

GRIEVANCE PROCEDURE: CLASSIFICATION-RELATED ISSUES

Grievances can be launched around three broad areas – job description problems, classification-related issues and pay and compensation matters. Each is discussed in a separate USGE Local Tool Box topic sheet.

A DECEPTIVELY SIMPLE GRIEVANCE...

The Classification Grievance Procedure is a relatively simple process, as there is only one level (the final level) and the time limits are the same – 25 working days.

Full-time Public Service Alliance classification experts in Ottawa normally conduct representation before final level Classification Grievance Review Boards. These Classification Officers also provide advice, guidance and representation regarding equal pay for work of equal value complaints on behalf of our membership.

However, all classification grievances should proceed through normal Local/Component channels prior to being forwarded to PSAC Classification Officers.

As the time limits regarding the submission of classification grievances is strictly adhered to by the employer, members contemplating grievance action should act immediately.

The documentation required by Alliance Classification Officers for grievance representation must include:

- The official position description.
- The current classification group and level.
- The current point rating by factor (if applicable).
- The current organization chart.

While these four items are absolutely essential, any further documents and/or information relative to the position are also very useful to the Classification Officers as they prepare their case.

The wording for the grievance should be simply:

I grieve the classification of my position.

The corrective action requested should be:

That my position be reclassified upwards.

...WITH A NUMBER OF POTENTIAL TRAPS.

Classification grievances, while on the surface seemingly straightforward, have a number of pitfalls that must be avoided:

Classification grievances are NOT adjudicable. The Public Service Staff Relations Act protects classification decisions as a management right which is not subject to the scrutiny of a third party. Similarly, if “appointment” to the higher classification at an earlier date is requested, the adjudicator will decline jurisdiction on the grounds that, pursuant to the Public Service Employment Act, only the Public Service Commission has the power to appoint.

Classification grievances deal only with a classification decision – that is, the assignment of points to a statement of duties. It does not deal with the contents of the statement of duties. If you are also filing a work description grievance regarding your statement of duties and responsibilities, your classification grievance should be held in abeyance until the outcome of the statement of duties grievance is known. If the statement of duties changes, then a new classification decision will be made which will be subject of the classification grievance.

There is no retroactivity beyond 25 days prior to filing the Grievance. If a classification decision is issued you have 25 days to file a grievance against that decision. If the grievance is to be filed in the event of a statement of duties change and subsequent classification decision, this classification grievance will protect the right to have the change in classification made retroactive to the date of the filing of the grievance.

Where there are discrepancies as to the effective date of the classification decision, a remedy cannot be found through the Classification Grievance Process. Instead, the Staff Relations Grievance Process contained in the relative collective agreement must be utilized. Please refer to the *Tool Box* sheet entitled *Grievance Procedure: Pay Issues*.

The PSAC may not recommend a classification grievance be submitted, or may request that a classification grievance be withdrawn. In such an event, it must be noted that no representation will be provided by Alliance Classification Officers should the member still wish to pursue the grievance. The member will have to provide his/her own resources through written and/or formal representation to the Grievance Advisory Board.

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