

IN THE MATTER OF AN ARBITRATION

between

Georgian College

and

Ontario Public Service Employees Union (Local 349)

Classification Grievance of Pam Trace – Grievance # 227-0349-0027

Before: Louis M. Tenace

For the Union: Pam Trace (Grievor)
Jillian Peacock (Local 349)

For the College: Maryann Fifield (Dean, Academic)
Joyce Goheen (Human Resources Consultant)
Angela Cicino (Human Resources Consultant)

Held at London, Ontario, April 26, 2011

AWARD

The grievor, Pam Trace, is an Academic Officer, General Education and Communications Specialist, employed at Georgian College in the General Arts and Science and Aboriginal Studies Programs.

She has been an employee of the College since 1990 and is currently at the payband H level. She is seeking the reclassification of her position to payband I level. The Position Description Form (PDF) is not in dispute. The grievor is seeking a re-evaluation of the point rating of her PDF with respect to the following factors:

Factor 3 – Analysis and Problem Solving
 Factor 4 – Planning/Coordinating
 Factor 8 – Communication

In the course of discussion during the hearing, the grievor indicated that she accepted the College's point rating for Factor 4 (Planning/Coordinating) and withdrew her claim in that regard. We are left to consider Factors 3 and 8.

The PDF states in the Position summary that the grievor "is responsible for the academic planning and administrative duties related to the delivery of the General Arts and Science and Aboriginal Studies programs. This includes the SWF/Loading/scheduling process, the budget process, data management, and interfacing with other Academic Officers, Deans, Coordinators, Faculty, staff, and others who are external to the College. The Communications and General Education specialist's primary responsibility is for a wide range of administrative duties related to delivering College-wide General Education and Communications courses for all programs on the Barrie Campus."

It should be noted that there are some eleven other Academic Officers employed at the College and all are classified at the same level as the grievor.

I turn now to the Factors in dispute.

Factor 3 - Analysis and Problem solving

College rating – Regular and Recurring - Level 3, 78 points;
 Occasional – Level 4, 9 points

Union Rating – Regular and Recurring – Level 4, 110 points

The Job Evaluation Manual (JEM, hereinafter referred to as the Manual) defines this factor as follows:

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.

In the Notes to Raters, the Manual states for Level 3 and 4 as follows:

- 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.*
- 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*

It goes on to define **established techniques and/or principles** as

recognized guidelines and/or methods to accomplish a desired outcome. Can be defined as an individualized way of using tools and following rules in doing something; in professions, the term is used to mean a systematic procedure to accomplish a task.

The College contends that the problems occurring related to this position are readily identifiable and are quite straight-forward. While they may require further investigation, the steps followed are sequential and do not involve using established techniques as described in the Manual. The position is driven by process and the problems are predictable with limited decision-making options. The College contends further that the grievor is able to analyze and solve problems because of her significant knowledge and past experience with the College. Nevertheless, the College believes that this position is really not much different from that of the other Academic Officers and that the rating for this factor should remain unchanged. The College believes that in according an Occasional rating of Level 4 and 9 points, this would compensate for any differences

The Union contends that the problems are neither straight-forward nor easily identifiable. They cover a very broad range and require interpretation. The position also deals with fully-integrated part-time students which is a complicating factor. The Union contends that the grievor is the only one of the Academic Officers who has a broad system-wide responsibility. While she does not supervise or direct the work of the other Academic Officers, she must obtain and analyze updates from them as well as from the scheduling people and the Registrar's office.

There is little doubt in my mind that the grievor does use established techniques and/or principles in her work even though these may not be the same as some of the more formalized, established techniques of analysis and problem-solving as employed in certain professional and other spheres of work.

After due consideration of the submissions of the parties and a review of the PDF, It is my view that the Union's rating for this factor must be upheld. It seems clear to me that the duties of this position are not being given sufficient weight vis-a-vis this factor. The position requires more than simple information gathering from different sources and then assembling this into a comprehensive report. The incumbent forecasts the number of sections of certain courses that are required and must work around students' existing timetables; must follow College-wide principles of scheduling and ensure compliance with the collective agreement; must ensure that sections offered are efficient from a costing perspective as well as implement finalized sectioning with scheduling. It is my view that the grievor's duties as outlined in the PDF and as explained during the course of the hearing fall within the requirements of the Manual for Level 4, Regular and Recurring for this factor. In my view, the according of an occasional Level 4 rating as proposed by the College does not provide a true picture. It was also made clear during the hearing that the continuing, proper performance of all of the duties of this position are of critical importance to the College.

The factor Analysis and Problem Solving should be rated at Level 4, Regular and Recurring, 110 points.

