

February 11, 2005

To: All FSS

Arbitrator Swan Clarifies Premium Pay for Proficiency checks

On November 10, 2004, a hearing was held in Ottawa before Arbitrator Kenneth Swan to determine whether OJI Pay entitlement (Article 35.03) was appropriate for proficiency checks conducted on Team Supervisors.

CAW Local 2245 claimed that this was a training function and therefore entitled to payment as per the terms of Article 35.03 of the Collective Agreement.

Nav Canada's position:

- 1) The Proficiency check is not a Training function but rather an observation of operational skills.
- 2) The FSS being observed is already qualified to operate at the unit.
- 3) The FSS being observed is solely responsible for the operating position throughout the observation period.
- 4) The FSS is observed performing operational duties in which a checklist is used by the observer to ensure that all required tasks are addressed either through direct observation or, if not observed, subsequent discussion.

Mr. Swan concluded:

- 1) In operational skills observation (proficiency check) there is only observation while the observed specialist carries out his or her normal functions "live" on the job.
- 2) Performing on the job instruction requires formal training, whereas no formal training is required for an observer. The OJI training program follows the Unit Qualification Program (UQTP), while the operational skills observation involves only a checklist.
- 3) An OJI trainee does not have a valid current authorization to work alone at the unit. That means that all times during the OJI, it is the instructor who is actually responsible for the operational functions being carried out. The specialist being observed in the course of operational skills observation, on the other hand, is currently qualified to work alone at the unit, subject only to the need to have a current proficiency check, which would include operations skills observation.

In the result, Mr. Swan came to the conclusion that the grievance must be denied.

In solidarity,

Joel Fournier
Director, Labour Relations
ATS 2245 CAW