

DECISION OF THE DISPUTE RESOLUTION TRIBUNAL

RE: JOINT JOB EVALUATION PROVIDER GROUP

JOB #20 Licensed Practical Nurse

Hearing Date: May 29, 2006 in Regina, Saskatchewan

**Tribunal: Phil Johnson (Chair)
Aaron Fornwald (Employer Nominee)
Jim Holmes (Unions Nominee)**

Presenting for the Unions: Jacquie Griffiths and Bob Laurie

Presenting for the Employers: Francis Schmeichel

Decision Date: September 5, 2006

INTRODUCTION

This Dispute Resolution Tribunal (“the Tribunal”) was formed to hear argument and render final and binding decisions regarding the Sensory Demands sub factor rating and rationale for Job # 20 Licensed Practical Nurse (LPN). The Tribunal is so authorized by the *Joint Job Evaluation Project Reconsideration Terms of Reference* agreed to by the Canadian Union of Public Employees, the Service Employees International Union, the Saskatchewan Government and General Employees’ Union (henceforth “the Union”), and the Saskatchewan Association of Health Organizations (“the Employer”).

With the exception of the Sensory Demands sub factor, the Joint Job Evaluation Reconsideration Committee reached consensus regarding factor ratings and rationales, the job description and qualifications for the LPN job. The *Terms of Reference* give the Joint Job Evaluation Reconsideration Steering Committee final decision-making authority over recommendations coming from the Reconsideration Committee, whether or not the Reconsideration Committee’s recommendations come with consensus support.

Like the Reconsideration Committee, the Steering Committee did not reach consensus regarding the rating and rationale for the Sensory Demand sub factor, and the matter was referred to dispute resolution, as provided for in the *Terms of Reference*. The Steering Committee did reach consensus on all other matters regarding Job 20.

By agreement of the Unions and Employers, the Tribunal has limited its deliberations and decisions to the LPN job as it existed during the October 2000 to September 2004 time period. This was a period during which the LPN job assignment was in transition to its full scope of practice. By agreement, all committees have evaluated and reconsidered the factor ratings according to a full scope of practice assignment. The Tribunal has also considered the job assignment according to the LPN’s full scope of practice.

The Tribunal has no authority to consider job duties prior to the 2000-2004 time period, or after, and has not done so. Nor is it within the Tribunal’s mandate to consider matters of pay or compensation. Rather, the Tribunal has made its decisions based on careful analysis of the evidence put before it, and through research of the relevant job evaluation and reconsideration data submitted to those processes by the employees and managers.

THE DISPUTE

The Union argued that the appropriate Sensory Demands rating for the LPN is degree 3.0. The Union summarized its argument by stating that “neither the Evaluation Committee nor the Reconsideration Committee gave the correct weighting to recognize the intensity of the visual, listening and mental effort combined with the multiple competing demands required for Job 20 – Licensed Practical Nurse”.

The Employer supported the rating of 2.0 as initially determined by the Job Evaluation Committee – that the job involves tasks requiring sensory effort (concentration) for 50-75% of the day. As defined by the Sensory Demands factor, the Employer argued, this amounts to *regular* sensory demand and is therefore degree 2.0.

THE SUB FACTOR

The sub factor in dispute is defined as follows:

SENSORY DEMANDS

Definition: *This sub factor considers the degree and severity of exertion associated with the job. Consider the intensity and severity of the sensory attention required by the job as well as the continuity and frequency of that effort. Consider also the choice of action available to seek relief or perform less demanding tasks. This sub factor measures the period of time where mental, visual and/or listening concentration is required on the job.*

Degree 1: *Occasional effort, less than 50% of the time. (a) Concentration is necessary in the preparation of written materials, generating materials with use of personal computer, use of computer software, short periods of driving, visual and/or listening attention with choice of action.*

Degree 2: *Regular effort, between 50-75% of the time. (a) Concentration on precision work, report writing, multiple sensory demands, long periods of driving, limited counseling, training, instruction, visual and/or listening attention with little choice of action.*

Degree 3: *Frequent effort, over 75% of the time. (a) Concentration is necessary to provide recurring counseling, preparation of complicated reports requiring intensive demand (research, analysis and interpretation), competing multiple sensory demands.*

Notes to Raters:

1. *Attentiveness is required for all jobs, rate tasks requiring more intense levels of concentration.*
2. *Concentration includes activities such as listening, interpreting, reading, watching, driving, inputting data or when in combination with the five senses (sight, taste, smell, touch and hearing) are required in the course of doing the job that results in mental/sensory fatigue.*
3. *Duration – consideration is given to the length of time and effort required and frequency of the task occurring during the normal workday or shift.*
4. *Frequency –*

-Occasional *Activity occurs once in a while, (i.e. once in a while on a daily basis or several times daily, but not every day) less than 50% of the time.*

-Regular Activity occurs often (i.e. several times daily almost every day or between 50-75% of the time).