Factor 8 - Communication

College Rating – Regular and Recurring - Level 3, 78 points
Occasional – Level 4, 9 points

Union Rating – Regular and Recurring – Level 4, 110 points

The Manual defines this factor as follows:

This factor measures the communication skill required by the position, both verbal and written and includes:

- *communication to provide advice, guidance, information or training*
- *interaction to manage necessary transactions*
- *interpersonal skills to obtain and maintain commitment and influence the actions of others*

The Level 3 definition in the Manual states that *Communication involves explaining and/or interpreting information to secure understanding. May involve communicating technical information and advice.* The Level 4 definition states that *Communication involves explaining and/or interpreting information to instruct, train and/or gain the cooperation of others.*

The Manual goes on to define the words “instruct” and “train” as follows:

Instruct – to give knowledge or provide authoritative information within a formal setting such as a workshop or lab environment.

Train – impart knowledge and/or demonstrate skills within a formal instructional setting.

The College submits that the grievor explains information and processes on a daily and/or weekly basis to other staff both within her academic area and across the College with a view to achieving a particular outcome or to resolve specific issues.

The College acknowledges that the grievor did provide training to the other Academic Officers as a group but this activity, on its own, did not occur frequently enough to be considered “occasional”. The grievor also recommended a new feature in Banner which would improve the planning and registration process. This involved obtaining the cooperation or consent of the Scheduling and Information Technology Managers to modify the system. Again, in the College’s view, this activity did not on its own meet the frequency required to be considered as “occasional”. Nevertheless, the College determined that combining the two activities just described merits an “Occasional” rating of Level 4, 9 points.

The Union submits that the incumbent must work with the other Academic Officers, Deans, Coordinators and Faculty to coordinate the planning and scheduling and setup of the General Education and Communication courses. The Union contends that she sets up the templates to assist her in gathering the information that is required and that she instructs the other Academic Officers in their completion. Further, she works with faculty and other staff to gain their cooperation in meeting the needs of the college-wide schedule. It submits that the factor should be rated at Level 4, 110 points.

The College’s rating for this factor as well as the Union’s proposed rating both cause me some difficulty. Clearly, the evidence presented, including the PDF, demonstrate that the rating for this factor should be something more than Level 3, Regular and Recurring, 78 points. The College contends that it has recognized this very fact by allocating the position with an “Occasional” rating of Level 4, 9 points. The Union, on the other hand, contends that the duties of the position go well beyond those of the other Academic Officers, that this position brings together and/or synthesizes and coordinates the work of all Academic Officers. The grievor also pointed out that the PDF contains a reference to “Negotiating” which provides an example of the duties of the position to “Represent campus-wide needs of General Education and the needs of the Liberal Art/Aboriginal Studies portfolio to Scheduling department; provide solutions to issues, and request changes which fulfill the needs or resolve conflicts with respect to loading/scheduling/timetabling”.

Based on the evidence presented, I am unable to conclude unequivocally, that one position or the other is the correct one. I am therefore left with a "best fit" solution. In these circumstances, I believe that I must opt for the College's position which does recognize something more than the regular and recurring aspects of certain duties.

The College's rating of Level 3, 78 points (Regular and Recurring) and Level 4, 9 points (Occasional) stands.

The only change to point rating is with respect to Factor 3 (Analysis and problem Solving) which will move from Level 3, 78 points (Regular and Recurring) and Level 4, 9 points (Occasional) to Level 4, 110 points.

The total points for this position will now be 599 points, which situates it a Level I (Point Range 580-639).

In the light of my findings and what I have outlined above, I believe it would be in the interests of the parties to meet and re-examine the PDF for this position with a view to making the necessary modifications so that it better reflects the duties being performed.

Signed in Ottawa, this 2nd day of May, 2011

Louis M. Tenace (Arbitrator)

Arbitration Data Sheet - Support Staff Classification

College: Georgian Incumbent: Pam Trace Supervisor: Maryann Fifield
 Current Payband: H Payband Requested by Grievor: I

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	1	3			1	3			1	3		
2. Experience	5	69			5	69			5	69		
3. Analysis and Problem Solving	3	78	4	9	4	110			4	110		
4. Planning/Coordinating	3	56			3	85			3	56		
5. Guiding/Advising Others	4	41			4	41			4	41		
6. Independence of Action	3	78			3	78			3	78		
7. Service Delivery	3	51			3	51			3	51		
8. Communication	3	78	4	9	4	110			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) 549		(b) 27		(a) 613		(b) 9		(a) 581		(b) 18	
Total Points (a) + (b)	576				622				599			
Resulting Payband	H				I							

Signatures:

Pam Trace
(Grievor)

Apr 26/11
(Date)

J. Cohen
(College Representative)

Apr. 4/11
(Date)

Julian P. ...
(Union Representative)

April 26/2011
(Date)

J. ...
(Arbitrator's Signature)

26 April 2011
(Date of Hearing)

May 2/2011
(Date of Award)