

THE UNIVERSITY OF BRITISH COLUMBIA



Human Resources
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Date: April 6, 2009

To: Deans, Directors, Department Heads, Administrators

From: Michelle Berner, Director, HR – Total Compensation

CC: HR Advisory Services, Total Compensation

Re: CUPE 2950 Job Evaluation (JE) System – Reclassification Request Process and “Maintenance Agreement” Letter of Understanding

[FOR INFORMATION]

This provides an update pertaining to the new CUPE 2950 job evaluation (JE) system. Specifically, this memo focuses on the classification and reclassification processes. While some of this information was provided in our September 9th update memo, additional information is now available, and is included below.

Please forward this memo to faculty and staff in your faculty/department who are responsible for managing classification issues pertaining to CUPE 2950 staff.

CUPE 2950 CLASSIFICATION PROCESS

As noted in our memo of September 9, 2008, faculties/departments now have the ability to establish the classification of CUPE 2950 jobs locally. There is one **exception** to this – “**unique**” **job evaluations**.

Unique Job Evaluation

Any evaluation of a CUPE 2950 job as a “unique job” requires the approval of a Compensation Consultant in the Total Compensation unit of the University’s Human Resources Department. This applies to both new jobs and reclassifications.

This is because the Unique Job category requires application of the point-factor plan to the job, and submission of the unique evaluation to CUPE 2950 for review of the scoring against the factors. If you submit a job description to the Total Compensation unit, a Consultant will first check to see if the job is a match to an existing benchmark. If there isn’t a good match to an existing benchmark, the Consultant will apply the point factor plan, and evaluate the position as a “unique” classification based on total point factor score.

Unique job classifications are rarely used, as most jobs can be classified to one of the existing benchmarks.

Checks and Balances

Note that the rules and processes of the new CUPE 2950 JE System must still be followed when classifying jobs locally. It is very important that jobs be classified correctly, in accordance with the terms of the JE System. There are a number of checks and balances in place to challenge jobs that are believed to be incorrectly classified – either too high or too low. If a faculty/department isn't sure of the correct classification for a job, they should contact Stuart Murray of the Total Compensation unit for assistance (604-822-2481 or stuart.murray@ubc.ca).

Random Classification Audits

Since the beginning of 2009 the UBC Human Resources Department (Total Compensation unit) has been conducting random audits of CUPE 2950 job classifications, either when a job is posted, or by request of the union.

It is increasingly important that **job descriptions** are in place for all jobs, that they are accurate and up-to-date, and that they are consistent with the benchmarks that the jobs are classified to. In cases where a classification is challenged, the job description is an important document for assessing the outcome.

Classification Training

In the near future the Total Compensation unit will be delivering training sessions for Administrators and Managers who are responsible for classifying jobs under all UBC classification systems. Such training sessions will continue to be offered on a regular basis, likely through UBC's MOST program.

In the meantime, if you'd like any guidance or instruction on classifying jobs, please contact Stuart Murray (604-822-2481 or stuart.murray@ubc.ca) or Philippa Wagner (604-822-3569 or philippa.wagner@ubc.ca).

CUPE 2950 RECLASSIFICATION PROCESS

The opportunity to “appeal” a classification was a temporary measure for the implementation of the new CUPE 2950 JE System. There were specific procedures agreed to between the University and CUPE 2950 on the process for dealing with implementation appeals of an employee's original classification under the new system.

The implementation of the new CUPE 2950 JE System is now complete, and implementation appeals have now been resolved. As such, the implementation appeal process is no longer accessible. Rather, if an employee disagrees with their classification, or if they believe that their job (and therefore classification) has changed, they have the right to file a “reclassification request”.

Since our last update memo in September, the University and CUPE 2950 have agreed to the ongoing **reclassification request process**, which is outlined in the attached “Maintenance Agreement” Letter of Understanding (LOU).

