

Public Service Classification Appeal Information

FLNRO Appeal Initiation:

Appeals filed between 2011 and June 2017

If you previously filed an appeal relating to your job review through the Classification Review Project (CRP), you ought to have received written confirmation from the British Columbia Government and Service Employees' Union (the BCGEU) and your manager, or the Province of British Columbia, now represented by the British Columbia Public Service Agency (the PSA). Your appeal will now be considered active. **You do not need to do anything else until we contact you.** This will be after we negotiate an appeal process specific to FLNRO appeals. We will communicate when we have an update as to when and how we will proceed with the appeals.

To file an appeal

The appeal form is available through this link to the BCGEU website:

http://former.bcgeu.ca/sites/default/files/page/attachments/On-line_Class_Appeal_form_Gov_2015-08-05_1.pdf

Part 1 – you must complete the basic personal contact and job information

- Ask the excluded manager to **sign** the appeal form, the job profile/description and organization chart
- The excluded manager's signature confirms the profile reflects the job's assigned duties and accountabilities
- No need for a meeting with management except to obtain the signature

Part 2 – You can immediately complete without waiting 30 days

- Form should include reasons for appeal and requested classification
- Additional information can be sent later, including about disputed duties

Submit the fully completed appeal form, signed job profile and organization chart

To the PSA through MyHR and to the BCGEU by email to ClassificationAppeals ClassificationAppeals@bcgeu.ca

Deadline

All appeals relating to positions that were reviewed through the CRP must be filed with the PSA and the BCGEU by **5 p.m. on August 31, 2017.**

If you have not received an updated job profile through the CRP process

Every member should have received an updated job profile when the job was reviewed through the CRP, together with a letter from management confirming the CRP outcome. If you have not received this, or are unsure, you can simply ask your supervisor or manager for this without necessarily filing an appeal form – the appeal is only to be filed when you believe the position you occupy has been improperly classified.

Group appeals - where more than one person occupies a position

If you believe an appeal has *already been filed* for your position, but have not received an acknowledgement or are unsure, please complete the appeal form, attach and submit it with the signed job profile for your position, and we will confirm whether or not your appeal will be considered part of an existing 'et al' appeal.

- Each appeal attaches to a specific job profile, and *everyone* who is in that exact position, working under that same job profile, should automatically be covered by that appeal, including new hires into the position.
- However, because some jobs are slightly different, we want to ensure that all members have the opportunity to appeal if there is *any* concern or thought that their job may not be captured by an

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existing appeal. That's why we are fine with members completing their own appeal form, but in doing so they should understand that they may be considered part of an existing group appeal.

- We will review all appeals filed, and will either consider the appeal to be new, or will add it to an existing appeal once we confirm its status with the PSA.
- Some members will be told they are part of a group appeal, and may not agree with this assessment. We suggest that those members be among the ones who participate in the working group, and we will provide an opportunity for them to explain the differences in their situation.

If you believe an appeal *needs to be filed* for a position that others also occupy, we will need one member to complete the classification appeal form, obtain a signed job profile, and submit the information. Other members in the same position can sign onto the appeal by completing the group grievance form.

Appeal Process

The BCGEU is currently negotiating terms of reference with the PSA as to how we will deal with the appeals. We are not in a position to provide full details at this time, however we know there will be an opportunity for appellants to provide information in advance of an appeal meeting. It is likely that we will ask appellants:

- To complete a job questionnaire.
- To confirm job duties, changes in job duties, what duties are missing or disputed etc.
- To provide specific work examples.
- For group, or 'et al' appeals, we will ask a representative working group (hopefully 3-4 members) to prepare the questionnaire and requested information, with input from other members to ensure all members not participating in the meeting will have an opportunity to provide input towards the information gathering process.

Following the gathering and review of job information, there will be an appeal meeting where appellants will have an opportunity to provide details and answer questions about any aspect of their work they believe is important for their appeal.

How long will the appeal process take?

