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DECISION

On April 8, 1998, I was appointed by the Associate Chair (Mediation) as a mediator/arbitrator in accordance with a Letter of Understanding contained in the parties most recent collective agreement.

Mediation meetings were held with the parties on June 15, 19, September 29, October 13, 21, November 6, and December 10, 1998. The parties agreed that mediation was at an impasse and agreed to submit their respective proposals and rebuttals for my decision.

I have received the parties' very thorough and complete submissions and have reviewed them extensively.

I see my role in this matter as having to decide on both a 'process' for allocating ADT and a 'system' for determining points that can be used in implementing and allocating Administrative Duty Time. Once the process and system are decided, the parties themselves will utilize them to actually allocate ADT. If there is any disagreement over the awarding of initial ADT points, I retain jurisdiction to make a final determination.

THE POSITION OF THE PARTIES

The College believes that the process that received a great deal of discussion during the mediation part of this matter was one that came very close to all the college was prepared to do in this matter. They also believe that the later positions of the LFA were likely indicative of an attempt to meet the political goals and expectations of the its membership rather than arriving at a fair and equitable amount of ADT.

The LFA is a union and as such must represent the wishes of its membership to the best of its ability. Their representatives see the position of the college as lacking in a number of areas and believe that some of the factors to be considered are not being given the proper weighting that they deserve. The LFA acknowledges that its position would mean significantly more ADT than the does the college's.

THE DECISION

I have reviewed the positions of the parties both from their participation in the mediation positron of this matter and their written submissions to me and I have determined the matter as set out below.

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PART 1**THE PROCESS FOR ADMINISTRATIVE DUTY TIME
ALLOCATION, REVIEW AND APPEAL**

1. The Deans of Instruction, working together, following consultation with the appropriate Division chair, will determine points to be allocated to each instructional unit and the consequent sections of ADT.
2. The Department and Division Chairs will be advised in writing of ADT point determination and actual ADT allocations using and providing a copy of an "ADT worksheet".
3. If a Department Chair disagrees with the allocation:
 - (a) The Chair must submit to the appropriate Dean, in writing, rationale for their disagreement with the allocation (cc to Division Chair) within 15 days following notification of ADT allocation.
 - (b) The Dean will meet with the appropriate Division and Department Chair and render a decision in writing within 15 days of receipt of the rationale for the disagreement.
4. If the Department Chair still disagrees, the matter may be referred by the Department Chair to a Joint ADT Review Committee within 15 days of the decision by the Dean. The Joint ADT review Committee will meet within 15 days to resolve the disagreement. The Joint ADT Review Committee has the authority to change the allocation.

The Committee is comprised of:

- two College representatives
- two Langara Faculty Association representatives

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5. If the Joint ADT Review Committee is unable to resolve the issue, the LFA may refer the matter to a mutually agreed arbitrator within 15 days of completion of Joint ADT Review Committee meetings.

The Arbitration hearings shall be conducted in accordance with the following principles:

- the process shall be expedited;
- one day maximum hearing;
- no use of legal jurisprudence;
- non-precedent setting;
- no use of external organizational comparators;
- the cost of the arbitrator is to be shared equally by the parties.

6. Ongoing reassessment/ review and appeal of Administrative Duty Time will be dealt with in the following circumstances:

- (a) The introduction of a new Department or program
- (b) There has been significant change to existing department(s) or program(s) because of:
 - expansion, reduction of program(s) or department(s);
 - expansion or reduction of required duties/responsibilities;
 - organizational change
- (c) Three years have elapsed since the last ADT assessment.

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PART 2**A SYSTEM FOR ADMINISTRATIVE DUTY TIME DETERMINATION**

- I. Each department will receive ADT points in accordance with sections II - IX below.
- II. Points are accumulated based on basic points, size/scope points and complexity points.
- III. Each Department will receive 2 basic points.
- IV. Points are accumulated based on basic points, size/scope and complexity points.
- V. The size/scope points are calculated as follows:

$$\text{Number of FTE employees (size)} \times \overset{0.4}{0.04} \text{ (scope)}$$

The scope factor identified reflects the current required set of duties and responsibilities outlined for departments in the October 16, 1996 document and will be reassessed if that set of duties and responsibilities is altered.

VI. Complexity Points

Departments will receive complexity points based on the factors set out below. It is recognized that all departments have most of these factors to some extent, and larger departments will have more simply because of their size, for which points are already awarded. Complexity points, therefore, are awarded for a factor only when that factor occurs to an extent beyond that which can be attributed simply to departmental size.

- a. Program* Coordination: normally **2 points per program, up to 5 points** for very large programs. This recognizes the need to coordinate curriculum, select students, create policies and procedures for student promotion/progression and provide program advice to students, et cetera.

* A program is defined as a grouping of courses which in the past has gone through a process of educational and funding approval in accordance with the program approval process defined by the Ministry.

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- b. Department Projects: mandatory to the curriculum and extending beyond course instruction (e.g. Studio 58, The Voice, "105" lecture series):

1 to 7 points.

- c. Practicum or Clinical Placements:

Up to 1 point per 12 FTE students

- d. Facilities and Equipment Management (Labs, etc.):

0 to 2 points

- e. Faculty and Staff supervision:

P/T category

0 to 2 points for having an abnormally high ratio of bodies to FTE (lots of temporary or part-time staff)

- f. Student placement Advising connected with placement tests:

1 to 4 points

- g. Internal and External Liaison:

internal e.g. graduation/scholarships/required computer support/external program evaluation/team teaching coordination.

external e.g. professional associations for accreditation/ advisory committees/consultation with employers.

Up to 1 point per program.

- h. Other factors as may be mutually agreed upon.

VII. A department for which eight sections of instruction constitutes a full annual load will receive one section of ADT for every 3 points (rounded to the nearest integer).

VIII. A department for which six sections of instruction constitutes a full annual load will receive one section of ADT for every 4 points (rounded to the nearest integer).

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IX. The foregoing notwithstanding, no department shall receive less than two sections of ADT per year.

Submitted at Vancouver on this 25th day of February, 1999



Jim Breckenridge
Mediator
Labour Relations Board