

PROPOSED AMENDMENT TO THE PSC CS Regulations 2015

| | |
|-----------------------------|---|
| Ref: | Amendment PSC M&C 2015 – 15-070 |
| Re: | PSC Manual and Craft Appendix 15 |
| Proposal: | To suspend Appendix 15 (Grading Appeal) until such time as Industrial JEGS has been completed. |
| Existing Regulation: | Grading Appeals Panel Appendix 15 See attached paper work |
| Proposed Amendment: | Grading Appeals Panel Appendix 15 After discussions between the PSC, Prospect and Unite it has been agreed that with effect from 21 February 2019 Appendix 15 (Grading Appeals Panel) as provided for under Appendix 1 and 2 of the PSC Manual and Craft Memorandum of Agreement will be put on hold until such time as Industrial JEGS has been completed. Any grading appeal requests outside of the Industrial JEGS project shall be progressed under the Industrial JEGS grading scheme on the same methodology as applied by the project. Last updated February 2019 Amendment Ref: 15-070 |

Agreed and authorised by:

Signed on behalf of
Prospect

M. C. Haver

Date: *21/2/2019*

Signed on behalf of Unite
the Union

[Signature]

Date: *21/2/19*

Signed on behalf of the
Commission

[Signature]

Date: *21/2/19*

.....

For Office of Human Resources Use Only

Instruction for implementation:

Passed to..... Bryan Douglas

By..... Ruth Hussey

Date 22/02/19

An IOM Government All Staff Notice prior to implementation is*/~~is not~~* required (*please delete as appropriate)

Signed 
Head of Industrial Relations and Policy Section

Date MOA updated:

Website 

Date..... 25-02-19

| | |
|---|--|
| Previous PSC Memorandum of Agreement amendment reference (if any) : | |
|---|--|

| |
|--|
| <u>Notes/Special Instructions:</u> Communication to Pay Sections required |
|--|

APPENDIX 15(a)

GRADING APPEAL PANEL

1. The Public Services Commission Joint Negotiating Commission (JNC) has agreed that there should be appointed a panel to conduct appeals against job gradings for general grade employees who are under PSC Manual and Craft Workers terms and conditions.

Membership

2.
 - i) The panel shall consist of six members of whom three shall represent the Employers' Side of the JNC and three shall represent the Employees' Side.
 - ii) The panel shall be chosen from a pool of persons to act as panel members, nine to be nominated by the Employers' Side and nine by the Employees' Side, and each Side shall provide the other with a list of such persons.
 - iii) No person who is the full time representative of the Joint Trade Unions or the Secretary of the PSC shall be eligible for appointment to the panel.
 - iv) All persons chosen to act as panel members must have received training in the application of the Grading Scheme for General Workers set out in Appendix 2 of the Memorandum of Agreement before they may be nominated for appointment to the panel.

Functions

3. The function of the panel shall be to determine the appropriate grading of jobs referred to it in accordance with the Grading Scheme set out in Appendix 2 of the Public Services Commission Manual and Craft Workers Memorandum of Agreement.

CONDUCT OF BUSINESS

Meetings

4. The panel shall meet by agreement between the Joint Trade Unions and the Secretary of the PSC as and when required in the light of the number of appeals waiting to be heard and the length of time since their submission. (As far as it is possible, the panel will deal with more than one appeal submission when convened).

Submissions

5.
 - i) An Employee shall submit an appeal to his/her line manager in accordance with the procedure as outlined in Article 15(b).

(1 September 2015)

- ii) The Office of Human Resources shall, in consultation with the Joint Trade Unions and the Secretary of the PSC, convene the panel to consider appeals and advise the employees thereof in accordance with the procedure as outlined in Article 15(b).
- iii) The grading of a job which is the subject of appeal can be considered by a panel constituted from persons within the appellants employing authority provided that the panel member is not from the same work area as the appellant and has no prior involvement in the process.

For the purpose of 5(iii) the same work area means the physical location, ie the area or Depot as that of the appellant.

Proceedings

- 6. It is for the Panel to regulate its own proceedings. Both the employee and management have the right to make representations in writing and in person to the Panel. They should also have the opportunity to respond to new information given in person by the other party.

Decisions

- 7.
 - i) The decisions of the panel shall be arrived at by majority agreement between the two Sides, shall be recorded accordingly and signed by the panel members. Decisions shall be binding on the employer and employee.
 - ii) The operative date of any decisions will be the date upon which the original appeal was submitted.
 - iii) In the event that the decision of the panel results in a lower grade for the job, the job holder will retain his/her existing wage rate on a mark time basis until overtaken by the correct rate.

Finance

- 8.
 - i) The cost of administration and reasonable travel and subsistence expenses of the panel shall be borne by the Office of Human Resources.
 - ii) The cost of training the pool of persons as panel members shall be borne by the Office of Human Resources.
 - iii) Attendance at meetings of the panel by employers' and employees' representatives during working hours shall be treated as special leave of absence with pay.

