February 26, 2011, shows that the position demands a high level of expertise, as well as requiring

the incumbent to represent the College to the students and the community.

The Receptionist position in its present form was a new job in 2007 in the Dental Clinic. It is a full time position on a 10 month basis. In the Clinic there are students performing dental functions from a two year Dental Hygienists program and one year Dental Assisting programs. Each program has 48 students within it. In the clinic there are 20 dental chairs where the students learn and practice their skills within their courses. The receptionist must, amongst other duties, ensure that the chairs are occupied with the correct degree of difficulty of patient dental issues depending upon the level the student is at and also taking into account of diversity of client (aka patient). Against this backdrop the Receptionist assigns patients to the various chairs to ensure that they are always occupied with a client with the appropriate parameters for the particular student who will be doing the practice work.

Preliminary Matters

The arbitration data sheet signed off by the College and the Union in May of 2011 reveals the seven factors in dispute at the time of the initial filing of the Grievance. As noted above, by the time of the arbitration, the factors in dispute were reduced to the following: #3. Analysis and Problem Solving; #4. Planning and Co-ordination; #5. Guiding/Advising Others; #8. Communication and #10. Audio/Visual Effort.

Factors in Dispute

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

1B. Education: Ratings: College Level 1 / Union Level 2

Settled before the arbitration at Level 1.

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

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 position was originally classified at Level 1 with occasional Level 2. Upon completion of step 2 of the grievance process, the College assigned a Level 2 to this factor. The Union asserts that the factor should be a Level 3.

The Union submits that the level and points currently assigned to this factor do not adequately define the level of investigation and judgment required to determine the specific nature of the enquiry or problem to provide an effective response.

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. Level 3 indicates that "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". "..., there will be times when the position will need to seek the additional information from a source it is unfamiliar with". The College is of the opinion that the incumbent is not exploring new or unusual directions to seek more information and argues that the level 2 properly reflects the level of analysis required for clerical activities.

(i) Evidence

The evidence of the Grievor is that it is challenging to ensure that the right patient is matched with the appropriate student. The College representative called this booking and dating the client. (I will refer to this process as matching the client with the teaching configuration requirements for the student and then scheduling the client.) The incumbent does the scheduling and the data entry using software known as Able Dent which is the standard software used in most dental offices in the province. The Grievor's evidence is that the matching process changes in May as the clinic operates as a dental assisting program, while during the academic year it operates as a dental clinic. In doing the matching side of the equation, the incumbent has to decide and make a judgment as to the degree of difficulty of the client as a degree of difficulty at level one or two (hereafter dd1 or a dd2). According to the incumbent, that matching matrix changes depending upon whether the process involves the regular academic year of the clinic or the period of placement in May in the dental assisting program.

The College agreed with the evidence of the Grievor and called none of its own evidence to refute anything that was said by the Grievor.

(ii) Findings

This is a factor where the Union must establish that it has met the onus. I find that the matching part of the problem solving is more complex than the scheduling of the client's appointments. The receptionist must use some judgment to assess a client as to whether they are dd1 or dd2 but not with every client because some are assessed by others and after assessment the matter will only be scheduling in future requests and not matching. The scheduling part is structured with limited selection of alternatives to explore. In the notes to raters, there is a discussion of the differences in Level 2 versus Level 3. On reviewing those notes, I find that this position is more appropriately set at the Level 2.

4. Planning and Coordinating: Ratings: College Level 2 + 30 /Union Level 3

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.*

The Union submits that the Grievor is responsible for prioritizing and organizing all tasks regarding logistics in a specific timeframe and must adhere to that timeline through to completion of the task. Scheduling and maintenance of long-term care rotations of the second year Dental Hygiene students and the Dental Assisting students requires the incumbent to adapt many work assignments into an orderly production that flows with little or no interruption.

The College acknowledges that the Grievor is a key member of the team and that the DCR acts as the liaison between those who operate the Dental Clinic and those who use the services offered by the Dental Clinic. The College upholds that regular and recurring planning activities are not multi-faceted, or complex. The duties of scheduling, collecting fees and student rotations are regular and primarily procedural. The work itself does not require greater than Level 2 coordination and certainly does not require project manager's skills. In an effort to be fair, the College recognizes that some of the long term care student rotations may periodically require a greater degree of coordination and therefore consented to the occasional Level 3 for this factor.

(i) Evidence

The Grievor indicates that the matching process is also an important feature of the coordinating that goes in the position. She indicates that there is considerable co-

coordinating to place students in the community clinics to see certain diverse clients and to observe. The incumbent also indicated that at the start of the two academic periods, the commencement of the operation does take up a reasonable amount of time and affects the work of others. This aspect of the work decreases as the term progresses and clients come in for continuing appointments as opposed to being new clients and requiring a course of treatment.

