
Support Position Classification Appeals Policy

Department Policy Number

080 005

Effective Date

Revised January 12, 2006

Revised May 1, 2004

Revised February 1, 2002

Purpose

This policy outlines the appeals process for AUPE staff members with respect to position classification.

Definitions

Agreement	Athabasca University and The Alberta Union of Provincial Employees, Local 069 Collective Agreement
Appeal	Request for a review of a decision of the Human Resources Advisor
Appeal Committee	The Committee established by this policy to hear appeals of decisions made by the Human Resources Advisor for positions listed in Schedule B of the Agreement
Appellant	Employee defined by the Agreement appealing the decision of the Human Resources Advisor
Associate Director, Human Resources	The individual occupying the Associate Director, Human Resources position or Designate
President	President of Athabasca University
Respondent	Human Resources Advisor
Union	Alberta Union of Provincial Employees (AUPE), Local 069
University	Athabasca University Governing Council



Policy

A decision of the Human Resources Advisor is subject to appeal by the incumbent of the position. The appeal process will be governed by the following procedures.

Regulation

1.0 Membership

- 1.1 Upon receipt of the classification appeal by the Associate Director, Human Resources, a three-member Appeal Committee is established within 20 working days. A Staff Member cannot serve on the Appeal Committee if the appeal is for a position in their work unit, or if there is any perceived conflict of interest as determined by the Director, Human Resources.
- 1.2 The Appeal Committee shall consist of one union appointee, one university appointee, and the Chair:
 - 1.2.1 The Union appoints five members to a Union panel, who serve two-year terms and are eligible for reappointment. These panel members serve on the Appeal Committee by nomination of the Union, taking into consideration any conflicts as outlined in 1.1.
 - 1.2.2 The Director, Human Resources or designate appoints five members to a University panel, who serve two-year terms and are eligible for reappointment. The panel members shall serve on the Appeal Committee by nomination of the Director, Human Resources or designate taking into consideration any conflicts as outlined in 1.1.
 - 1.2.3 Within 10 working days of the second person's nomination described in 1.1.1 and 1.2.2, the University and Union nominees select a third person as described in 1.2.4 to act as a member and Chair of the Appeal Committee.
 - 1.2.4 The Chair shall be drawn from an agreed to panel of Executive Officers and Managers, taking into consideration any conflicts as outlined in 1.1.
 - 1.2.5 If agreement on a Chair cannot be reached, the matter of selection of a Chair is referred to the President, whose decision is final and binding.
 - 1.2.6 All Union and University appointees (including the Chair) will participate in training/orientation activities as determined by the Director, Human Resources.
- 1.3 The Committee shall attempt to reach consensus. The Chair shall be non-voting, except in the case of a tie.



- 1.4 The Associate Director, Human Resources shall attend the hearing, will act as secretariat for the Appeal Committee for the collection and distribution of materials, and provide advice on the process.
- 2.0 Any and all information considered by the Appeal Committee and its agreed upon procedures, must be seen and heard by the Appellant and the Respondent.
- 3.0 The Appeal Committee may call upon records and files and interview such persons concerned as it sees fit.
- 4.0 The Appellant or Respondent may have the assistance of another in preparing and presenting the appeal or response to the Appeal Committee.
- 5.0 The time limits in this policy may be extended by mutual agreement of the Union and the University. Such agreement shall be made in writing and facilitated through the Associate Director, Human Resources.
- 6.0 The Appeal Committee shall by majority vote determine any other procedures that may be necessary. The Appeal Committee shall provide these procedures to all persons involved in the appeal hearing.
- 7.0 The Appellant may initiate another request for classification review twelve (12) months after the decision of the Appeal Committee in accordance with policy 080 001.
- 8.0 Classification decisions for newly established or vacant positions are not subject to appeal.
- 9.0 The Appeal Committee shall only consider those factors that are in dispute. It must consider the position being classified, and shall not comment on the performance, skills, qualifications, or abilities of the incumbent. It cannot request the position description to be rewritten. Where possible, consensus should be reached on a classification decision.

