



ADMINISTRATIVE PROCEDURE 435

LABOUR MANAGEMENT ADVISORY COMMITTEE (LMAC)

Background

The purpose of Labour Management Advisory Committee (LMAC) is to consider constructive criticism of all activities so that better relations shall exist between the Employer and Employees. Suggestions from the employees and the employer are reviewed, questions or working conditions and service (but not grievances concerned with service) are discussed, and recommendations to correct conditions causing grievances and misunderstandings are developed. LMAC reviews proposals to enhance the physiological and psychological conditions of employees and investigates ways and means to afford employees protection from factors adverse to health and safety. Reclassification of existing positions or the classifications of new positions as per Article 8.04 of the CUPE Collective Agreement are reviewed as well.

Procedures

1. Membership

1.1 Membership (as defined in the CUPE Collective Agreement)

- Three (3) Administration
- Three (3) Representatives of the Union.

2. Attendance

2.1 A meeting convened in person, or via teleconference or video-conference is a duly constituted meeting.

3. Decision Making Processes

3.1 The Committee has the power to make recommendations to the Union and Administration with respect to its discussions and conclusions, as set out under Article 18.02.1 of the CUPE Collective Agreement

3.2 To approve the reclassification of CUPE staff members and the classification of new CUPE positions.

4. Quorum

4.1 As outlined below

5. Joint Statement Release

- 5.1 All matters are confidential until the release of a joint statement agreed to by the Committee.
 - 5.1.1 A release will first be circulated to the committee members via email as draft.
 - 5.1.2 A second draft, incorporating any changes from the first draft, will be circulated to the committee members with a deadline for response and release date.
 - 5.1.3 All committee members must respond to the circulations via email, and include all other members of the committee in their response.

6. Issues from Canadian Union of Public Employees Local #1357 (CUPE)

- 6.1 CUPE issues will be gathered by the CUPE representatives who will determine which items will be brought forward to the LMAC.
 - 6.1.1 Items arising from CUPE members may be discussed with the Administrative Liaison for administrative action, instead of bringing this forward to LMAC.
 - 6.1.2 The committee may direct release of information to administration for action.
 - 6.1.3 Names/Identifiers are to be removed before submission to LMAC

7. Meetings

- 7.1 A meeting can be requested by either Chair of each represented group.
- 7.2 Dates are to be mutually agreed upon to achieve quorum, and in a timely manner.
- 7.3 The committee is to meet at least once each school year to review its terms of reference and protocols.
- 7.4 A Chair for the meeting is selected at the meeting.
- 7.5 Any materials used during a meeting are to be destroyed by the Administrative Liaison.

8. Changes to Committee Terms of Reference and Operational Protocols

- 8.1 A quorum for this matter shall consist of all members of the committee and shall require unanimity to carry.

New Positions, Classifications and Salary Structures Protocol

1. The Employer has the sole right to create new positions, classifications, and salary structures.
2. The Employer must inform the Union of the creation of new positions, classifications, and salary structures:
 - 2.1 In writing to the address of notification under Article 5.04 of the CUPE Collective Agreement.
 - 2.2 Additionally, other communications may be received (telephone, email) but only the written form in 2.1 will be recognized as official notification.
3. If the Union fails to object to new positions, classifications, or salary structures within 30 calendar days of the postmark, the structure is considered as implemented.
4. If the Union objects to new positions, classifications, or salary structures, the matter will be referred to the LMAC for resolution. A quorum for this matter shall consist of all members of the committee and shall require unanimity to carry.
5. When reviewing the objection, the committee will consider:
 - 5.1 Existing positions, classifications, or salary structures, relative to the new proposal;
 - 5.2 Presented research data which established the proposal;
 - 5.3 Hearing from both sides to review the proposal and reasons for objection; and
 - 5.4 Reasonableness to existing positions, classifications, or salary structures.
6. The committee shall, within 30 calendar days of written notice of objection from the Union, render a decision.
 - 6.1 The committee may extend the 30 calendar day time limit, if necessary.
7. The decision of the committee will be communicated to the Employer and the Union, in writing, to the address of notification under Article 5.04 of the CUPE Collective Agreement within three business days.
8. The decision of LMAC is final and binding on both the Employer and the Union.
9. If LMAC is unable to reach a decision on the matter, the Union or the Employer may bring it to arbitration consistent with Article 6.07 of the CUPE Collective Agreement.

Request for Reclassification Protocol

1. An employee may request a reclassification by submitting a written request to the Assistant Superintendent – Business Services.

- 1.1 Applicants may seek further clarification on requirements from the Assistant Superintendent – Business Services.
- 1.2 Committee members may assist applicants with completion of their applications; but must remind the applicant that the decision is made by the committee and requires unanimity. Failure to achieve unanimity will result in the application being declined.

