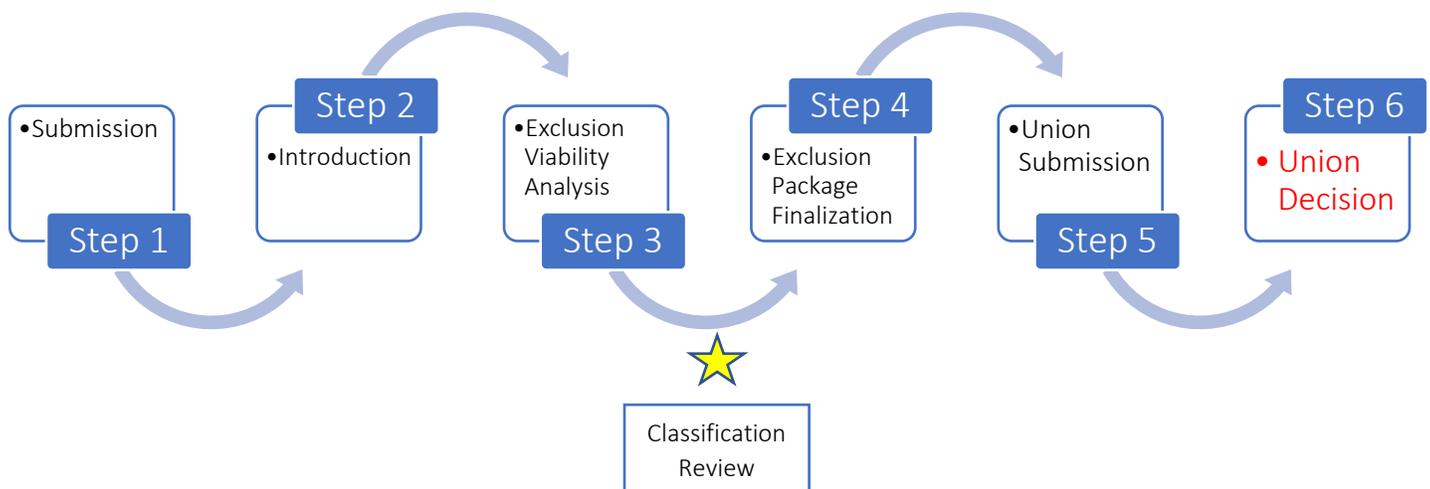


Exclusion Review Process

All positions created for the BC Public Service are *automatically included in a Union* unless there's an agreement between the Employer and the Union that a position's functions require it to be excluded from the Union. Exclusion requests are reviewed objectively and are evaluated against specific legislative and negotiated criteria defined under Section 11(3) of the Public Service Labour Relations Act (PSLRA):

- To exercise the functions, and do exercise the functions, of a manager or superintendent in the direction or control of employees, or
- To act in a confidential planning or advisory position in the development of management policy for the government, or
- To act in a confidential capacity in matters relating to labour relations or personnel.

When reviewing a position, the advisor considers the position's job profile, organization structure, rationale, and most importantly, comprehensive work examples. Exclusions are granted to positions, not people and are based on the unique circumstances of each role. In the event the Union does not ultimately agree to exclusion, the position will remain in the bargaining unit.



Step 1: Submit a Request via AskMyHR for an Exclusion Review

*When submitting an [AskMyHR](#) service request, select My Team or Organization (or) Hiring Manager > Job Classification > Exclude a Position.

All requests for new positions within the Management Compensation and Classification Framework (MCCF) must be accompanied by an Exclusion Package, which includes the following:

- Job profile (with position number noted); if you require a new position number, please be sure to indicate on the submission form
- Electronic copy of the current organization chart that includes classification levels, position numbers, and incumbent names and whether the position has an agreement to exclude
- Job profile of the position's supervisor (not required if the position reports to DM or ADM)
- Completed Exclusion Rationale

- Completed Submission Form

Step 2: Receive Introductory Emails from Classification Services

Upon receipt of a complete submission, your request will be triaged according to our priority framework and assigned to an Exclusion Advisor for review. Typically, you should expect to receive contact from the Exclusion Advisor within 10 business days, depending on work volumes and corporate priorities.