We aim to be as expeditious as possible, while also being transparent and as fair as possible. The CRP took six years, and the numerous resulting appeals will take some time to address properly. We will not be in a position to commence work on the appeals until September 2017. The time taken to deal with the appeals means we are doing proper due diligence with your appeals. The BCGEU has ensured that the retro date in the event of reclassifications is protected either to April 2011 or the date new higher rated duties were added.

What happens if an employee moves to another position or retires before the appeal is concluded?

The BCGEU continues an appeal until resolution or conclusion, regardless of whether the original appellant remains in the position. An employee, whether as part of a sole or group appeal, should keep the BCGEU up to date with contact information in the event we need to discuss any aspect of the appeal.

Evaluation Issues – these apply to all public service jobs

How are positions or jobs rated?

All included positions in the public service are rated according to the Public Service Job Evaluation Plan (the Plan) that was agreed between the BCGEU and the PSA. The Plan measures 13 factors for a position's required

knowledge and skills, level of responsibility and effort/working conditions. It includes a glossary of defined terms that have specific meanings in the Plan and related benchmark jobs.

What do the different factors mean?

The Plan's 13 factors each measure different aspects of a position's work. Some factors have more points allotted to them than others. The factors with the most points are Factor 1 (Job Knowledge), Factor 2 (Mental Demands) and Factor 5 (Work Assignments). There is a logical relationship as to how these factors relate to each other and to other positions, especially supervisors, within an organizational unit. As these three factors have the most points, accounting for approximately 70% of the total points available, they often determine a position's overall grid level.

What is a benchmark job?

As part of the Plan, the parties negotiated, evaluated and agreed to over 400 benchmark jobs, based on real jobs existing in the public service. Each benchmark job consists of a job description, an organization chart and reasons for classification for each of the 13 factors. Each factor in the Plan is illustrated at various levels and within certain contexts in relation to these benchmarks. Thus, benchmarks interpret the Plan factors, and every evaluation and analysis must refer to them. Benchmark jobs are available at this link, grouped by job families and classification levels: http://former.bcgeu.ca/Public_Service_Job_Evaluation_Plan_Benchmarks_Part_One

What if another existing job in the public service, such as a colleague's, is a better comparison?

Only benchmark jobs are used for comparison purposes in the Public Service Job Evaluation Plan as agreed between the parties. The parties evaluated these specific benchmark jobs through a detailed collective bargaining process and agreed upon them as the best way to illustrate and evaluate accountabilities and duties being performed in the public service. This ensures internal consistency of work regardless of whether the job is administrative, operational, technical or some other category of work.

Why does organizational structure matter?

The Plan and benchmarks operate to evaluate jobs within the internal hierarchical structure of jobs within the public service. Within this structure, for example, more credit is given for positions that manage, lead, direct and/or supervise in different contexts. A position will typically be rated less than its supervisor in factors with the most points, such as job knowledge, mental demands and work assignments.

Aren't the Plan and benchmarks outdated?

Some jobs that the original benchmarks were based upon have changed over time, but the fundamental basis for their relationship to the Plan and accountabilities remains the same, and they are considered accurate for comparison purposes. The parties review and update benchmark jobs from time to time. This can result in some factors changing, either up or down, to reflect current duties and accountabilities. Sometimes a change in one or more factors may change the total points for the position without being enough to change the position's overall grid level. Even though job description language may change, the core duties, responsibilities and organizational context often remains the same.

How is a unique job evaluated?

Even a unique job can be analyzed and evaluated using the Plan with benchmark comparisons. An evaluation typically involves comparing the work being done to a number of similar benchmarks whose work is below, above, or at a similar level to the position's work.

How is an individual member rated, especially if he or she is a hardworking, highly skilled, valued employee?

The Plan does not measure an individual's performance, credentials or volume of work being performed. Job evaluation is about the *position*, not about the person in the position. It is strictly limited to an analysis of work measured against the Plan and benchmarks. Every position has a valuable role in its organization, but that role is rated against all other roles across the entire BC public service, higher and lower, according to the job evaluation

factors. Credentials are determined through the hiring process, and are not considered for job evaluation purposes.