-Frequent Activity occurs frequently (i.e. on a daily basis over 75% of the time).

5. Selection of half degree must be supported with rationale and reference to the next higher degree level. An acute aspect of the job can move a rating by 0.5, such as when one aspect of the job (i.e. visual/listening attention with little choice of action) is performed at the % range of the next higher degree.
6. Half degrees are permitted when interpreting job content within the guidelines and explanations of the degree levels.

THE JOB ASSIGNMENT

There is no dispute over the contents of the LPN Provincial Job Description. It reads as follows:

Title: (020) Licensed Practical Nurse

Summary of Duties:

Promotes health and healing by functioning as a member of the care team to provide optimum care for convalescent, acutely/chronically ill, home care and long-term care clients/patients/residents.

Qualifications:

Practical Nursing certificate

- Successfully complete Canadian Practical Nurse's Registration Examination
- Licensed with Saskatchewan Association of Licensed Practical Nurses

Knowledge, Skills, and Abilities:

- Basic computer skills, where required by the job
- Interpersonal, organizational and communication skills
- Ability to work independently
- Valid drivers license, where required by the job

Experience:

- Previous: No previous experience

Key Activities:

A. Direct Patient Care

- Provides initial and ongoing assessment of clients/patients/residents.
- Assists physician with procedures, where required.

- Contributes in the development of nursing care plans.
- Provides direct patient care by following nursing care plans and protocols.
- Observes, reports and records physical and psychological observations/changes in patient condition.
- Assists with/provides personal hygiene to clients/patients/residents.
- Collects specimens (e.g. urine, stool and sputum) and transports to lab.
- Ensures proper nutrition and hydration (e.g. assist/feed).
- Provides respiratory and airway care (e.g. tracheostomy, suctioning, oxygen therapy).
- Provides pre- and postoperative care (e.g. preparation for surgery, dressing changes, removing sutures/clips/staples).
- Provides interventional and therapeutic treatments, where required (e.g. wound care, nasogastric catheters, traction).
- Coordinates activities of other staff/departments/facilities in providing tests/care.
- Provides bowel and bladder care (e.g. enemas, suppositories, catheters, colostomies).
- Maintains asepsis of all equipment and surroundings.
- Assist with mobility and/or transfers of clients/patients/residents.
- Monitors blood glucose.
- Monitors, interprets and records vital signs (e.g. blood pressure, temperature, pulse, respirations, oxygen saturations).
- Supports/assists clients/patients/residents in meeting their spiritual needs.
- Promotes the emotional well-being of clients/patients/residents, monitors and manages their behaviour as outlined by care plans.
- Promotes good communication with clients/patients/residents and their support system.

B. Indirect Patient Care

- Completes admission/transfer/discharge forms.
- Records information in clients/patients/residents chart.
- Participates in shift report.
- Informs care team of clients/patients/residents current status.
- Makes beds, empties hampers, re-stocks supplies, cleans equipment and tidies room.
- Accompanies physician and processes orders, where required.
- Completes transfer/lift/repositioning assessment and posts appropriate logos.
- Assists/porters clients/patients/residents to activities, appointments, outings, where required.

C. Education and Evaluation

- Provides client/patient/resident education (e.g. diabetic foot care, colostomy care).
- Provides preoperative and postoperative education.
- Explains and reassures clients/patients/residents/families of procedures/equipment.
- Provides occasional guidance to the primary function of others, including training.

D. Medication Administration

- Administers and records medications (e.g. oral, subcutaneous, pulmonary, rectal).
- Pre-loads dosettes, where required by the job.
- Ensures accurate accounting of narcotics (e.g. counting, recording).
- Maintains intravenous therapy (e.g. flow rate, site integrity).

