

NSGEU NS CIVIL SERVICE CLASSIFICATION APPEAL PROCESS AND GRIEVANCE PROCESS

If you want a list of higher benchmarks to which you want to appeal, call the Union and ask to speak to Administrative Assistant Rhonda Duhme and identify the benchmark you want and she will try to send you the benchmarks you need. The phone numbers here are 424-4063 or 1-877-556-7438.

There are two ways you can try to change your classification. One is the 'appeal' to a different classification, like appealing from Clerk III to Clerk IV. Or appealing from an Inspector Specialist II to III. You do this when you think your job actually should be rated as a higher classification.

The other route is when you are not grieving to a particular job, but you know that your job – its complexity, in particular – has changed a lot. That is the grievance route. To pursue this, you have to be able to describe, in writing, how your job has changed significantly. Every job changes over time, so if the changes are modest and not significant, the grievance will not have the merit to proceed.

Here are the steps for each.

CLASSIFICATION APPEAL PROCEDURE

- 1) Speak to your Supervisor regarding concerns about your present classification; ask for a meeting to describe the reason why you think you should be reclassified and to what level. You have to be appealing to a specific higher classification and need reasons for that.
- 2) If there is not a specific other level that you believe you match up with, but rather your role has become substantially altered over time, then we are talking something completely different, that you can try to address with a grievance with your Local ERO, a grievance for a “substantially altered” classification, processed like a grievance. You should discuss in detail with your ERO to analyze which route would be appropriate.
- 3) If there is a dispute between your Supervisor and yourself concerning your classification, you may initiate the Classification Appeal Process outlined in Article 43.02 of the Collective Agreement. If you have questions about the process, you can call the LRC and review in detail.
- 4) Send a letter to the Deputy Minister to notify him/her pursuant to Article 43.02 that you wish to appeal your current (see attached for sample letter). Keep a copy of your fax receipt so that you can prove you sent the appeal in, you will need it. Please forward the Union a copy of this letter and also send to the Union a written description of why you should be reclassified with examples and documentation. **Please note that you do not start accumulating any potential retro until you formally appeal to the Deputy Minister.**
- 5) After receipt of the Deputy Minister’s response or if there is no response, you may refer your Appeal to the Public Service Commission.
- 6) Your Appeal request to the Public Service Commission is to be forwarded to Mr. John Campbell, Director of Compensation, Public Service Commission, PO Box 943, Halifax NS B3J 2V9, fax # 424-8733.
- 7) Be sure to include a copy of the response from the Deputy Minister as an attachment, or if the Deputy Minister failed to respond note this in the letter to Mr. Campbell and attach a copy of your letter to the Deputy Minister.
- 8) At some point, your appeal will come to the top of the agenda of discussions between the Union and the Public Service Commission consultant. That will take several months because there are many older appeals already filed that are outstanding. If the consultant does not agree with your appeal, the Union decides whether or not the Union will proceed to the Classification Appeal Tribunal (see Article 43.03). The decision will be based on your input, the consultant’s findings, and largely comparison with the standards, benchmarks and other similar jobs.

- 9) Note that the appeals are considered based on the existing classification system that is right in the Collective Agreement. If your role still does not match its own benchmarks better than another set of benchmarks, then you likely won't have success. If the Union thinks there is a good match between your group and higher benchmarks and jobs, we can go all the way to a Tribunal, which does take months to schedule, and where we may or may not prevail.

GRIEVANCE PROCESS

If you have good examples and documentation of how your job has changed, but you don't think there is another classification you match, you can consider the grievance route.

- 1) Gather your documentation and examples of how your job has changed, like job descriptions, performance appraisals, examples of projects, any duties downloaded on to you from Managers. The change must be significant because every job evolves somewhat over time and this is not sufficient to grieve. Write out examples of the top ways your job has become more complex and more independent and any examples of duties that have been downloaded onto you.
- 2) This should be a group effort of those in the classification, yourself and others.
- 3) Raise this information with Management in a meeting that you request on the topic. Ask them whether they agree and whether they will support this request to the Public Service Commission.
- 4) Advise the Union of the results of that meeting.

SAMPLE LETTERS FOR AN APPEAL

Sample Letter to Deputy Minister

RE: Classification Appeal

Please be advised that pursuant to Article 43.02 of the Civil Service Master Agreement I am appealing my current classification of (your current classification, eg. Clerk III).

Having reviewed the standard and benchmark for (proposed classification, eg. Clerk IV), I feel this is a more appropriate classification based on my current duties and responsibilities.

Thank you for your attention to this matter and I look forward to your response within fifteen (15) days, as per the collective agreement.

Yours sincerely,

Member
cc NSGEU

Sample Letter to Public Service Commission

Please be advised that pursuant to Article 43.02 of the Civil Service Master Agreement, I am appealing my current classification of (your current classification).

Having reviewed the standard and benchmark for (proposed classification); I am of the opinion that this is a more appropriate classification based on my current duties and responsibilities. For your information, enclosed is a detailed list of my current job duties.

Enclosed is the response from the Deputy Minister.

Thank you for your attention to this matter and I look forward to your response within sixty (60) days in accordance with the Collective Agreement.

Yours sincerely,

Member
Cc NSGEU