Reports

- 9. The Office of Human Resources shall report annually to the JNC on the decisions taken by the panel.

(1 September 2015)

Failure to Reach Agreement

10. Where agreement between the panel members cannot be reached, the Joint Trade Unions and the Secretary of the PSC shall be invited to conciliate with a view to providing advice to the panel to enable it to reach a decision.

In the event that either the full time representatives of the Joint Trade Unions or the Secretary of the PSC would be inappropriate, either Side of the JNC may nominate a substitute conciliator.

Operative Date of the Agreement

11. This agreement will come into operation on a date to be mutually agreed by the Joint Trade Unions and the Secretary of the PSC.

Signed on behalf of
the Employers' Side

Signed on behalf of
the Employees' Side

.....

.....

.....

Date

APPENDIX 15 (b)

GRADING REVIEW

B. The Procedure

To enable grading reviews to be handled in as efficient and timely manner as possible the following guidance has been prepared.

Responsibilities

It is in the interest of both the employee and the employer that all jobs are appropriately graded.

During the normal course of business jobs will grow and change and it is at this point that it may be necessary to review the grade of your job. It is the responsibility of Management to ensure that the process is utilised fairly and consistently and the responsibility of employees to ensure that co-operation is given to resolve grading issues as swiftly as possible.

The onus at each stage of a grading review is on the relevant manager to ensure the employee is provided with the necessary paperwork, that it is completed sufficiently, and that it is progressed to the next stage expeditiously.

Step 1

Obtain form – **Part 1 – Grading Review** (Appendix 15 of the Memorandum of Agreement) which will be provided by your manager. Complete and return this form to your line manager.

Ensure that you have agreed your job description with your line manager (or relevant manager) who will ensure that this is enclosed at each further stage of the procedure.

Step 2

Your line manager will consider all the paperwork relating to your job in line with the Whitley Council Grading Scheme as set out in Appendix 1 of the Memorandum of Agreement. This paperwork should include:

- Part 1 of the "Grading Review" form in Appendix 15 of the Memorandum of Agreement.
- Your current job description

You should expect a response within 5 days of submitting the request to your line manager. In exceptional circumstances, there may be a delay in completing the review and notifying you of the result, but this should not extend beyond 10 working days. If your line manager is not qualified to undertake the review it may need to be referred to the relevant manager for review.

(a) If your manager agrees that your job should be re-graded

If your line manager agrees that there is sufficient evidence to support re-grading your job, he/she will refer this through the appropriate management structure to enable your grade to be changed. The date from which your grade will be changed will be the date of your signed and dated submission of **Part 1**.

(b) If your manager disagrees that your job should be re-graded

You should expect to be informed of the reasons why your job has not been re-graded both verbally and in writing within the same timescales as set out above.

If you remain dissatisfied with the outcome you should complete the first section of **Part 3** of the Grading Review form which will be provided by your line manager. This form requests that a Grading Appeal Panel is convened to consider the result of the grading review.

You should submit this form (Part 3) to your line manager who will complete the second section. He/she will send the form and all associated documentation to the Office of Human Resources within 3 days of receiving the signed Part 3.

Step 3

The Office of Human Resources will convene a Grading Appeal Panel within 20 working days of receipt.

Step 4

The Grading Appeal Panel will meet and will consider the decision made by the manager who completed the grading review. It will consider information supplied in the application from the employee, as well as from the manager.

You may be required to speak to the panel about the reasons for your appeal and why you believe it to be warranted. You may request that a union representative supports you in doing this.

Managers may also be required to speak to the panel outlining the basis of their decisions.

The Grading Appeal Panel will reach a decision and will notify the Joint Trade Unions and the Secretary of the PSC.

The decision of the Grading Appeal Panel is binding.

You will be notified in writing of the decision of the Grading Appeals Panel within 2 working days of the hearing.

NB: Grading Appeal Panels will endeavour to meet during the employees' normal working week. Managers will ensure employees are given suitable paid time off to attend a grading appeal.