2. The written request must include:

- 2.1 A list of all the tasks/responsibilities of the position until all elements of the work are represented.
- 2.2 Using the descriptor from the requested classification, group those tasks/responsibilities which have a common purpose.
 - 2.2.1 Where a corresponding descriptor is missing from the requested classification, group these tasks/responsibilities separately.
- 2.3 Provide an estimate of the percentage of time spent in each of the task/responsibility areas.
 - 2.3.1 The following guideline can be used for a 7.5 to 8 hours/day position:

1 Hour per day = 13%	1 day per week = 22%	1 week per month = 25%
1 hour per week = 3%	1 day per month = 5%	1 week per year = 3%
2 hours per week = 6%	2 days per year = 1%	2 months per year = 20%

- 2.3.2 The following guideline can be used for a 6 (or portion) hours/day position:

1 Hour per day = 17%	1 day per week = 22%	1 week per month = 25%
1 hour per week = 4%	1 day per month = 5%	1 week per year = 3%
2 hours per week = 7%	2 days per year = 1%	2 months per year = 20%

- 2.4 Submissions must ensure (see sample 1):
 - 2.4.1 All the duties have been described;
 - 2.4.2 The information is precise, concise and factual;
 - 2.4.3 Estimates are included of time spent on each task/responsibility area;
 - 2.4.4 The total amount of time for all tasks must equal 100%.
- 2.5 The information provided in 2 must be signed by both the applicant and principal/supervisor, and dated.

- 2.5.1 In cases where the principal/supervisor does not support the reclassification request, the applicant can request a review by the committee without the principal/supervisor's signature on the application information provided under 2.
 - 2.5.2 In these cases, the principal/supervisor shall provide a written explanation to the applicant of the reasons for not supporting the request. This is to be submitted along with the request by the applicant.
3. A hearing shall be conducted within 30 calendar days of receipt of the application for the request for reclassification.
 - 3.1 The committee may extend the 30 calendar day time limit, if necessary.
4. Successful reclassifications will be retroactive to the start of the first pay period following the date the application was received by the Assistant Superintendent – Business Services.

Evaluation Criteria

When reviewing requests for reclassification the committee is to consider:

1. Interpretations:
 - 1.1 When the word “duties” is used, it is to be interpreted as “duties and responsibilities”
 - 1.2 “80% of assigned duties” is to be interpreted as the number of tasks that the employee matches to a classification
2. Whether the percentage of time, indicates a “Regular Basis”
3. Whether the employee is responsible for completion of an aspect of the classification, or assigned the task but not the responsibility
4. Confirmation or responsibilities with the Supervisor

Reclassification Hearing Process Protocol

1. Participants
 - 1.1 Committee
 - 1.1.1 Three CUPE Representatives
 - 1.1.2 Three Trustees
 - 1.2 Assistant Superintendent – Business Services
 - 1.3 Applicant

- 1.4 Principal/Supervisor
- 1.5 An applicant may choose a CUPE support person to attend the hearing. CUPE will be charged for the costs incurred for the support person.
- 1.6 Quorum for a reclassification is all members of the committee.
- 1.7 Decisions are reached by a consensus of the committee.

2. Hearing Process

- 2.1 Presentation by the Chair on the hearing process will include the following points:
 - 2.1.1 The purpose of the hearing is to consider an employee reclassification request under article 8.04 of the CUPE Collective Agreement.
 - 2.1.2 The Committee derives its power and authority from article 18.02 of the CUPE Collective Agreement. Following the decision by this committee, the applicant will be notified by the Assistant Superintendent – Business Services verbally, with a written response from the Deputy Superintendent – Leadership Services and Human Resources.
 - 2.1.3 At all times the following principles must be maintained:
 - 2.1.3.1. The discussion is about positions and not individuals
 - 2.1.3.2. Decorum and respect of the individuals involved
 - 2.1.3.3. Any information received by the committee and the applicant's principal/supervisor is confidential
 - 2.1.3.4. All questions and comments are to be directed through the Chair.
 - 2.1.3.5. The Chair may need to call the meeting back to order if participants are not being respectful of the other participants.
 - 2.1.3.6. The Chair may need to recess the hearing to refocus if emotions run too high.
 - 2.1.3.7. The Chair will remind participants that polite behaviour is expected by all.
 - 2.1.4 Committee decisions will be based solely on the information presented at the hearing.

- 2.1.5 The committee is to determine if 80% of assigned duties presented by the employee matches the requested re-classification.
- 2.1.6 The decision is subject to grievance procedure under article 6 of the CUPE Collective Agreement.
- 2.2 The committee may modify the presentation process, to address an application which is unsupported by the Principal/Supervisor.
- 2.3 The Applicant's presentation:
 - 2.3.1 The tasks and duties described as submitted.
 - 2.3.2 Recommendation of the Principal/Supervisor.
 - 2.3.3 The CUPE support person may present for the applicant. The applicant must be present.
- 2.4 The Principal/Supervisor comments:
 - 2.3.1 Information and response to applicant's presentation.
- 2.5 Questions from the committee members.
- 2.6 Concluding comments from the Applicant.
- 2.7 Concluding comments from the Principal/Supervisor.
- 2.8 Chair's closing comments.
- 2.9. The Applicant and Principal/Supervisor leave the hearing to allow the committee to deliberate.
- 3. The decision is communicated to the Applicant:
 - 3.1 Verbally by the Administrative Liaison.
 - 3.2 In writing, by the Deputy Superintendent – Leadership Services and Human Resources.

Previous Board Policy 8, Appendix A
 Developed: November 2005
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 Amended: June 19, 2013
 Dissolved: October 2, 2013

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