



GRIEVANCE PROCEDURE: CLASSIFICATION ISSUES

Your duties have changed and the employer has provided you with a new work description, point rating by factor and group and level. But you do not agree with the classification level. You may decide to put in a classification grievance. **To date, classification grievances cannot proceed to adjudication.** The results of the grievance hearing are final and binding. **YOU HAVE 35 CALENDAR DAYS, FROM THE DATE YOU RECEIVED A NEW JOB DESCRIPTION, TO FILE A CLASSIFICATION GRIEVANCE.**

Before proceeding with a classification grievance, it is necessary to ensure that the work description accurately reflects what you are doing. Sometimes, you may be performing duties not contained or not described adequately in the work description. If it is these duties that make you think that the position is underclassified, and if management refuses to provide a current, up to date work description on request, then a "job content" grievance should be filed before filing the classification grievance. (See Grievance Procedure – Work Description in a separate Key Info Sheet)

Details of grievance:

My position is incorrectly classified at present.

Corrective Action:

That my position be reclassified to a higher classification level.

The grievance is sent directly to the Agriculture Union, which forwards it to the Representation Section of the PSAC. When you send us your signed grievance form, it's very helpful to include a statement of why you believe your job is underrated. In order for an officer to assess your file, the following items of information must be provided:

- classification grievance form;
- a signed copy of your current work description;

- a point rating by element of your job; and
- a copy of the current organization chart that includes your position.

...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 Labour 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.

There is no retroactivity beyond 35 days prior to filing the Grievance. If a classification decision is issued you have 35 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 *Info Key* 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.