



Article 4 Review Committee Terms of Reference April 2, 2009

1. Purpose

The Article 4 Review Committee was established to review the placements of employees currently outside of the bargaining unit to determine whether they should be placed within the AUPE bargaining unit as per Letter of Understanding within the LC/AUPE 2008-2011 Collective Agreement.

2. Duties and Responsibilities

To review positions in the Excluded and Administrative groups against the Public Service Employee Relations Act (PSERA) rules and guidelines published by the Alberta Labour Relations Board (ALRB).

Furthermore, to better define "managerial duties and responsibilities" the committee has agreed on the following guidelines:

Administrators will exercise authority and responsibility for the majority, if not all, of the following five guidelines:

1. Direct responsibility to hire/fire employees (Position would initiate the process for hiring/firing an employee with HR.);
2. Formal performance appraisal of an employee (Position is responsible for official sign-off on evaluation and have impact on another employee's career);
3. Disciplining an employee (Position initiates disciplinary action with HR.);
4. Direct and change job structures/duties of an employee/position (Position has authority to create/enact fundamental and structural changes to the position, signing authority on leave/vacation requests or timesheets.); and
5. Position exercises independent decision making:
 - (a) Develop and administer institutional policies or programs (Position has authority to create, enact and execute policies, guidelines and procedures based on institutional policies and laws/statutes, administrator decides the 'what to do' and others decide the 'how to do' of implementation.),
 - (b) Position is the final line of authority for the policy/program, and
 - (c) Position has financial authority and autonomy to the extent of the purchasing policy.

Excluded Support Positions:

Are those support positions designated by:

1. Criteria specified in the Public Service Employee Relations Act (PSERA) rules and guidelines published by the Alberta Labour Relations Board (ALRB), or
2. Mutual agreement between the College and AUPE.

PSERA ACT

Persons Included in and Excluded from Bargaining Units and Other Units for Collective Bargaining

12(1) A person employed by an employer

- (a) who has or exercises managerial duties and responsibilities in relation to one or more persons or in relation to the formulation, development or administration of policies or programs,
- (b) who is primarily engaged in the administration of personnel policies or personnel programs including, without limiting the generality of the foregoing, payroll, health and safety or training programs,
- (c) in the office of Corporate Human Resources established under the Public Service Act or in a personnel office of an employer other than the Crown in right of Alberta or in any capacity requiring the person to deal on behalf of an employer with any matter related to collective bargaining under this Act,
- (d) who is required by reason of the person's duties and responsibilities to represent the employer in a procedure established pursuant to a collective agreement for the resolution of differences,
- (e) as an officer under the Labour Relations Code dealing with any matter related to collective bargaining under that Act,
- (f) in a position classified under the Public Service Act as
 - (i) a budget officer,
 - (ii) a systems analyst,
 - (iii) an auditor,
 - (iv) a disbursement control officer, or
 - (v) a hearing officer who hears matters under the Provincial Offences Procedure Act,

or performing for an employer substantially similar duties to a person employed in any of those positions,

- (g) in any of the following:
 - (i) the Legislative Assembly Office,
 - (ii) the Office of the Auditor General,
 - (iii) the Office of the Chief Electoral Officer,
 - (iv) the Office of the Ombudsman,
 - (v) the Office of the Ethics Commissioner, or
 - (vi) the Office of the Information and Privacy Commissioner;
- (h) in the Legislative Counsel Office of the Department of Justice,

- (i) in the office of
- (i) the Lieutenant Governor,
- (ii) a member of the Executive Council, or
- (iii) the Executive Council,
- (j) on the personal staff of
 - (i) a deputy Minister or assistant deputy Minister or a person who has comparable duties and responsibilities, or
 - (ii) a person referred to in clause (b), (c) or (e),
- or
- (k) who in the opinion of the Board should not be included in a bargaining unit or any other unit for collective bargaining by reason of the duties and responsibilities the person has to the person's employer or for any other reason,

shall not be included in a bargaining unit or any other unit for collective bargaining.

(2) If a question arises over whether a person is or is not included under subsection (1) and the matter cannot be settled by the employer and the bargaining agent, the question may be referred to the Board and its decision is final and binding.