

CONTRACT INTERPRETATION MANUAL

Article 22 CHANGE IN CLASSIFICATION

Interpretation Guidelines

Article 22.01 - Employer Notice

The Employer is required to provide the LRO (and the worksite Stewards) with written notice of any significant change in the job content, the proposed wage structure, and a revised job description before implementation of any job content changes.

Some of the factors considered in determining whether a significant change in job content has occurred are:

1. The addition of duties requiring a new or higher level of skill and ability;
2. The subtraction of duties requiring a new or lower level of skill and ability;
3. A change in the required qualifications;
4. The addition of administrative or supervisory duties; or
5. Changes in program or service responsibility or accountability.

If the implementation of significant changes in job content will result in the displacement of the incumbent(s), it is the Employer's responsibility to ensure appropriate discussion and notification of the Union and the employee(s) occurs well in advance of the implementation of the changes.

Article 22.02 – Implementation

If the Union objects to the classification assignment it does so through the Job Classification Review Process (Article 21).

Article 22.03 - Employee Grievance

If an employee feels their position has changed sufficiently to merit re-classification, the employee may request a reclassification using Step 1 of the grievance procedure (Article 9).

If the issue is unresolved by the grievance process, the Job Classification Review Procedure is used.

Stewards are advised to consult with a BCNU Classification LRO in these circumstances.

SYSTEM APPLICATION

The questionnaire and the profiles are now used, along with established industry standards for the classification of new and changed jobs (Articles 21 and 22).

The following principles come from Municipality of Toronto, 1984, L.A.C. (3d) 248 (Swan), and have been quoted in every classification arbitration award since:

1. Jobs are not watertight compartments;

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2. Jobs overlap from one classification to the next;
3. It is not sufficient for an employee seeking a higher classification merely to identify aspects of the higher classification they perform;
4. The employee must demonstrate the higher classification is the right classification; and
5. The employee must show which of the two classifications is the best one for the disputed job, determined by either:
 - (a) A reference to the “central core” or “distinctive character” of the job; or
 - (b) A reference to which of the two job classifications provides the “better fit”.

If you require further information, please contact a LRO.

Arbitration Awards

1. Greater Victoria Hospital Society and BCNU, July 13, 1990 (Larson). Senior employees working in the operating room were reclassified as Assistant Head Nurses (i.e. DC2) after it was determined they were functioning above the level of general duty nurses (DC1).

Footnotes

Article	22
Sub-Article	22.01, 22.02, 22.03
Last Update	31-03-21
Related Articles	3, 9, 10, 17, 18, 19, 21, 23, 24, 62, 63, Appendix HH