Procedure

- 1.0 Initiation/Conclusion
 - 1.1 An Employee not satisfied with the results of a classification review by the Human Resources Advisor may appeal by submitting a request in writing to the Associate Director, Human Resources within fifteen (15) working days of formal notice in writing.
 - 1.2 An Employee who decides to withdraw their appeal must notify the Associate Director, Human Resources in writing, who, in turn, will notify the Union in writing.
- 2.0 Appeal Hearing



- 2.1 Prior to the hearing, the Appellant prepares and submits a written report to the Associate Director, Human Resources presenting the basis for the appeal for those factors in dispute, expected level, and a factor analysis from the Appellant's view.
 - 2.2 The Associate Director, Human Resources distributes the Appellant's written appeal and the decision of the Human Resources Advisor to the Appeal Committee, and arranges for the Appeal Committee hearing.
 - 2.3 The Appellant and Respondent should each be prepared to make a presentation, respond to questions from the Appeal Committee, and provide a rebuttal.
 - 2.4 The Chair may allow other persons, including the Appellant's supervisor, to be present during the appeal proceedings. These persons shall not be entitled to participate except when called as a witness. The Appellant and Respondent must inform the Chair who will attend and/or who will be called as a witness at least one week in advance of the appeal proceeding.
 - 2.5 The order of presentation before the Appeal Committee is:
 - a) Appellant
 - b) Respondent
 - c) Rebuttal (same order).
 - 2.6 The Appellant presents the basis for the appeal, expected level, and normally a factor analysis from their viewpoint.
 - 2.7 The Respondent defends the results of their decision. Defence is on the same basis as the decision: changes from the previous position description, job evaluation and factor analysis.
 - 2.8 Appeal Committee members, the Appellant, and the Respondent may ask questions or request clarification of any statement made.
 - 2.9 The Chair shall have the authority to intervene in, or to end the questioning, at any point.
- 3.0 Decision
- 3.1 The Chair takes notes during the appeal process and writes up the committee's decision. The written decision of the Appeal Committee is final and binding.
 - 3.2 The Appeal Committee must review all available information and reach a conclusion:
 - a) the results of the classification review by the Human Resources Advisor were either correct or incorrect;



- b) if the decision stands, the Appeal Committee confirms the results of the classification review;
 - c) if the decision is overturned, the Appeal Committee's report must state, with supporting rationale, that the Human Resources Advisor either:
 - misunderstood or misapplied the system, or
 - did not take something into account.
- 3.3 The decision of the Appeal Committee must be made on:
- a) proper application of the system
 - b) proper job analysis
 - c) actual content of the position description (and not what was supposed to be there)
 - d) evaluation of the position duties NOT the individual performing the duties
 - e) job today, not its potential.
- 3.4 Notwithstanding any of the foregoing, the Appeal Committee may not create, delete, or alter classes, or class specifications.
- 3.5 The Appeal Committee's decision must be limited only to the position that is the subject of the appeal: the information presented at the appeal hearing; and the information the Human Resources Advisor had at the time of classification. The committee's decision should be reached the day of the appeal hearing.
- 3.6 The Appeal Committee Chair is responsible for communicating its decision in writing to the Appellant, the Appellant's supervisor, the Respondent, and the Associate Director, Human Resources within five (5) working days of the decision of the Appeal Committee. The written decision must identify any change in point factors.
- 3.7 If the Appeal Committee overturns the decision of the Human Resources Advisor, the Human Resources Advisor adjusts the classification ratings and rates. The effective date of the decision, including any salary adjustment will be the first of the month the finalized position description was initially submitted to HR for review.

Approved By

Executive Group, January 12, 2006
President, May 10, 2004



Amended Date/Motion No.

Related References, Policies and Procedures

[080 001 – Position Descriptions and Classification Review](#)

Applicable Legislation/Regulation

AUPE Agreement

[Alberta Freedom of Information and Protection of Privacy Act](#)

Public Service Employee Relations Act

Responsible Position/Department

This policy is maintained and administered by Human Resources. For further information, please contact the Associate Director, Human Resources. Contact information is available on the Human Resources web site at <http://www.athabascau.ca/html/depts/staffrec/general.htm>.

Keywords

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