E. Related Key Work Activities

- Orders/receives medication from Pharmacy.
- Maintains inventory and supplies (e.g. code carts).
- Performs data entry, as required.
- Cleans instruments, makes bundles and autoclaves (e.g. suture/dressing sets), where required by the job.
- Notifies maintenance of required repairs to equipment.
- Participates in Quality Assurance programs as required by local protocols.
- Answers phones, takes messages, photocopies/faxes physician orders and reports, as necessary.
- Communicates and participates in emergent situations as per protocols (e.g. code blue, code white, death, fire, disaster).

The Provincial Job Fact Sheet developed by the Job Analysis Committee described the LPN's Sensory Demands as follows:

Visual effort required on a concentrated basis:

Observing clients/patients/residents – 60% of day – Continuous (i.e. almost every day)

Writing reports (charting) – 25% – Continuous

Measuring and recording vital signs – 10% - Continuous

Monitoring medical equipment – 12% - Continuous

Computer operation – 6% - Continuous

Reading related to medication administration – 0-30% - Continuous

Input of data onto charts – 10% - Continuous

Checking diet trays – 15% - Continuous

Treatments – 15% - Continuous

Listening attentively:

Answering phone and taking phone messages – 12% - Continuous

Receiving direction/instructions -12% - Continuous

Receiving information from patients/staff/doctors – 50% - Continuous

Auscultation – 12% - Continuous

Patient call systems – 100% - Continuous

The Provincial Job Fact Sheet was revised by the Union for presentation to the Tribunal, as follows (* denotes change from Fact Sheet compiled by Job Analysis Committee):

Visual effort required on a concentrated basis:

*Observing clients/patients/residents – *85% of day – Continuous (i.e. almost every day)*

*Writing reports (charting, incident reports, Lab & X-ray reports, input of data onto charts, etc.) – 25- *30% – Continuous*

*Measuring and recording vital signs – * 12-30% - Continuous*

*Monitoring medical equipment – 12- *30% - Continuous*

*Computer operation – 6- *12% - Continuous*

**Medications – 30% - Continuous*

**Patient call systems – 100% - Continuous*

Nutritional checks – 15% - Continuous

*Treatments – 15- *45% - Continuous*

Listening attentively:

**Observing clients/patients/residents – 85% - Continuous*

Answering phone and taking phone messages – 12% - Continuous

*Receiving direction/instruction – 12- *50% - Continuous*

*Receiving information from patients, staff, doctors, families, other health care professionals – 50- *75% - Continuous*

Auscultation (chest, bowel, heart) – 12% - Continuous

Patient call systems – 100% - Continuous

ANALYSIS

The Tribunal has carefully interpreted and applied the *Sensory Demands Guidelines and Explanations* and *Notes to Raters* in reaching a rating decision for the LPN job. We have applied this factor by first determining the intensity of the job's sensory demands. This is accomplished by comparing the job's sensory demands with the examples and activity characteristics described in the *Guidelines and Explanations* for each degree level of the factor. Along with determining the intensity level of the sensory demands, the frequency of the demands must also be calculated. Also considered is the duration of each activity and the choice of action the job has to alleviate the demand.

Low frequency activities of the same intensity can accumulate to achieve the degree rating for that intensity level, or one activity with a high frequency and appropriate intensity can put the job at that particular intensity degree level. However, in order for a job to rate at degree 2 for regular effort between 50-75% of the time, it must be the case that the activities being combined are of the intensity described in degree 2 of the *Guidelines and Explanations*. In other words, a job cannot achieve a degree 2 by combining a variety of activities of degree 1 intensity whose total falls in the 50-75% frequency range.

In addition, the Tribunal reviewed a large number of Provider Group jobs rated degree levels 3.0, 2.5 and 2.0 on this sub factor. This review of other jobs was undertaken in order to learn how the various joint committees have interpreted and applied this sub factor throughout the job evaluation and reconsideration processes. Of course, the Tribunal reviewed only jobs in which the Sensory Demands rating was reached by committee consensus including final approval by the Steering Committee.

Although the Tribunal surveyed jobs rated at all levels of this factor, for the purpose of this report (and brevity) we will summarize only a few representative findings for jobs rated 3.0, 2.5 and 2.0.

Of jobs rated degree 3.0, we note Job 34 Medical Radiation Technologist-Specialty; Job 37 Operating Room Technician/Licensed Practical Nurse; and Job 105 Diagnostic Medical Sonographer.

