

SGEU Scope Determination Process

Last revised: July 2021
 Last reviewed: June 2020
 Next review: June 2021

POSITION CIRCUMSTANCES	EXAMPLES	DETERMINATION PROCESS
ALL NEW POSITIONS (Permanent and Temporary)		
Duties of position are clearly in-scope.		<ul style="list-style-type: none"> The position is classified and staffed in-scope without review of scope status. No consultation with or notice to SGEU required.
“Same as Classification” assigned the full duties of a previously agreed out-of-scope position.	<ul style="list-style-type: none"> The Ministry of Social Services identifies a need to increase the out-of-scope complement of MCP 7 Program Effectiveness Consultants from 7 to 9 positions. 	<ul style="list-style-type: none"> The 2 new positions must be reviewed for scope. The Human Resource Business Partner Team (HRBPT) serving the ministry submits the scope determination form to SGEU based on the previously agreed scope determination criteria. If agreement is not reached, reference Step 4 LOU 2010-7 and consult with Employee and Labour Relations (ELR).
Duties of position are excluded under (a) of the Certification Order or Article 2 of the Collective Bargaining Agreement (CBA).	<ul style="list-style-type: none"> Positions whose functions require engineers, Physicians and Dentists, Management and Professional Level 9 and above, Executive Director’s secretary, etc. 	<ul style="list-style-type: none"> May be classified and staffed out-of-scope without review of scope status. No consultation with or notice to SGEU required.
Duties of position are not clearly in-scope and not excluded under (a) of the Certification Order or Article 2 of the CBA.	<ul style="list-style-type: none"> This includes jobs with full managerial authority and consultative jobs that have direct involvement in decisions that impact on the livelihood of bargaining unit members. 	<ul style="list-style-type: none"> Position must be reviewed for scope. Total Rewards reviews and sends request for exclusion to SGEU if duties meet scope criteria. If agreement is not reached reference Step 4 LOU 2010-7 and consult with ELR.
EXISTING OUT-OF-SCOPE POSITIONS		
Position becomes vacant; no significant change in duties or reporting structure.		<ul style="list-style-type: none"> Position remains out-of-scope; may be staffed out-of-scope without review of scope status.
Position is assigned duties that are clearly in-scope.		<ul style="list-style-type: none"> Position may be classified in-scope without review of scope status. Total Rewards notified SGEU of change in scope status.
Position is assigned significantly different duties that: <ul style="list-style-type: none"> Are not clearly in-scope and not excluded under (a) of the Certification Order or Article 2 of the CBA; or Are similar to existing out-of-scope positions but are not excluded under (a) of the Certification Order or Article 2 of the CBA; or Are the result of duties being removed from the position; or Are the result of a partial assignment of duties from another excluded position. 	<ul style="list-style-type: none"> Environmental Engineer is assigned policy analyst duties in new unit; function does not require an engineer. MSG4 is assigned research duties and is no longer an Executive Director’s secretary. A ministry restructures and expands from three regions to five, adding two new Regional Director positions by assigning the duties to existing out-of-scope positions. Due to restructuring, an out-of-scope Director no longer has managerial authority. Due to restructuring, an in-scope Supervisor has increased managerial authority. 	<ul style="list-style-type: none"> Position must be reviewed for scope. Total Rewards reviews and sends request for exclusion to SGEU if duties meet scope criteria. If agreement is not reached reference Step 4 LOU 2010-7 and consult with ELR.

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EXISTING IN-SCOPE SGEU POSITIONS		
Position becomes vacant; no significant change in duties or reporting structure.		<ul style="list-style-type: none"> Position remains in-scope; may be staffed in-scope without review of scope status. No consultation with or notification to SGEU required.
Position is assigned duties that are clearly in-scope.		<ul style="list-style-type: none"> Position may be classified in-scope without review of scope status. No consultation with or notification to SGEU required.
Position is assigned significantly different duties that: <ul style="list-style-type: none"> Are not clearly in-scope and not excluded under (a) of the Certification Order or Article 2 of the CBA; or Are similar to existing out-of-scope positions but are not excluded under (a) of the Certification Order or Article 2 of the CBA; or Are the result of a partial assignment of duties from another excluded position. 	<ul style="list-style-type: none"> A policy Analyst is assigned senior policy duties and the supervision of two staff. An Administrative Manager is transferred to HR and assigned HR Consultant duties. A clerical support position is transferred to the DM's office and assigned some of the Executive Assistant's duties. 	<ul style="list-style-type: none"> Position must be reviewed for scope. Total Rewards reviews and sends request for exclusion to SGEU if duties meet scope criteria. If agreement is not reached reference Step 4 LOU 2010-7 and consult with ELR.

Terms, TAHDs and secondments to backfill behind previously agreed out-of-scope positions (where there is no increase in the out-of-scope compliment) may be filled out-of-scope without scope review or notice to SGEU.