Step 3: Exclusion Viability Analysis by the Exclusion Advisor

An Exclusion Advisor will review your Rationale Package and conduct a viability assessment based on the exclusion criteria. This part of the process is consultative, and the Exclusion Advisor may have questions regarding the Rationale Package that has been submitted.

The Exclusion Advisor will either:

- a) Approve viability of the submission to support exclusion
 - The Exclusion Advisor will inform the Classification Specialist to conduct an MCCF review.
- b) Deny viability and provide reasoning as to why the position is not viable
 - The position will need to be reviewed under the relevant bargaining unit job evaluation plan.

Classification Review is Initiated by the Classification Specialist

** Please refer to the Classification Review Process for further information*

Once viability has been confirmed, the Exclusion Advisor will notify the Classification Specialist who will reach out when ready to begin the Classification Review. They will arrange a meeting to discuss the position and classification process and/or provide questions for your written response, which should include detailed work examples.

Upon receipt of required information, you should expect to receive a MCCF Recommendation within 10 business days, depending on work volume and corporate priorities.

Classification Services will send a formal notification of approval for the position's classification level, notify the Exclusion Advisor and close the Service Request.

At this point, should you choose to post and fill the position on a temporary basis, any offer of employment must stipulate the associated risk that the Union may not agree to the exclusion; additional risks to the employer should be discussed with Classification Services prior to moving forward.

Step 4: Exclusion Package Finalization

As this is a consultative process, the Exclusion Advisor will continue to refine the exclusion package and consider any new information resulting from the classification review process. If required, edits may be made to improve and strengthen the submission.

Step 5: Union Submission

The Exclusion Advisor will submit the Exclusion Rationale package to the Union.

Step 6: Union Decision

The Union has 21 days from submission to disagree that the position is properly excluded; should the Union fail to do so, the position will be deemed to be excluded.

In the event that the Union disagrees, your Exclusion Advisor can assist you in continuing to pursue the exclusion at one of the next three scheduled case conference meetings. The Union must be advised of your intent to continue within 30 days of receiving the disagreement, or the exclusion request will be deemed to have been abandoned.



Tips For Writing Effective Rationales:

A Rationale is a narrative of the position's responsibilities and an explanation on why the position has been created. The purpose of the Rationale is to illustrate the conflict of interest with membership in a bargaining unit. A strong Rationale does not need to be extensive but should have a clear and concise argument that supports why the position meets the exclusion criteria.

The position's responsibilities need to be reflective of the negotiated exclusion criteria:

(a) Supervising and Directing Staff

- Supervising and directing of encumbered positions; this may include indirectly supervising through subordinate supervisors
- Responding on the Employer's behalf to grievances at Step 2

(b) Role in Developing Policy for Government

- Developing new initiatives and/or program changes or defining government policy at a high level
- Recommending programs or policy that typically have significant staffing implications
- Lead the development of, and make recommendations on, such programs or policy within government; i.e., to Ministry Executive, Cabinet and/or Treasury Board and/or supporting the Minister in the House

(c) Role in Labour Relations or Personnel

- Participating in collective bargaining on behalf of the Employer as a ministry representative
- Operating primarily in a confidential capacity related to labour relations or human resources issues, which is almost exclusively with the BC Public Service Agency or Strategic Human Resources Branch staff

Please note:

*In your work examples, please do not re-state accountabilities listed in the job profile, or use classification plan language. Rather, you may use the accountabilities to explain how the position completes their work.

*Scope and dollar value are not germane to the Union's decision.

*Each position needs to be submitted on the merits of its own case and must receive individual union approval.

*Neither access to confidential information nor research and analysis of confidential data is a basis for exclusion.