Job 34 Medical Radiation Technologist-Specialist performs specialty radiographic diagnostic/treatment procedures which involve positioning patients, preparing doses, observing patients and critiquing film/images. Patients are monitored during therapeutic procedures for signs of shock and allergic reaction to the contrast media. *Continuous* sensory demands include positioning patients (20-40%), preparing doses (10%), operating computer (20-50%), observing patients (20-50%), critiquing film/image (10-30%), listening to patients (20-40%), listening to equipment sounds (20-40%), listening to directions from physicians/co-workers (20-50%). Attention must be shifted frequently from one job detail to another.

Job 37 Operating Room Technician/Licensed Practical Nurse provides nursing care in the operating room, which involves assembling, checking and maintaining equipment, watching monitors, the patient condition, responding to OR staff needs and ensuring sterile techniques are used. *Continuous* sensory demands include watching monitors and patient condition (75%), assembling/maintaining equipment (50%), drawing up medication (10-25%), avoiding sterile field, cords, equipment (50%), listening to surgical team (100%), listening to noises in surgical suite (100%). *Frequent* sensory demands include charting (25%), and checking charts (5%). Attention must be shifted frequently from one job detail to another.

Job 105 Diagnostic Medical Sonographer utilizes ultrasound techniques to create images that assist with the diagnosis and treatment of diseases. This involves scanning patients and critiquing the resulting film for most of each work day. *Continuous* sensory demands include scanning/film critiquing (80%), computer operation (20%), listening to instructions from physicians (20%), listening to patients (20%), and listening to equipment (50%). Attention must be frequently shifted from one job detail to another.

The above examples demonstrate the intensity, severity and continuity of sensory demands required at degree 3. They are of a similar intensity to the degree 3 requirements described in the factor *Guidelines and Explanations: Concentration is necessary to provide recurring counseling, preparation of complicated reports requiring intensive demand (research, analysis and interpretation), competing multiple sensory demands.*

In some cases, the jobs at degree 3 perform one or two related and intensive activities for over 75% of the time (e.g. Job 105) or perform a variety of intensive activities which combined amount to over 75% of the work day (there are numerous examples of such jobs). Evidence provided through job fact sheets, reconsideration data and Union argument does not support the contention that Job 20 LPN experiences sensory demands of this intensity level over 75% of the time.

The Union's proposed changes to the Job Fact Sheet (Union tab 3) indicate that the observation of clients/patients/residents is continuous for 85% of the day. However, for the LPN to rate a degree 3, the **intensity** of the observation (or observation in combination with other activities of high intensity) must total over 75% of the day. We do not find this to be the case. In fact, the evidence provided by the incumbents and Union focuses primarily on the multiple demands placed on the job, rather than on the intensity, severity and continuity of any particular sensory demand. Many of the examples provided by the Union in support of the "multiple demands" argument are more properly understood as multiple tasks, or multiple duties, with the incumbent assigned a number of differing duties, involving differing techniques or procedures, which must be completed on each workday. "Multiple sensory demands" refers to the situation where the incumbent is required to use several senses at the same moment, and "competing multiple sensory demands" refers to more intense situations of immediate sensory demand.

Of jobs rated degree 2.5, we note Job 57 Information Technology Technician; Job 33 Hearing Aid Practitioner; and Job 72 Cardiology Technologist.

Job 57 Information Technology Technician provides help desk and on-site technical maintenance and support for all computer systems and network users, deploys new hardware and software, and ensures network security is maintained. *Continuous* sensory demands include testing and repairing delicate equipment (10%), operating computer (60%), troubleshooting (20%), taking directions (5%), listening to users (40%). *Frequent* sensory demands include reading/writing (20-40%) and listening to equipment sounds (5%). Attention must be frequently shifted from one job detail to another.

Job 33 Hearing Aid Practitioner provides audiometric services to clients/patients/residents. Work involves assessing client needs, adjusting and fitting hearing aids, performing otoscopic examinations, providing education seminars, documenting all client visits, etc. *Continuous* sensory demands include cleaning, repairing, adjusting hearing aids (70%), operating computer (20%), operating audiometric equipment (30%), listening to and testing clients/equipment (80%), and discussions with co-workers (20%). *Frequent* sensory demands include otoscopic examination of ear (20%) and making ear impressions (15%). Attention must be frequently shifted from one job detail to another.

Job 72 Cardiology Technologist performs diagnostic procedures to assist physicians in the diagnosis of electrophysiological and mechanical function of the heart. The work involves preparing and assessing the patient, performing diagnostic procedures, monitoring the patient during and after procedures, analyzing test results, preparing reports, and providing preoperative teaching for pacemaker and internal cardioversion defibrillator patients. Continuous sensory demands include testing and observing patients (70%), operating computer (20%), listening to patients/equipment (70%), and to physicians (20%). Attention is frequently shifted from one job detail to another.