(ii) Findings

I find that the same activities are being cited as the ones that ought to be considered in this factor as were considered in analysis and problem solving. The matching aspect of the job is the more complex activity. One must have matched the patient to the program and the student before the scheduling can be undertaken. There is coordination in the community activity and in the May clinic which is different than the analytical aspects of the job. There was a disagreement in the representatives' presentation of this factor on whether students in the program were within the factor definition or it was merely employees of the College. I only have to determine this issue if I rank the position at Level 3 where the use of the term employees is made in describing that Factor Level. The matching is a form of prioritizing that supports the scheduling. I find that it is not complex but rather is procedural and deadline driven so as to justify the Level 2 ranking. The planning activity can be more complex but it is not regular and occurs at defined times of the program and year. As such, it is appropriate to rate an occasional factor which is higher than the coordinating function. I confirm the College ranking at Level 2 Occasional Level 3.

5. Guiding/Advising Others: Ratings: College Level 2 + 40 / Union Level 4

*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 was submitted by the Union, that 20% of the PDF's time is spent on this duty or responsibility. The incumbent is responsible for overseeing students as they are trained in the role of receptionist. In their training, students shadow the Grievor and must perform the duties of the receptionist. Students will also use the Able Dent software upon which they coincidentally have been trained in by the Grievor. The Grievor has not performed this adjunct training role in accordance under her duties as a receptionist, but rather as a part time instructor. Reference is made to the fact that the incumbent is both a Certified Level 1 and 2 Dental Assistant and Certified Dental Receptionist which is equivalent to Level 3 in the accounting example.

It was submitted by the College that the Level 2 Guiding and Advising rating for the DCR should not be altered because there are no significant assigned responsibilities that contribute to ongoing skill development. The DCR's involvement with the students may be educational at times, for instance in situations where she explains procedures or demonstrates them to students. But she is not however, responsible for those students subsequently completing their tasks. The purpose of Job Evaluation is to rate the position and its requirements, rather than to rate the job performance of the incumbent. The Grievor may have taken on more of a role here than the PDF calls for. The College submits this is voluntary.

(i) Evidence

The Grievor indicates that she uses her expertise to advise students what to do in the event of a cancelation of a client. The Grievor also referred to times in the past where she would show a student how to operate the dental X-Ray equipment but the Grievor admitted she had not performed this task since the College hired a part time person to coordinate the evening operations of the Clinic.

(ii) Findings

This is a factor in which the incumbent can perform more than the position

description requires, in that she has qualifications beyond a receptionist and does part time adjunct work which demonstrates those qualifications. However, it is not the incumbent that defines the job, but the position that is to be rated. The position does not require a technician who has competence as a receptionist. The job description is that of a clerk, not of a technician. In this position, the receptionist does not support an academic delivery. However, this particular individual is capable of such work and takes it upon herself to do more than the job description may call for. She also performs a teaching function in a part time job that is unrelated to the receptionist position. That said, the College has recognized these additional features of the Grievor by a ranking at Occasional Level 4. Normally the occasional factor would be one level above the regular and recurring factor. In this case, it is two levels. I also note that the College in its rating of the job has five factors with an occasional rating. The Notes to Raters at p. 7 of the Manual suggests that if that is the case, the position should be examined carefully. I find that the better approach would be to evaluate this factor at level 3 in recognition of the guiding that is done to keep the student within the course semester and term requirements and abolish the occasional rating in this factor. Therefore, I find the proper evaluation of the position would be to place the rating at Level 3.

7. Service Delivery: Ratings: College Level 1 / Union Level 2 + 30

Settled before the arbitration at Level 1.

8. Communication: Ratings: College Level 2 + 40 / Union Level 3

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

interpersonal skills to effectively communicate with staff, students, and clients. The incumbent is called upon to interpret necessary information on medical history forms for clients. The DCR's response to email correspondence must be clear, concise and easily understood by an inquiring party.

It is submitted by the College that the DCR instructs students on the use of Able Dent Software only once per semester and should therefore be considered "occasional" and not regular training. The Grievor instructs students how to use the software, but higher level communication is provided by faculty and technologists.

(i) *Evidence*

The incumbent spends time with a reasonable degree of frequency explaining the medical history form to clients who do not understand what is being requested. The Grievor also finds that there must be telephone or in-person explanations of why clients require 3 appointments within a course of treatment rather than the one they might be accustomed to if they attend a dental office. There are student program explanations that need to be made. The Grievor must also relay information that would be attempted to be explained by the student trainee but they do not connect. The receptionist then has to do that work on the call back by the client because usually the student is not available or even around when the call back occurs.

