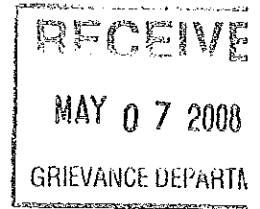


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IN THE MATTER OF AN ARBITRATION

between

Ontario Public Service Employees Union

and

St. Clair College

Classification Grievance of Mike Seguin

Before: Louis M. Tenace

For the College: Joan Pocock, Manager Recruitment and Salary Administration
Patricia France, Chief Information Officer
Rick Duguay, Supervisor

For the Union: Florry Lang, President
Sue McLelland, Chief Steward
Naz Binck
Mike Seguin

Heard in Windsor, Ontario, Tuesday, April 29, 2008

AWARD

Mike Seguin is currently employed at St. Clair College as a certified Plumber, a position he has held since November 1999. From May 1989, he worked at the College as a certified Electrician.

On June 20, 2007, he filed a grievance requesting that his position be reclassified from payband H to payband I, retroactive to March 1, 2007. The Position Description Form (PDF) itself is not in dispute. It was signed by the grievor and his supervisor, Rick Duguay, on June 7, 2007. What the grievor is disputing is the ratings accorded to three of the factors contained therein, namely, Education, Experience and Audio Visual Effort. Following is a summary of the disputed ratings:

1.A – Education

(not in dispute)

This factor refers to the basic level of formal education or certification required for the position. In this case, the requirement is for a Plumber's Certificate of Qualification, which, as noted above, the grievor possesses.

1.B – Education

College Rating – level 1, 3 points; Union Rating – level 4, 30 points

This factor refers to additional "courses, certification, qualification or accreditation" not part of the requirement set forth in 1.A but which would be a "requirement prior to commencement that would typically be included in the job posting".

The Union alleges that the position in question requires training in building management systems as well as a requirement for the incumbent to perform some electrical work such as assisting in minor repairs of electrical installations and systems. It is further alleged that some of the duties of the position entail an additional requirement for the incumbent to be qualified as a certified electrician as well as training in building management systems. It was submitted that some of the duties require considerable electrical skills and that this should be recognized in the PDF under Education 1.B. Several instances were provided by the Union as examples of work performed by the incumbent in the past to demonstrate that he had performed electrical work as part of his duties. The Union is requesting that this factor be rated at level 4, with a point rating of 30.

The College, on the other hand, submitted that the incumbent is not required to perform the work of an electrician. The incumbent is sometimes called upon to assist an electrician, depending upon the nature of the task at hand. However, the electrician is responsible for the work done and the “assisting” in question involves simple tasks of a minor nature not requiring any special knowledge or technical skills. The incumbent is required to exercise the skills of a plumber and there are no additional educational requirements.

With respect to the need for the incumbent to be trained in “building management systems”, the College explained that this was an asset and not a requirement of the position. Moreover, the College took it upon itself to provide in-house training in this area to those persons requiring it. The College has rated this at level 1, with a point rating of 3.

The summary of the position as written in the PDF contains two references indicating work of an electrical nature but, in both instances, they contain the modifier “assist” when referring to the work to be performed, as the following excerpt from the position summary illustrates:

..... assist in repairs and installation of electrical systems..... and assist in minor electrical installation and repair..

Rick Duguay, the grievor’s supervisor, was adamant that he would never ask a non-electrician to perform electrical work and that, in fact, he had never done so. From time-to-time, some non-electrician might assist an electrician to perform some task but it would always be under the close and direct supervision of an electrician. However, he did point out that, in his opinion, he did not consider electrical work to refer to something along the lines of changing a light bulb or turning off a switch.

Based on what I have heard from the parties, I am satisfied that unqualified employees are not required to perform work that would entail certain additional trade qualifications. I am equally satisfied that the language does not presume that additional qualifications are required to perform the “assisting” described. The language of the PDF noted is clear inasmuch as it uses the modifier “assist” to describe the nature of the tasks. Nevertheless, I believe it would be in the parties’ best interests if they were to examine the pertinent language and amend it in such a manner as to ensure its meaning is clear to all.

The rating for this factor remains unchanged at level 1, with a point rating of 3.

2 – Experience

College Rating – level 4, 54 points; Union Rating – level 5, 65 points

This factor refers to the number of years of experience, after acquiring the necessary education or certification level, required to perform the duties of the position. It may be less (or at times more) than the level of experience of the incumbent and does not include the time needed to acquire the necessary education or certification level for the position.