RESPONSIBILITIES AT A GLANCE

The Employee

You have a responsibility to:

- Complete Part 1 of the Grading Review form.
- Co-operate with any discussions to resolve the issues without escalation
- If dissatisfied with the result – sign Part 3 of the form and submit it to your line manager
- Attend the Grading Appeal Panel hearing (with support if you so wish)
- Accept the decision of the panel as binding

The Line Manager

The Line Manager is responsible for:

- Ensuring that there is an agreed job description
- The fair application of this process
- Ensuring that employees have the necessary form to request a grading review where necessary
- Providing a full explanation of decisions made about grading of posts to employees both verbally and in writing
- Ensuring that the process does not stall and is progressed within the time limits
- Representing the Managements point of view at any subsequent appeal
- Abiding by the decision of the Panel

The Office of Human Resources

It is the responsibility of the Office of Human Resources to:

- Convene the Grading Appeal Panel within 20 days and upon receiving in full:
 - Forms - **Parts 1, 2 and 3** - duly signed and dated
 - a current, signed and dated job description
 - the comparator sheet showing factor scoring
 - any other material that was used to establish the decision
- Where there is any apparent shortcoming in documentation submitted, resolve the matter with the relevant manager within the 20 working days allowed for convening the Grading Appeals Panel.
- Document the outcome of each Appeal
- Communicate the outcome of each Appeal to the following:
 - The employee
 - The Department /Line Manager
 - Joint Trade Unions and the Secretary of the PSC
- Report to the JNC on an annual basis on the decisions taken by the panel

The Grading Appeal Panel

The Grading Appeal Panel is responsible for:

(1 September 2015)

- Reviewing grading decisions made by managers at the request of employees and to confirm, or amend the grade in accordance with the grading scheme as set out in Appendix 2 of the Memorandum of Agreement.
- Fulfilling the necessary documentation to provide clarity around the decisions of the panel in the pursuance of fairness and equality for all.

PART 1 - TO BE COMPLETED BY THE EMPLOYEE

GRADING REVIEW

1. Full name of employee

.....

2. Job Title and Grade (copy of Job Description to be enclosed)

.....

3. Department/Division/Depot

.....

4. Grounds on which grading review is requested (please complete an additional sheet if necessary)

.....

.....

.....

.....

.....

.....

.....

.....

5. Signed Date

PLEASE SUBMIT THIS FORM TO YOUR LINE MANAGER FOR CONSIDERATION.

PART 2 - TO BE COMPLETED BY THE LINE MANAGER

GRADING REVIEW

1. Full name of Manager
.....
2. Job Title
.....
3. Department/Division/Depot
.....
4. Name and title of Manager completing the factor comparison sheet if different
.....
5. Has the Job Description been agreed with the job holder?
.....
6. Date Job Description was signed and agreed
.....
7. Manager's comments on the grounds of request as outlined in **Part 1**
.....
.....
.....
.....
.....
.....
8. Signed Date

Appendix 15 – Schedule 1

PART 3

GRADING APPEALS PANEL

A. TO BE COMPLETED BY THE EMPLOYEE

1. I request a hearing by a Grading Appeals Panel.
2. I do/do not wish to appear in person before the Appeals Panel. **(SEE NOTE 1 BELOW)**
3. Signed Date

B. TO BE COMPLETED BY THE LINE MANAGER

1. I confirm that the grading of the above post has not been resolved by internal review and that the matter must now be referred to a Grading Appeals Panel.
2. I confirm that I or an employer's representative wish to appear before the Appeal Panel.
3. Name, title and location of employer's representative if not the line manager.
.....
.....
4. Signed Date
(Line Manager)

NOTE 1

EMPLOYEES - Although attendance by employees is not compulsory it is recommended as the Appeal Panel may require clarification of a particular aspect of your job.

LINE MANAGERS SHOULD COMPLETE THIS FORM AND SUBMIT IT WITH ALL SUPPORTING DOCUMENTATION WITHIN 3 WORKING DAYS TO:

OFFICE OF HUMAN RESOURCES
ILLIAM DHONE HOUSE
CIRCULAR ROAD
DOUGLAS, ISLE OF MAN, IM1 1AG

THE LINE MANAGER SHOULD SUPPLY A COPY OF THE SUBMISSION TO THE EMPLOYEE.

PART 4 – To be completed by the Grading Appeal Panel

PSC JNC GRADING APPEAL - DECISION OF THE PANEL

The Whitley Council Grading Appeal Panel convened this (date).....

The decision of that panel is outlined overleaf and was the decision of the whole panel and is binding on all parties concerned.

The panel today was made up of:

(please sign **and** print name)

1.

2.

3.

4.

5.

6.

MANUAL WORKERS GRADING REVIEW: APPEAL PANEL DECISION

JOB TITLE:.....

DEPARTMENT.....**DIVISION**

GENERAL COMMENTS BY PANEL ON GROUNDS OF APPEAL:

.....

FACTOR COMMENTS

| | Factor Level determined by Management | Factor Level determined by Panel | Points Score by Panel |
|------------------------|--|---|------------------------------|
| SKILL | | | |
| PEOPLE | | | |
| RESOURCES | | | |
| SUPERVISION | | | |
| INITIATIVE | | | |
| MENTAL EFFORT | | | |
| PHYSICAL EFFORT | | | |
| CONDITIONS | | | |
| | | Total Score | |

Recommended Plussage for :

.....

Plussage %:

GRADE DECISION:

.....