What is the relationship between classification and compensation?

A position evaluated using the Plan factors and benchmark jobs will end up with a point score that determines the position's grid range level. Compensation amounts tied to grid range levels are determined only through collective bargaining. Although there is a grid level link between classification and compensation, the two are distinct issues – one determined through job evaluation principles and processes, the other through the collective bargaining process.

Why not compare to a similar job outside of the public service that is paid more?

The PSA and BCGEU have agreed that positions within the BC public service are evaluated using only the Plan and benchmarks. This ensures internal equity of all positions across the public sector. In some cases where there are specific concerns about retention and recruitment due to labour market issues, the parties have negotiated and agreed through collective bargaining to Temporary Market Adjustments. If market conditions change, the employer can give notice to remove a TMA.

Why can't a position be compared to a job store profile rather than a benchmark?

The job store is a PSA tool of pre-classified positions intended only for managers to use for hiring purposes. It is not agreed as an official way to evaluate jobs. All job profiles as posted in the job store are classified based upon the Plan and agreed to benchmarks, but any changes to duties by a manager may change a classification rating, and are supposed to be referred to the PSA.

What's the difference between a job profile and a job description?

A job profile is a summary document. While the PSA has been using these to give a generic description of the work being done, a classification determination, whether based on a job profile or job description, requires analysis and evaluation of actual work being performed, using work examples.

What is the likelihood of a successful reclassification?

When a position is subject to a classification review by the PSA, or to an appeal by an incumbent, it is possible for one or more factors to change through the process, either up or down a degree level. If only one or two factors change, the changed points will likely not be enough to change an overall grid level. Statistics show that few appeals are successful, and the majority of positions remain at their existing level. This does not mean that an appeal is not worth pursuing, and all employees have a right to appeal if they believe the position they occupy is improperly classified.

Is it possible for a position to move up more than one grid level?

A successful reclassification will typically result in a position moving up one grid range level. If a position changes so substantially that it becomes reclassified up two grid levels, it may be considered a new position needing to be posted for competition based on merit.

Why is it so hard for a classification appeal to succeed?

The employer, in consultation with the PSA, sets the work that needs to be done in order to meet its mandate, within its organizational structure. In an evaluation of the work to change the PSA's classification, the BCGEU has the onus, and must be able to demonstrate that the proposed higher rating of the work is clearly, demonstrably right.

Why does the BCGEU have the onus to prove that a position should be at a higher classification?

Whenever a party wants to change the status quo, it has the onus to show that the change is warranted. A Classification Referee (arbitrator trained in job evaluation) confirmed in a previous hearing that the BCGEU must prove a "significant change in circumstances" from the position's existing rating, including "sufficient and valid changes in the functions and conditions of work to warrant a change in one or more factor ratings."

What is a manager's role in the appeal?

A manager is accountable to provide accurate information about the work required and the work performed. Sometimes incumbents believe that it helps if their manager supports the appeal, but in fact it should make no difference when the position's work is analyzed.

What if the incumbent has taken on additional work, or projects?

Any additional work must be supported by the excluded manager. If it is not, there can be no basis for an appeal because the work is not formally required to be performed. New or additional duties may also be at the same level as existing duties. If additional duties have been assigned and performed that would be rated at a higher grid level, substitution pay may be applicable under Article 27.4.

What is the BCGEU's role in an appeal?

The BCGEU ensures that the process is properly and fairly followed, and that the PSA, as represented by a PSA appeals specialist, considers relevant work examples. The BCGEU cannot predetermine or advocate for an appeal outcome. Throughout this process, we assist the appellant to ensure that relevant work examples are provided. If the BCGEU disagrees with the outcome, it can decide whether to take the appeal to hearing before a classification referee.

Questions: Please contact: ClassificationAppeals@bcgeu.ca