

Frequently Asked Questions Regarding the TB Classification and Departmental Job Content Review Process

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What is a classification?

In the core public administration classification system, Treasury Board (“TB”) refers to the organization of work and employees as the occupational group structure. The occupational group is a series of jobs or occupations related in broad terms by the nature of the functions performed.

Occupational groups are designated by a two-letter abbreviation that is shorthand for the occupational group’s title. For example, there are six LA levels: LA-DEV (Articling students), LA-01, LA-2A, LA-2B, LA-3A and LA-3B. The number assigned to the occupational group designator refers to the level within the group.

What is the Classification Standard?

According to the Office of the Chief Human Resources Officer, the “classification standard for the Law Practitioner group is a point-rating plan consisting of an introduction, the definition of the Law Practitioner group, the rating scale and level point boundaries.”

For a copy of the current standard, see [1987 LA Classification Standard](#).

For a copy of the draft classification standard which is not yet in effect, see the [2010 Draft Classification Standard \(Version 6.0\)](#).

What is point-rating?

According to the Office of the Chief Human Resources Officer, “point rating is an analytical, quantitative method of determining the relative values of jobs. Point-rating plans define characteristics or elements common to the jobs being evaluated, define degrees of each element and allocate point values to each degree. The total value determined for each job is the sum of the point values assigned by the evaluators. “

What is the LA group definition?

Generally, the Law Occupational Group comprises positions that are primarily involved in the application of a comprehensive knowledge of the law and its practice in the performance of legal functions. For a copy of the current draft LA Group Definition, which has not yet been finalized, [click here](#).

What is Classification Reform?

The *Financial Administration Act* (“FAA”) outlines the responsibilities and powers of the TB. Amongst TB’s powers, is human resource management in the federal public administration, including the determination of the terms and conditions of employment of persons employed in it (section 7(1) (e)).

Pursuant to section 11.1(b) of the *FAA*, TB may provide for the classification of positions and persons employed in the public service.

In November 2007, TB announced the LA Classification Reform Project, which involves revisiting the LA Group Definition and the LA Classification Standard. The current Classification Standard dates back to 1987. Attached please find a copy of the [1987 LA Classification Standard](#).

In relation to the LA Classification Reform Project, TB had initially been working with the Department of Justice (“DOJ”) in the development and testing of the draft standard. DOJ has also conducted an internal review of all job descriptions within DOJ with a view to:

- standardize job descriptions into a generic format,
- reduce the number of generic job descriptions,
- ensure that such job descriptions are drafted in a way that coincides with the new classification standard; and finally,
- test the job descriptions against the new TB classification standard (not yet in effect).

PPSC has also undergone a similar review under what they refer to as their Ensuring Excellence Project.

TB has since consulted with some of the other departments and agencies in relation to the draft classification standard. Other departments and agencies will soon be engaging in a job description review process as well.

Was the AJC consulted and what was the extent of these consultations?

Yes, the AJC was consulted. In April 2010, TB provided the AJC with an early draft of a new Classification Standard for LA Practitioners. Since then, TB and the AJC met on a few occasions to discuss version 6 of the draft standard. A copy of which is enclosed for your information: [2010 Draft Classification Standard \(Version 6.0\)](#).

On January 12, 2011, the AJC met with TB officials responsible for the LA Classification Reform Project.

In the Summer of 2011, AJC, with the assistance of a classification expert, provided comments and proposed some changes, some of which some were retained. The AJC is currently awaiting information on the proposed point-rating and a final draft from TB. While TB had initially expected that the new classification standard would come into force in the Fall of 2011, this has been delayed.

AJC also proposed changes to the most recent draft of the LA Group Definition and awaits TB's reply. The most recent draft is attached for your information: [Law \(LA\) Occupational Group Definition](#).

Over the last several months, the AJC also engaged in consultations directly with DOJ and PPSC on their proposed revised generic job descriptions. These departments focused on consolidating the numerous detailed descriptions into generic job descriptions.

The AJC struck DOJ and PPSC-specific working groups made up of volunteer Governing Council Representatives and a few interested members at large for each of the DOJ and PPSC job description review initiatives. As these were only consultations and not negotiations, nothing was agreed to by the AJC and all LA's maintain their right to grieve.

On June 8, 2011, AJC and PPSC management met to discuss what the PPSC refers to as their Ensuring Excellence project.

As indicated in a [communiqué](#) issued to the membership on August 8, 2011, the AJC's created working groups and invited members to provide comments.

The AJC made several recommendations to the DOJ, the majority of which were rejected.