Following is the “Maintenance Agreement” language that outlines the reclassification request process, as well as an appeal process for cases where the employee is not satisfied with the outcome of the reclassification request process. Language from the LOU replaces Article 31 of the CUPE 2950 collective agreement. Footnotes have been inserted to provide additional information.

31.06 Reclassification Requests

If an employee who has completed his/her probationary/orientation period believes that his/her job is incorrectly classified, he/she should submit a request to his/her manager for a review of the job classification. The request must be made on the designated form, and

must include the reasons the employee believes that his/her job is inappropriately classified. Upon receipt of a reclassification request, the manager shall review the job classification in accordance with Article 31.05¹, and will attempt to resolve the matter if the manager believes there is merit to the request².

If the matter is not resolved, the employee may submit a formal request for reclassification. A minimum of six (6) months must elapse between each reclassification request.

- (A) The request must be made on the designated form³ and submitted to the Total Compensation unit⁴, who will provide a copy to the Union and the department head (or designate). The request should be accompanied by a job description.
- (B) Where the Total Compensation unit determines that it will add value to the process, they will interview the employee and/or the department head (or designate). In such circumstances, at the request of the employee a Union steward shall be present at the interview.
- (C) The employee and department head (or designate) shall be notified of the results⁵ of the reclassification request by letter (including rationale), with a copy to the Union, within eight (8) weeks of the date that the Total Compensation unit received all required information on the reclassification request forms, including the form that the employee's manager must complete.

¹ Article 31.05 states the following:

31.05 Classification/Evaluation of Jobs

- (A) The Employer is responsible for classifying/evaluating jobs. Jobs are classified to benchmarks based on "best fit"; that is, the job is classified to the benchmark where the scope and level of the job are a "best fit" with the scope and level definition outlined on the benchmark. It is recognized that benchmarks are not "watertight compartments", and that there is overlap across benchmarks. The best fit with the scope and level definition is determinative, and the other elements of the benchmark provide guidance.
- (B) The Employer will evaluate jobs that are unique in nature, and that are not a "best fit" with any benchmark, against the point factor plan that underlies the benchmarks, and will assign the jobs to pay grades based on the point factor scores.
The Employer will provide a copy of evaluated unique jobs to the Union for the purpose of reviewing the job evaluation points and pay grade. The Union has thirty (30) days to object to the job evaluation points and/or pay grade. In the case of objection, the parties will engage in discussions and attempt to resolve the matter. Where the Employer and Union can't resolve the dispute over job evaluation points and/or pay grade, the matter may be referred to an arbitrator for expedited arbitration, in accordance with Article 31.03.
- (C) Jobs that are a "best fit" with two or more benchmarks (i.e., where the job performs a substantive amount of the scope and level of two or more benchmarks) will be classified to the benchmark that is at the higher pay grade.
- (D) The Total Compensation unit of the Human Resources department will conduct a review of a job classification upon request if the Union has concerns about the classification.
- (E) The Total Compensation unit may audit job classifications and make adjustments as required.

² Any classification of a CUPE 2950 job into the "unique job" classification requires the approval of the Compensation unit of the central Human Resources department.

³ The designated employee reclassification request form (i.e., Form A) is located on the Human Resources web site at the following location: http://hr.ubc.ca/files/pdf/compensation/CUPE2950_Employee_Initiated_Job_Reclass_Request_FORM_A.pdf. The designated employer reclassification request form (i.e., Form B) is located on the Human Resources web site at the following location: http://hr.ubc.ca/files/pdf/compensation/CUPE2950_Employee_Initiated_Job_Reclass_Request_FORM_B.pdf. If the manager is able to resolve the reclassification request locally, the following template letter should be used to notify the employee: http://hr.ubc.ca/files/pdf/compensation/CUPE2950_Reclass_Confirm_Letter.doc.