(ii) *Findings*

Once again, I note the College rating has the Occasional element of the evaluation at factor level 4 which is two factor levels above where they rate the position for regular and recurring work. The College representative explains that being a small northern Ontario college they must do such ratings because they have to use staff to deliver academic assistance which larger colleges do not do. However, this time it is not the point which influences these reasons, but the work of the position. The receptionist must initiate responses to e mail inquiries and requests for both initial appointments and subsequent ones. The initial response also requires discretion by the incumbent as discussed

elsewhere in these reasons. The incumbent must also undertake more complex explanations where the student has failed to connect in his /her communication with the client which must then be completed by the receptionist. This also may occasionally be required when prescriptions are issued. The person must consider the skill of the client to understand the information which is not always of a standard nature. She must secure understandings of technical information. The Union has established that the position is more appropriately rated at the level 3 and I so find.

10. Audio/Visual Effort: Ratings: College Level 2m / Union Level 2i

This factor measures the requirement for audio or visual effort. The factor measures the following two aspects:

- a) *The degree of attention or focus required, in particular for:*
 - i) *Periods of short, repetitious tasks requiring audio/visual focus*
 - ii) *Periods where task priorities and deadlines change and additional focus and effort is required to achieve the modified deadline*

- b) *Activities over which the position has little or no control that make focus difficult. This includes the requirement to switch attention between types of tasks and sensory input.*

The Union and the College agree that the Audio/Visual Factor should be rated at level 2. However, it is submitted by the Union that the position is focus interrupted; that there is a need to refocus and switch thought processes to complete tasks. The incumbent works in a high traffic open area, without a door. The Grievor is often interrupted with requests for supplies or questions regarding scheduling or to retrieve information.

It is submitted by the College that the Grievor is a front line liaison, whose primary

duties are to deal with disruptions. The College believes the remainder of her work is procedural in nature and can be completed without undue refocusing. The College firmly believes this position can be handled by a receptionist who has technical competence.

(i) *Evidence*

The Grievor testifies that she works in an open space and has to worry about privacy in her conversation and communications. She submitted charts that show the frequency of interruptions she recorded on certain days.

(ii) *Findings*

There is no doubt that the Grievor is frequently interrupted as her charts show. However, the essence of a front line receptionist will be that this is always the case. One needs to learn strategies of putting people on hold and of prioritizing waiting calls versus people in front of her desk. However, the key to this factor is not the frequency of interruption but the level of concentration that is interrupted and whether one needs to back track to be where they were before the interruption. In this regard the receptionist can use call waiting to finish a matter before taking the call and other techniques to minimize the impact of interruptions. However, her job is one of interruptions and which are inescapable. The focus is interrupted but when it occurs it will rarely require going back to re do steps already taken so the concentration involved is not really disturbed by the inquiry. Therefore I find the position to be correctly rated by the College at 2m as being focused maintained.

CONCLUSION

The total points, when adjusted as rated by this award, are "regular & recurring" 302 occasional 25 for a total of 327. That places the Payband within Level D, the range in the Manual being between 280 - 339. See the attached rating sheet. Accordingly, there is no

pay adjustment required in this grievance for the College compensation is already at Payband D.

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 if necessary.

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 16th day of June, 2011.



Richard H. McLaren, C.Arb.
Arbitrator

Arbitration Data Sheet - Support Staff Classification

College: Gambrian Incumbent: Susan Newsa Supervisor: Dan Draper

Current Payband: C 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	2	22			2	22			2	22		
1B. Education <i>X</i>	1	3			2	12			1	3		
2. Experience	3	39			3	39			3	39		
3. Analysis and Problem Solving	2	46	0	0	3	78	0	0	2	46	0	0
4. Planning/Coordinating	2	32	3	7	3	56	0	0	2	32	3	7
5. Guiding/Advising Others	2	17	4	3	4	41	0	0	3	29	0	0
6. Independence of Action	1	14	2	9	1	14	2	9	1	14	2	9
7. Service Delivery <i>X</i>	1	7	0	0	2	29	3	6	1	7	0	0
8. Communication	2	46	4	9	3	78	0	0	3	78	0	0
9. Physical Effort	1	5	0	0	1	5	0	0	1	5	0	0
10. Audio/Visual Effort	2m	20			2i	35			2m	20		
11. Working Environment	1	7	2	9	1	7	2	9	1	7	2	9
Subtotals	(a) 258		(b) 37		(a) 416 <i>K</i>		(b) 24		(a) 302		(b) 25	
Total Points (a) + (b)	295				440 <i>K</i>				327			
Resulting Payband	D				G				D			

Signatures:

Grievor: [Signature] Date: May 16/2011 College Representative: André Durette Date: May 16/11
 Union Representative: [Signature] Date: May 16/2011
 Arbitrator: [Signature] Date of Hearing: 8 June 2011 Date of Award: 16 June 2011

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