As for AJC's recommendations to the PPSC, the AJC did not receive a response. It was not until the actual distribution of notice of classification decisions during the week commencing November 28, 2011 that triggered AJC's 2nd request for a reply to its comments. The AJC has since requested copies of the final version of descriptions so that it can determine what if any recommendations were accepted.

As far as the AJC is aware, other departments and agencies have not yet initiated this process. It is however the AJC's expectation that it be consulted.

What changes, if any, have been implemented on the Classification Reform front?

On December 13, 2010, TB through the Office of the Chief Human Resources Officer, launched the creation of the new Law Management Occupational Group and Standard ("LC Standard"). Such group is excluded from the bargaining unit and comprises those previously excluded LAs who perform managerial work.

However, such group does not include all excluded LAs as they do not all perform managerial work with delegated authority over human and financial resources. The LC reclassification exercise affected

approximately 375 positions.

As for the LA classification conversion date, it has not yet confirmed. It will not however happen until the LA Classification Standard and LA Group Definition have been finalized.

What are the criteria being used to establish the LA Classification Standard?

Following the separation of practitioner and management subgroups, [a new classification standard](#) (which is still in draft form) for each subgroup is being developed with a view to ensuring that each of the following elements are considered when evaluating and classifying each LA subgroup's job description:

- knowledge,
- critical thinking and analysis,
- communication and interaction,
- leadership,
- physical and visual effort, and finally
- work environment.

The classification standard allocates certain point ratings to various levels within the elements described above for the purposes of ranking jobs that fall in one of the 5 subgroups of LAs (excluding LA-DEVs).

Why are departments updating LA job descriptions?

With the modernization of Classification in the public service, job descriptions are being revised in order to coincide with the language in the upcoming Classification Standard and facilitate the Classification Conversion Process.

Many of the current descriptions are out of date and don't provide the information required by the upcoming Classification Standard.

Will all LAs receive a new job description?

Yes. All LAs should expect updated job descriptions. They are expected to be distributed on a Region, Sector and Portfolio basis starting as early as November 2011 until probably March 2012.

Will classifications change on account of receiving a new job description?

Not likely. TB, PPSC and DOJ have all confirmed that there will be no change following the [Classification Conversion](#).

What is referred to by Classification Conversion?

For the purposes of these FAQs refer to the date on which the new LA Group Definition and new Classification Standard are in effect and where a classification decision has been issued to the LA.

What is a generic job description?

Generic job descriptions list the core duties and responsibilities of a group of similar positions. They are concise and contain only the information needed to apply the classification standard. Job descriptions describe the work assigned to positions

Approximately 65 generic job descriptions at DOJ will be applied to all LA (Practitioner) positions. At PPSC, there are approximately 12.

Must an LA sign the job description?

The AJC recommends that you sign an acknowledgement, with or without comments as you prefer. This does not constitute a waiver of your right to grieve. Should you not sign, however managers will likely proceed all the same after having provided you with an opportunity to acknowledge.

What is the outcome of signing the Job Descriptions?

- For managers, signing individual job descriptions based on generic job descriptions confirms that the selected description accurately describes the work assigned to and performed in the position.
- For LAs, their signature confirms the employee has seen the job description and has been provided an opportunity to comment.
- Signing any other form of acknowledgement is just that, an acknowledgement. You are not waiving your right to grieve.
- Signed Job descriptions are then sent to Human Resources and a classification decision is issued once the new standard and group definition are in effect. An LA preserves his or her right to grieve even after he/she may file a work content grievance that will be administered in accordance with normal grievance procedure. Incumbents will be informed of their right to grieve the classification of their positions.

What happens if an LA receives a Notice of Decision of Classification before the new Classification Standard comes into effect?

Such a Notice of Decision of Classification likely refers to a decision based on the current Classification Standard in effect. It is a decision that has the effect of confirming your classification.

The AJC was recently advised that during the week of November 28, 2011, PPSC issued letters to LAs that included, in addition to a new generic job description, an actual notice of classification decision. While the letter caused some confusion among LAs who have been engaged in internal PPSC consultations regarding the new Classification Standard rather than the old, the AJC has sought clarification from PPSC and confirmed that the old Classification Standard was being applied in the context of these Classification Decisions. PPSC LAs should therefore expect another notice of decision of classification as part of the [Classification Conversion](#) process.

If you receive a notice of decision of classification, you have 2 remedial options in the event you and your supervisor are unable to resolve your differences of opinion. They are as follows:

1. A right to grieve your job content pursuant to the collective agreement; and/or
2. A right to grieve the actual classification decision pursuant to TB's [Policy on Classification Grievances](#).