⁴ When a formal "reclassification" or "tech change" comes to light, contact the central Human Resources HR Associate. The HR Associate will assist in determining whether a "reclassification request" or "tech change" is required. Different approaches are taken in these different situations. The HR Associate will provide guidance in the case of tech change. The HR Associate will forward reclass requests to the Total Comp unit.

⁵ When an employee's job is reclassified to a higher level, the HR Associate will sign off the Staffing Appointment Form (SAF), ensuring that collective agreement provisions pertaining to step increases are adhered to.

- (D) If the employee is not satisfied with the outcome, she/he shall have the right to appeal the decision, pursuant to Article 31.07.
- (E) If an employee's position is reclassified, that employee shall not be required to serve a new probationary or orientation period.

31.07 Appeal Process – Appeal of the Outcome of a Reclassification Request

If an employee is not satisfied with the outcome of the reclassification request, she/he may appeal through the following process:

- (A) Within thirty (30) days of receipt of the results of their reclassification request, the employee must notify the Total Compensation unit in writing of their desire to appeal the decision.
- (B) A Joint Appeal Committee (JAC) will attempt to resolve the appeal. Quorum for the JAC is two individuals representing the Union and two individuals representing the University. Neither party shall have more than two representatives. Where the Union's committee and the University's committee agree, the appeal is resolved. By arrangement with her/his supervisor, the Union's appointed JAC member shall be permitted the necessary time off without loss of pay or benefits to attend the JAC meeting. In accordance with the practice of article 8.04 of the Collective Agreement, the Union and the University shall notify each other, in writing, of the names of their appointed representatives to the JAC.
- (C) Appeals not resolved by the Joint Appeal Committee may be referred by either party to an arbitrator that is mutually agreed to by the parties for resolution under an expedited arbitration process.
- (D) A case management meeting shall occur between the parties prior to the expedited arbitration. The parties shall agree on as many facts of the case as possible.
- (E) The parties will brief the arbitrator on the outcome of the case management meeting prior to the arbitration. Based on the case management meeting the arbitrator will provide direction to the parties about the type of witnesses and documentation that should be included in the expedited arbitration.
- (F) The expedited arbitration will not include formal evidence or formal witness testimony. Informal inclusion of witnesses and argument are limited to those required to provide relevant information, as determined by the arbitrator.
- (G) The arbitrator will make a determination based on the "best fit" of the job to a benchmark. Where the job is not a good fit with any of the existing benchmarks, the arbitrator may assign the job to a pay grade based on applying the point factor plan, in which case the evaluation and pay grades of existing benchmarks only will be used as comparators.
- (H) The arbitrator does not have jurisdiction to create new factors, factor "degrees"/levels, pay rates, and/or new pay grades that are not already part of the existing job evaluation plan.
- (I) The decision of the arbitrator is final and binding, and is on a without prejudice and without precedence basis.
- (J) Arbitration costs will be equally shared by the parties.

31.08 Wage Increase Awarded Through Reclassification

- (A) A wage increase awarded as a result of reclassification shall be retroactive to the date of change of job duties to a maximum of twenty-one (21) months, or when no date can be established, retroactive to the date of the written reclassification request. The employee shall be placed on the step in the pay grade that ensures an increase in monthly salary of at least fifty dollars (\$50.00), where possible.
- (B) Where the job does not entail new job duties, and has been misclassified since date of hire, the employee shall be placed on the same step in the appropriate pay grade as she/he was on in the original pay grade, and shall receive full pay rate adjustment retroactive to date of hire, to a maximum of twenty-one (21) months.
- (C) With respect to 31.08(A) and (B) above, in no case shall the wage increase be awarded retroactive to a date prior to March 17, 2008.

This memo is available on www.hr.ubc.ca for future reference.

Please feel free to share this information with managers and CUPE 2950 employees in your faculty/department.

If you or your CUPE 2950 employees have questions, please contact please contact Stuart Murray of the Total Compensation unit (604-822-2481 or stuart.murray@ubc.ca).

Thank you.