The above jobs provide examples of activities that have been rated degree 2.5. In order to achieve a 2.5 rating, the job must meet degree 2 requirements and receive a half degree for periods of degree 3 sensory demands. The rating rationales for the above examples demonstrate how this has been applied. For example Job 57 Information Technology Technician receives 2.5 for *Regular effort reading, report writing, training, instruction, research, analysis, visual/listening attention while dealing with competing multiple sensory demands*. Job 72 Cardiology Technologist receives a degree 2.5 for *Regular sensory effort while testing and observing patients/equipment with periods of competing multiple sensory demands*. Job 33 Hearing Aid Practitioner receives 2.5 for *Regular sensory demands when listening to clients with periods of intense concentration when cleaning, repairing and adjusting apparatus*.

Of jobs rated degree 2.0, we note Job 135 Clinic Assistant; Job 121 Laboratory Assistant; and Job 176 Orthopedic Technologist.

Job 135 Clinic Assistant performs a variety of duties including clerical/reception duties while assisting with patient care by observing patients, sterilizing equipment, portering patients, testing glucose levels, preparing charts. *Continuous* sensory demands include operating computer (20-40%), reading (25-75%), filing/sorting (15-35%), observing/assisting clients (5-50%), listening to clients/public (50-75%), listening to directions (20-50%). *Frequent* sensory demands include driving (0-15%), and listening on the phone (30%). Attention must be frequently shifted from one job detail to another.

Job 121 Laboratory Assistant is responsible for specimen collection and pre-analytical specimen handling/processing. This involves venipuncture, preparing the sample for testing, preparing media and reagents, making and staining slides, and performing urinalysis and glucose testing. *Continuous* sensory demands include specimen collection and testing (venipuncture) (20-90%), operating computer (10-30%), listening to patients (25-50%), listening to equipment sounds (5%), and listening to instructions (15%). Attention must be frequently shifted from one job detail to another.

Job 176 Orthopedic Technologist provides care to patients with orthopedic injuries by applying, adjusting and removing a variety of immobilization devices. The work includes measuring and fitting patients, fabricating splints, applying specialized castings, and instructing health care professionals on casting principles and techniques. *Continuous* sensory demands include applying/removing casts, splints (80%), listening to physician/patients (70%). *Frequent* sensory demands include providing wound care (6%), listening to nurses (20%) and to interns/residents (20%). Attention must be frequently shifted from one job detail to another.

The above jobs demonstrate the level of intensity, severity and continuity of sensory demands required at degree 2. The LPN is most similar to these jobs in terms of intensity of demands, and the frequency with which they occur. While the LPN has little choice of action, and therefore cannot choose to leave a situation of demand and spend some time doing the more menial aspects of the job, it is important to recognize that the LPN job assignment involves a great variety of tasks. There are certainly multiple demands, including multiple sensory demands, placed on the LPN in the course of any day. However, such demands do not involve the level of intensity, severity **and** continuity and frequency required at degree 3.

The LPN sensory demands are most appropriately measured at degree 2. They are most similar to degree 2 *Guidelines and Explanations, (a) Concentration on precision work, report writing, multiple sensory demands, long periods of driving, limited counseling, training, instruction, visual and/or listening attention with little choice of action.*

In support of the degree 2 *Guidelines and Explanations*, several jobs rated degree 2 have been briefly described above. These jobs are similar to the LPN in the level of sensory demands required of the job.

The Sensory Demands sub factor allows for the provision of half degrees. Point number 5 of the *Notes to Raters* states: *Selection of half degrees must be supported with rationale and reference to the next highest degree level. An acute aspect of the job can move a rating by 0.5, such as when one aspect of the job (i.e. visual/listening attention with little choice of action) is performed at the % range of the next higher degree.*

The Tribunal has determined that an additional half degree is not warranted in this case. The Union has argued that the LPN experiences competing multiple demands as well as frequent periods of intense concentration. However, the multiple sensory demands and activities requiring concentration experienced by the LPN are not of the intensity or frequency required of the next higher degree.

CONCLUSION

The appropriate rating for the LPN on the Sensory Demand sub factor is 2.0.

The rating rationale will read as follows: ***Regular visual/listening effort required while working with clients/patients/residents, administering medication, monitoring medical equipment and dealing with multiple sensory demands.***