Job content and effective date grievances must be filed within **25 working days** and classification grievances must be filed within **35 calendar days** pursuant to PSLRB Regulations. We note that in the event you disagree with the content of your job content and want to pursue a classification grievance, you must also file a job content grievance within the prescribed timelines set out above. The job content is generally the basis on which all classification decisions and classification grievances are made.

At what stage of the review are we at now?

Some departments, such as DOJ and PPSC are currently rolling out the new generic job descriptions for positions ranging from LA-01 to LA-2B. Others have not yet commenced.

Can LAs request changes to a generic job description?

The AJC encourages all LAs to review, acknowledge and provide comments to their supervisors or managers regarding the draft generic job descriptions that have been prepared in anticipation of the upcoming classification standard.

Where you are of the view that the generic job description provided to you does not correspond to the requirements of the position, you may ask your supervisor to consult the generic job description rated above or below your description level.

If you feel that another generic description better captures the work that your position requires including the work you are actually performing and you are unable to resolve your differences of opinion with your supervisor in short order, you have a right to grieve the content of your job description within 25 working days following receipt of the job description.

If you feel that none of the current generic descriptions captures the requirements of your position, then we recommend that you file a grievance to preserve your remedial rights and request that a new generic description be created. In such a case, the manager should write a unique job description in the new format for the position. The job description should then undergo a vetting and classification process.

For more information on how to get support to file a grievance, consult the AJC Representation Services Policy and complete and send an [incident report](#) to admin@ajc-ajj.ca.

How can I challenge a Job Description and Classification?

Challenging a Job Description

If requested to assume as part of your regular duties, additional duties that clearly fall outside the scope of your current job description, you may request a job description review. Alternatively, if you are requested to assume additional duties of a higher LA level for a temporary period on account of the absence of higher-ranked LA's absence for example, you may request acting pay. The [AJC collective agreement](#) provides that acting pay is payable when the duties of a higher classification level are substantially performed for at least six (6) consecutive working days.

A job content grievance may be filed with or without AJC support when challenging the job content. Alternatively, a grievance may be filed with AJC support when the employer fails to provide a "Statement of duties" upon request. The AJC's decision of whether or not to support a grievance is governed by the principles set out in the [AJC's Representations Policy](#). In the event a job description is amended, the department must then review the new job description and issue a new classification decision.

For more information, consult the [Policy on Classification System and Delegation of Authority](#).

Challenging a Classification Decision

A classification grievance can be filed resulting in either a reclassification or no change to the classification. If the decision of the grievance classification committee results in no change to the classification, the decision is final and binding with no further recourse.

The path taken will depend on whether or not the content of the job is in dispute.

Some Basic Principles Governing Job Content Grievances

1. The burden of proof rests with the grievor, who must prove on the balance of probabilities that the grievor is accomplishing at the employer's request, the "duties and responsibilities that they allege are not already reflected in the generic work description." ⁱ
2. Writing a work description is the prerogative of the employer. ⁱⁱ
3. A job description need not contain a detailed list of all activities performed by the employer or how a duty is accomplished. ⁱⁱⁱ
4. A national work description may be drafted in broad terms and a duty or responsibility may be subsumed in a broad description. ^{iv}
5. A work description does not have to include voluntary activities or developmental assignments. ^v
6. Written revisions to job descriptions may not be enough to justify an upwards classification in light of the point-rating system.
7. The job content grievance requires the support of the AJC as this grievance relates to the application and interpretation of the collective agreement.

Some Basic Principles Governing Job Classification Grievances

1. Classification grievances are not adjudicable and are governed by Treasury Board policy and Public Service Labour Relations Act Regulations.
2. Decisions of the Classification Grievance Committee are final and binding.
3. There is generally no retroactivity beyond the 35 calendar days prior to the filing of a grievance.
4. Members may be better served by filing an acting pay grievance in the event a classification grievance is denied.
5. The chances of success of classification grievances are low. This is an employer-driven process based on employer-driven criteria.
6. Representation services are not guaranteed but members preserve their rights to pursue such grievances at their own.
7. A classification grievance involves a review of the original classification decision and is not limited to a review of the arguments presented by the grievor in favour of an upward classification finding. There is therefore a nominal risk of a downward reclassification.

