

Article 21

Article 21 - Creation of New Classification

Related Articles: 3, 10, 17, 18, 19, 22, 23, 61, 62

Interpretation Guidelines:

Article 21.01 - Employer Notice

If they create a new job the Employer is required to do the following:

1. Prepare and provide the Union with a copy of the job description as per Article 23;
2. Provide written notice to the Union of the classification/wage level;
3. Advise the Union of the intention to implement to implement the new classification/wage level for the job, including the effective date;

Article 21.02 - Implementation

If the Union does not agree with this new classification and proposed wage level it is required to:

1. Provide the Employer with a **written objection within 45 calendar days** of receiving written notice from the Employer or the new classification and wage level will be considered as established.
2. Provide reasons for the objection.

Once the Union objects, the dispute is then goes to the **Job Classification Review Procedure** as per Article 21.02 (B).

Article 21.02 (B) - Job Classification Review Procedure

1. The employer has 3 months to provide the incumbent and the supervisor with job classification questionnaires.
2. The incumbent and the supervisor have further 14 days, after receipt of the questionnaires, to fill out job classification questionnaires and indicate which profile the job best fits.
3. They then submit this documentation to their respective Union/Employer representatives.
4. Within a further 28 days, the representatives exchange and review the documents and attempt to resolve the matter through negotiation.

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Article 21

5. If the parties can't reach agreement, either party may refer the matter to classification arbitration (classification arbitrators are named in the PCA)
6. **At classification arbitration:**
 - parties are each limited to 4 hours for their respective presentations
 - the parties are to use staff representatives
 - the award will be issued within 30 days
 - the arbitrator's decision is limited to determining the appropriate classification/wage level for the job*.
7. In the event the wage structure is established by arbitration, the effective date of the wage rate will be the date the employee commenced working in the new position.

* However in a classification arbitration the arbitrator can consider the following:

- If the job description accurately reflects the work performed;
- If the qualifications requested by the Employer are appropriate and reasonable and can be supported by the job duties e.g. is a BSN necessary for a Level One job?
- If the classification/wage level proposed by the Employer is appropriate; and
- The effective date of the classification level. Article 21 says the effective date of the wage rate is the date the Employer changes the job content. However, arbitrators have jurisdiction to determine an effective date of the change in job content based on the evidence provided at the hearing.

The [Labour Relations Code](#) under Section 89 (e) provides arbitrators with the jurisdiction to waive the time limits. Time lines, as outlined in Article 21, missed by either party will not automatically result in an arbitrator dismissing the grievance.

If either party requests an extension of the time frames, it is generally granted. Requests for time extensions should be done in writing.

If you require further information, please contact a BCNU Classification LRO.

Additional References:

Legislation:

Labour Relations Code Section 89

Other:

BCNU/HEABC Job Profiles - are included in this manual after Article 61.

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