The Union submitted that previous PDF's for this position required five years or experience and that to perform the duties properly, this amount of experience was essential.

The College acknowledged that the previous norm was five years but believed that this standard had been set too high and that three years of experience was more than enough for an incumbent to perform the duties. There was also considerable on-the-job learning that would take place. Moreover, it was a managerial prerogative to set the education and experience requirements. The College has rated this at level 4, with a point rating of 54.

Neither party offered very much to substantiate their position. The Union felt that the worth of the position was being devalued while the College believed that three years of experience following acquisition of the necessary certification was more than sufficient to perform the duties. Under the circumstances, I must defer to management's decision.

The rating for this factor remains unchanged at level 4, with a point rating of 54.

10. Audio/Visual Effort

College Rating – level 2, 20 points; Union Rating – level 2, 35 points

This factor measures the requirement for audio or visual effort in terms of the degree of attention or focus required to perform tasks as well as taking into consideration activities over which there is little control making the maintenance of focus difficult. The "Notes to Raters" contained in the Job Evaluation Manual are quite extensive and helpful in evaluating PDF's in this area.

The Union submitted that the duties involve multi-tasking which makes it difficult for incumbents to maintain focus. They carry radios which create frequent interruptions and distractions resulting in a need to refocus on tasks.

The College acknowledged that there are interruptions but these are a normal part of the duties which require an individual to go from one task to another to effect repairs. On some occasions, when a specific part is needed, it may take a week or two for the individual to get back to the task. Moreover, there is usually a person who has no specific tasks to perform at that time who is assigned to respond to service calls. The tasks are not usually of a nature where concentrated and uninterrupted focus is essential. College records submitted show that during a two-year period from March 2006 and March 2008, there were no emergency work orders issued (requiring one day to respond) and 96 urgent work orders (two days to respond). It was noted that there are two other Plumbers on staff. It was explained that a common occurrence might be a backed-up toilet but that this would not necessarily be an emergency situation unless, of course, water was flowing freely onto the floor.

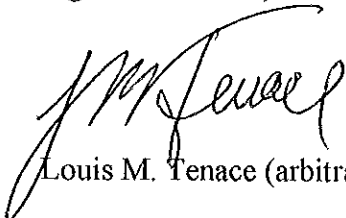
The PDF for this position acknowledges that concentration and focus usually can be maintained throughout the duration of two of the three activities identified as relevant to the tasks to be performed. However, it does allow that this is not the case when multi-tasking or responding to emergency repair situations. Based on the evidence submitted, true emergencies are infrequent. Using the "Notes to Raters" as a guide, I am satisfied that, for the most part, there is no difficulty for the incumbent to maintain focus for the typical tasks assigned. While there may be interruptions, the tasks are not of such a nature that the incumbent would find it difficult to resume a previous one on which he/she may have been working.

The rating for this factor remains unchanged at level 2, with a point rating of 20.

In conclusion, it is my finding that the levels and point rating for this PDF remain unchanged and that **the position continues to be classified at payband H, 541 points.** The completed Data Arbitration Sheet is attached.

I wish to thank the parties for their co-operation and candour during the course of the hearing.

Signed in Ottawa, this 2nd day of May, 2008.



Louis M. Tenace (arbitrator)

Arbitration Data Sheet - Support Staff Classification

College: St. Clair Incumbent: MIKE SEGUIN Supervisor: Rick
 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			4	30			1	3		
2. Experience	4	54			5	69			4	54		
3. Analysis and Problem Solving	3	78			3	78			3	78		
4. Planning/Coordinating	2	32			2	32			2	32		
5. Guiding/Advising Others	1	5			1	5			1	5		
6. Independence of Action	3	78			3	78			3	78		
7. Service Delivery	2	29			2	29			2	29		
8. Communication	3	78			3	78			3	78		
9. Physical Effort	3	47			3	47			3	47		
10. Audio/Visual Effort	2	20			2	35			2	20		
11. Working Environment	3	69			3	69			3	69		
Subtotals	(a) 541		(b)		(a) 598		(b)		(a) 541		(b)	
Total Points (a) + (b)	541				598				541			
Resulting Payband	H				I				H			

Signatures:

[Signature]
(Grievor)

July 17/07
(Date)

[Signature]
(College Representative)

March 28/08
(Date)

[Signature]
(Union Representative)

July 17/07
(Date)

[Signature]
(Arbitrator's Signature)

29 April 08
(Date of Hearing)

2 May 08
(Date of Award)