

## Article 22

### Article 22 - Change in Classification

Related Articles: 3, 9, 10, 17, 18, 19, 21, 23, 23, 61, 62

#### Interpretation Guidelines:

#### Article 22.01 - Employer Notice

1. The Employer is required to provide the Union 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.
2. Some of the factors considered in determining whether a significant change in job content has occurred are:
  - The addition of duties requiring a new and/or higher level of skill and ability;
  - A change in the required qualifications;
  - The addition of administrative or supervisory duties; or
  - Changes in program/service responsibility/accountability.
3. 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

After receipt of the written notification and revised job description, the Union has 45 calendar days to object to the proposed classification/wage level.

See interpretation guidelines for Article 21 for further information as the process if the same.

#### Article 22.03 - Employee Grievance

If an employee feels her/his position has changed sufficiently to merit re-classification, the employee may request a reclassification using the grievance procedure (see Article 9).

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

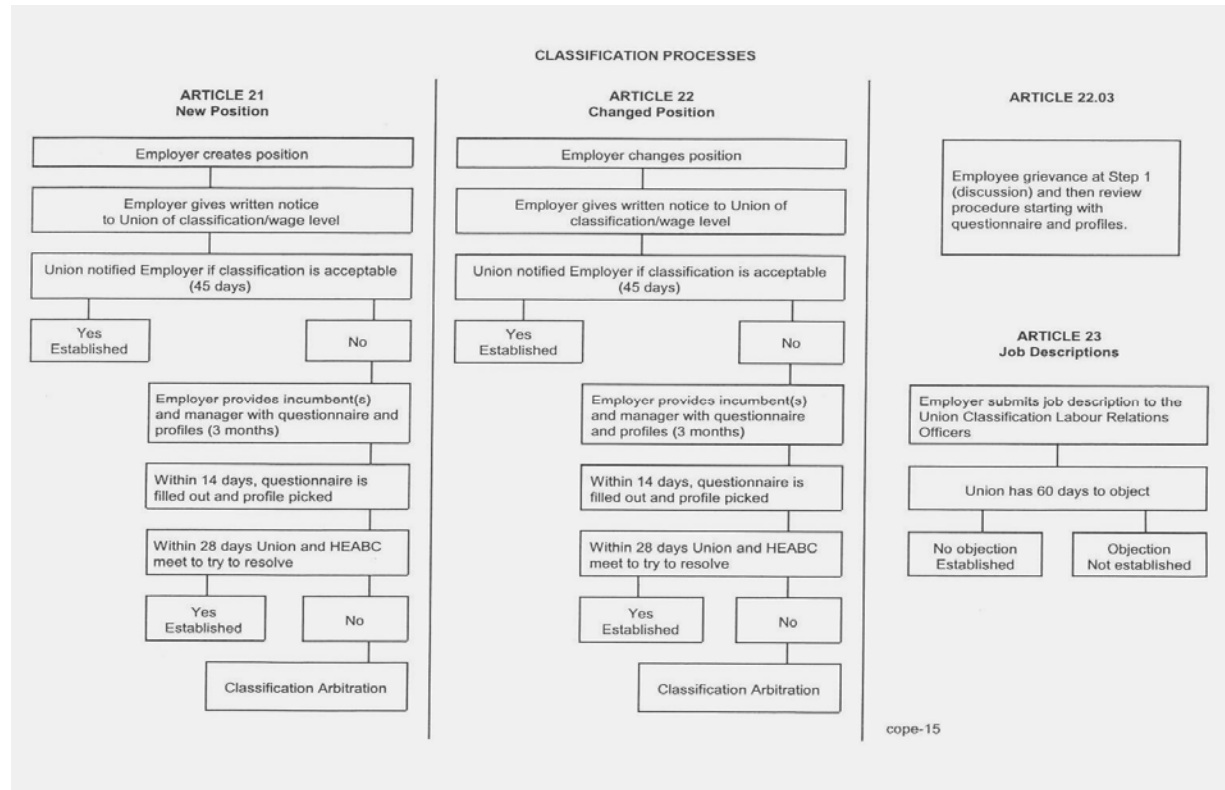
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Stewards are advised to consult with a BCNU Classification LRO in these circumstances.

### III. SYSTEM APPLICATION

#### 14. How are the questionnaire and the profiles used now?

They are now used, along with established industry standards for the classification of new and changed jobs. See Articles 21 and 22 of the PCA.



#### 15. What are the rules of thumb when looking to see whether a job should be reclassified?

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

- Jobs are not watertight compartments
- Jobs overlap from one classification to the next
- It is not sufficient for an employee seeking a higher classification merely to identify aspects of the higher classification he or she performs
- The employee must demonstrate the higher classification is the right classification

The interpretations in this manual are provided on a *without prejudice, errors and omissions basis* to any position Unions in the Nurses' Association of Bargaining Agents may take in any arbitral proceeding or any other forum.

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- The employee must show which of the two classifications is the best one for the disputed job. This is determined either:
  - by reference to the “central core” or “distinctive character” of the job, or
  - by reference to which of the two job classifications provides the “better fit.”

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

### Additional References:

### Arbitration Awards:

*Greater Victoria Hospital Society and BCNU, July 13, 1990 (Larson)* - re 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).

### Other:

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