



House of Assembly

Classification Appeals Process

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1.0 Introduction

The *Report of the Review Commission on Constituency Allowances and Related Matters* identified the need for the development of an organization structure and written position descriptions which outlined the job requirements of each position. A new organization structure is in place and position descriptions have been developed for employees of the House of Assembly Service, the Office of the Citizens' Representative, the Office of the Child and Youth Advocate, the Office of the Chief Electoral Officer and the Office of the Commissioner for Legislative Standards. All positions have been classified by a Classification Review Committee and approved by the House of Assembly Management Commission.

2.0 Purpose

The Classification Appeals Committee (Appeals Committee) will provide support services to employees in the provision of classification appeals.

3.0 The Classification Appeals Committee

The Appeals Committee is empowered to receive and render final decisions on appeals against classification determinations for Management HL and General HL positions of the House of Assembly Service, Office of the Chief Electoral Officer, Office of the Citizens' Representative, Office of the Child and Youth Advocate and Office of the Information and Privacy Commissioner.

The Appeals Committee is a separate body from the House of Assembly Classification Committee and is made up of at least three members consisting of the Clerk of the House of Assembly (who serves as Chairperson), one or more statutory officers of the Legislature and one or more representatives from the House of Assembly service or statutory offices who do not serve on the House of Assembly Classification Committee. A quorum for the Appeals Committee shall consist of at least two members including the Chairperson or an Acting Chairperson. Members of the Appeal Committee will excuse themselves when dealing with appeals for employees of their own office.

3.1 Powers of the Appeals Committee

The decisions of the Appeals Committee are final and binding on all parties to the appeal.

The Committee is empowered to place the appellant's position at a more appropriate level within the appellant's current classification category, i.e., General HL or Management HL

3.2 Limitations of the Appeals Committee

The Appeals Committee is not empowered to consider an appeal:

- for the creation of a new classification or changes to existing classifications, e.g. make any change(s) to the established listing of classifications including class title and/or pay range level.
- for assignment of a classification from General HL to Management HL
- for placement of a position at a higher step in the pay level assigned, e.g. moving from a Step I to Step II.

4.0 The Appeal Process

Any employee who is dissatisfied with the classification assigned to his or her position may, following a review of the classification by the House of Assembly Classification Committee, submit an appeal to the Classification Appeals Committee.

Before initiating an appeal, the following pre-conditions must be met:

- the position in question must have been classified by the House of Assembly Classification Committee.
- the appeal must be initiated within twenty-one (21) working days following the receipt by the employee of notification of the House of Assembly Classification Committee's decision on the employee's classification.
- the grounds for any appeal must be the same as those presented to the House of Assembly Classification Committee during their review of the position.

Providing these conditions are met, the employee may appeal directly to the Appeals Committee in accordance with the procedures stated below. In order for an appeal to be recognized, the employee must include the following:

- The employee's full name and home mailing address
- The name of the division or office and place of work
- The classification being appealed
- The reasons why the current classification is considered to be incorrect, the classification felt to be appropriate, and the rationale for the change.

Appeals should be addressed to:
Chairperson
The Classification Appeals Committee
c/o Office of the Clerk

5.0 Procedures

- 5.1 On receipt of an appeal from an employee or a group of employees, the Appeals Committee shall request the House of Assembly Classification Committee to assemble all the pertinent information prepared as a result of the classification review. A copy of the information will be given to the appellant and immediate supervisor by the Appeals Committee.
- 5.2 Where the appellant requires clarification on any points contained in the classification file or wishes to comment on any aspect of the classification, the appellant must file with the Appeals Committee within twenty-one (21) working days of receiving the file, a written statement including any supporting documentation which details the appellant's questions or comments.
- 5.3 A copy of the appellant's written statement and copies of supporting documentation will be sent by the Appeals Committee within three (3) days of receipt to the House of Assembly Classification Committee who may respond or be requested to respond in writing within twenty-one (21) working days to the points or observations raised by the appellant. Such response shall be forwarded by the Appeals Committee to the appellant within three (3) days of receipt. This cumulative documentation shall then constitute the entire file to be considered by the Appeals Committee.
- 5.4 Where the Appeals Committee is satisfied that all relevant documentation is on file, it shall determine whether an appeal hearing is warranted or if a decision can be rendered on the basis of the written documentation provided.
- 5.5 When the Appeals Committee renders a decision on the basis of the written documentation, notification of such decision shall be forwarded to the appellant, the appellant's designate, the employing division or office and the House of Assembly Management Commission, for such action as may be appropriate.
- 5.6
 - (a) If a hearing is warranted, the appellant, or management designate and a representative from the House of Assembly Classification Committee may be requested to appear before the Appeals Committee. The appellant may also be accompanied by an individual of the appellant's choice who may act as a spokesperson.
 - (b) The hearing will be presided over by the Chairperson or Acting Chairperson of the Appeals Committee who will retain control over the conduct of the hearings and who will rule on the relevancy of any questions or points raised by any of the persons or parties to the hearing.
 - (c) The Chairperson or Acting Chairperson may adjourn the hearing and order the appearance of any person or party who, at the Appeals Committee's discretion, it deems necessary to appear to give information or clarify any points raised during the hearing.

- (d) Appellants will have approximately thirty (30) minutes to present their appeal in whatever format they feel most comfortable.

6.0 Decision

- 6.1** Following the conclusion of the hearing, the Appeals Committee will deliberate on and consider all relevant evidence and supporting information. Within seven (7) working days of reaching a decision, the Appeals Committee shall render same in writing over the signature of the Chairperson or Acting Chairperson, to the appellant, and the appropriate division or office, the appellant's designated representative (where applicable) and the House of Assembly Management Commission.
- 6.2** The decision of the Appeals Committee is final and binding on the parties to the appeal. The majority opinion of the Appeals Committee shall prevail and there shall be no minority report. The processing of any classification change will be subject to the applicable Personnel Administration Procedures.
- 6.3** An appeal shall be regarded as closed:
- when a decision is rendered by the Appeals Committee;
 - if the appellant requests in writing the withdrawal of the appeal;
 - in the event of the appellant's separation from the organization for any reason including resignation, removal, abandonment of the position, incompetence, retirement, death and so on.
- 6.4** An appellant is to be given two opportunities to postpone appeal hearings, after which appeals will then be closed by the Committee.