Some Basic Principles about Acting Pay Grievances

1. The burden of proof rests with the grievor, who must prove on the balance of probabilities that the grievor is accomplishing at the employer's request, the duties and responsibilities that they allege are part of a higher classification.
2. You may file an acting pay grievance at any time but note that any decision relating to an acting pay grievance will only have retroactive effect to a maximum of 25 working days preceding the date on which the acting grievance was filed.
3. The acting pay grievance requires the support of the AJC as this grievance relates to the application and interpretation of the collective agreement.

What is a classification grievance?

As per the Treasury Board [Classification grievance procedure](#) section B (1), the definition of a classification grievance is as follows:

A classification grievance is a written complaint by an employee against the classification of the description of work he or she performs and which is assigned by the employing department or agency. For purposes of this grievance process, "Classification" does not include the job description or the effective date of the classification decision. These matters are resolved through the Staff Relations Grievance Process provided in the collective agreements.

The Classification Procedure outlines the processes and procedures for the submission and resolution of classification grievances by a classification grievance committee. For a complete review of the process and composition please refer directly to the [Classification grievance procedure](#).

What is the difference between a Classification and Job content grievance?

Filing a job description grievance will challenge the contents of the position while a classification grievance deals with the assignment of points to a statement of duties and not the contents of the statement of duties.

Job description grievances are generally adjudicable because they concern a provision in the collective agreement whereas classification grievances do not. Pay is adjudicable and classifications are not.

- Classification grievance committee decisions are final and binding.
- Job description grievances follow the normal grievance procedure path in the collective agreement.

For information on how to seek support from the Representations Committee in relation to your grievance, please refer to the [AJC Representations Policy](#).

When must I initiate a Classification or Job Description grievance?

Normally, classification grievances are initiated when a dispute arises regarding a classification "action" or when the member receives notice of a classification review from the employer affecting his or her position.

Job description grievances can arise from an employer's refusal to provide a statement of duties or after a review is conducted and where the work description does not accurately reflect the position. You have 25 working days to initiate a job content grievance.

Classification Grievances must be filed within 35 calendar days in accordance with [TB's Policy on Classification Grievance](#).

What other time limits apply to Classification and Job Description grievances?

Pursuant to sections 71 and 72 of the [Public Service Labour Relations Board Regulations](#), **classification grievances** are presented at the final level of the grievance procedure and decisions must be made within 80 days.

“Circumstances in which a level may be eliminated”

71. An individual grievance may be presented directly at the final level of the individual grievance process without it having been presented at a lower level if the individual grievance relates to classification, a demotion or a termination of employment.

Deadline for decision

72. (1) Unless the individual grievance relates to classification, the person whose decision constitutes the appropriate level of the individual grievance process shall provide the decision to the grievor or the grievor's representative, if any, no later than 20 days after the day on which the individual grievance was received by the grievor's immediate supervisor or the grievor's local officer-in-charge identified under subsection 65(1).

Exception

(2) If the individual grievance relates to classification, the deadline is 80 days.”

Job description grievances are initiated at level 1 of the grievance procedure and are subject to a 25 working day limitation. Please refer to the grievance procedure set out in the [AJC collective agreement](#) for further details.

Who can I contact for information in the event of a dispute?

For classification and job description information you can forward inquiries to the *AJC directly at admin@ajc-ajj.com*. Alternatively, you can consult the following links:

[1987 LA Classification Standard](#)

[2010 Draft Classification Standard \(Version 6.0\)](#)

[AJC Collective Agreement](#).

[AJC Representations Policy](#)

[Classification grievances.](#)

[Classification grievance procedure](#)

[LA Occupational Group Definition \(Draft\)](#)

[Organization and Classification : Treasury Board of Canada Secretariat.](#)

[Policy on Classification Grievances](#)

[Policy on Classification System and Delegation of Authority](#)

[Principles drawn from Federal Court, Federal Court of Appeal and PSLRB decisions: Treasury Board of Canada Secretariat.](#)

[Public Service Labour Relations Board Regulations.](#)

[Changes to the timeframes for presenting and responding to classification grievances](#)

[Reminder – Classification Grievance Resolution Process](#)

[Retroactive Reclassification and Appointment](#)

ⁱ [*Parker et al. v. Treasury Board \(Department of Human Resources and Skills Development\)*, 2009 PSLRB 109](#) (para. 71)

ⁱⁱ *Ibid.*, para. 132

ⁱⁱⁱ [*Hughes v. Treasury Board \(Natural Resources Canada\)*, 2000 PSSRB 69](#); *Ibid.*

^{iv} [*Jaremy et al. v. Treasury Board \(Revenue Canada – Customs, Excise & Taxation\)*, 2000 PSSRB 59](#)

^v *Parker, supra*, para. 134.