

JOINT COMMUNICATION

Multi-Employer/UNA Collective Agreement **New Weekend Worker Provisions - Frequently Asked Questions** January 17, 2008

1. **Q.** *How does the Weekend Worker get paid as full-time when they work less than full-time hours?*

A. The difference between full-time hours of work for the Extended Work Day and regular, full-time hours of work is administered as a leave of absence with pay. See table below. This ensures that the Employee is not only paid as full-time but also facilitates maintenance of full-time pension and benefits as required by the collective agreement and supports Employer tracking and reporting of Weekend Worker related items.

	Regular Schedule*	Weekend Worker Schedule	Paid Leave of Absence**
Regular Work Day (Article 7)	19 shifts in four weeks	15 shifts in four weeks	Four shifts in four weeks
Extended Work Day (Article 37)	20 shifts in six weeks	16 shifts in six weeks	Four shifts in six weeks

Notes:

- * This is not applicable to sites or programs where regular full-time hours of work are 38.75 hours per week.
- ** Employers will need to establish appropriate payroll or position codes in order to administer the paid leave of absence portion of the Weekend Worker schedules.

2. **Q.** *How does a Weekend Worker schedule get implemented?*

A. The Employer and the Union must mutually agree to implement the Weekend Worker provisions. If either party is interested in implementing a Weekend Worker schedule, they should approach the other party and discuss the issue. These discussions should include the benefits and potential challenges of implementing the Weekend Worker provisions to the Employee(s) and to the Employer.

If the Employee is initiating the discussions regarding implementation of a Weekend Worker schedule and the Employer agrees to implement the Weekend Worker schedule, then the Employer should ask the other Employees on the schedule regarding their potential interest in working a full-time Weekend Worker schedule. If more Employees are interested than the number of Weekend Worker lines that the Employer is agreeable to create, then the Weekend Worker lines should be offered to Employees in order of seniority.

If the Employer is initiating the discussions regarding implementation of a Weekend Worker schedule, they should discuss this with the Union prior to posting the Weekend Worker position in accordance with Article 14 of the Collective Agreement.

Both the Employer and the Union may have internal approval/voting processes that will need to be followed prior to either party being able to reach the required mutual agreement. If so, please communicate these approval processes to the other party when discussing the opportunities, challenges and processes for implementing the Weekend Worker provisions.

Please note that UNA's internal voting processes regarding implementation of an Extended Work Day Agreement in accordance with Article 37 of the Collective Agreement will apply in the event that the parties agree to implement an Extended Work Day Weekend Worker position on a regular work day unit.

Employers and UNA Locals are asked to keep a listing of all new Weekend Worker positions implemented. If possible, this list should include the assigned position number to support follow-up and tracking. UNA Locals should provide the listing of new Weekend Worker positions to the UNA Provincial Office, to the attention of Kris Farkas, Manager, Labour Relations. Employers should provide the listing of new Weekend Worker positions to HBA Services, to the attention of Cory Galway, Senior Negotiator.

3. Q. *When can a Weekend Worker Schedule be implemented?*

A. The Employer and Union Local can immediately commence discussions to implement a Weekend Worker schedule. During these discussions, they should discuss the implementation date and other administrative issues. Like all other major changes to a schedule, it will be twelve weeks from the date the new schedule is developed and posted before the new schedule becomes effective, unless the parties agree otherwise.

4. **Q.** *What happens to the Employee's pension through LAPP if they become a Weekend Worker?*
- A. Weekend Workers are full-time Employees and will earn pensionable service and make pension contributions the same as a Regular Full-time Employee. Because the difference between the regular full-time hours of work and the weekend worker hours of work are administered as a paid leave of absence, pension contributions are based on the regular full-time earnings and Employer and Employee contributions are continued on an ongoing basis rather than being bought back at the end of the year as is common practice for leaves of absence without pay. Also, paid leaves of absence do not count towards the maximum five years (plus three years of maternity/parental leave) that an Employee can buy back under LAPP.
5. **Q.** *How are the Employee's benefits administered for the Weekend Worker?*
- A. Weekend Workers are to be covered under the benefit plan as full-time Employees. Therefore, they are eligible to participate in all of the employee benefits (Life Insurance, Accidental Death and Dismemberment, Short and Long Term Disability, Supplementary Health Care, Dental and Alberta Health Care). Because benefit coverage levels and premiums for Life/AD&D, Long Term Disability and Short Term Disability are based upon regular annual, monthly and weekly earnings respectively, and because the Weekend Worker's regular earnings are the same as for regular, full-time Employees, the benefit coverage and premiums will be the same as a regular, full-time Employee.
- If a full-time Weekend Worker becomes disabled, their disability benefits would be based upon 66 2/3 % of regular full-time earnings which is determined by adding the regular Weekend Worker hours worked and the paid leave of absence that makes up the difference between Weekend Worker hours of work and regular full-time hours of work.
6. **Q.** *What happens if a Weekend Worker picks up additional shifts during the week?*
- A. Because the Weekend Worker is a full-time Employee, any time worked in addition to their regularly scheduled weekend hours of work is time worked on a designated day of rest and is therefore paid at the overtime rate.
7. **Q.** *Can the parties agree to implement a part-time Weekend Worker?*
- A. No. The Weekend Worker concept can only be full-time. If there is a position that works every weekend, but is part-time, then it is a regular part-time position and not a Weekend Worker position.

8. *Q. What happens if the Employee no longer wants to be a Weekend Worker?*

- A. If the Weekend Worker was created as a new position and the Employee applied for the position and was the successful candidate under Article 14, then the Employee would have the same options as any Employee would have if they wanted to change or leave any position (apply for another position under Article 14 or resign).

If the Weekend Worker position was created by re-writing the schedule under Article 7 either to accommodate an individual employee request to become a Weekend Worker or to allow full-time Employees to select the weekend worker line on the basis of seniority as with any schedule change, then, in addition to applying under Article 14 for a transfer to another position or resigning, the Employee, through the Union, could indicate that they no longer agree to the Weekend Worker position. The Manager would then need to re-write the schedule and change the Weekend Worker line back to a regular, full-time line.

In accordance with Article 7.03, the new schedule would need to be posted 12 weeks in advance of taking effect, unless the parties agree to a shorter posting period. Once the revised schedule is posted, Employees would then select lines on the schedule in order of seniority in accordance with Articles 7 and 12.

9. *Q. What if the Employer decides that the Weekend Worker schedule is not working?*

- A. If the Weekend Worker was created as a new position and the Employee applied for the position and was the successful candidate under Article 14, then the Employer can choose to restructure the position by eliminating the Weekend Worker position through utilization of the layoff and recall provisions of the Collective Agreement (Article 15).

If the Weekend Worker position was created by re-writing the schedule under Article 7 either to accommodate an individual Employee request to become a Weekend Worker or to allow full-time Employees to select the Weekend Worker line on the basis of seniority as with any schedule change, then the Employer can advise the Union that they no longer agree to the Weekend Worker position. The Employer would then need to re-write the schedule in accordance with Article 7 (Hours of Work and Scheduling) and Employees can select lines in the schedule matching their FTE in accordance with Article 12 (Seniority). The Employees in Weekend Worker lines would be eligible to select full-time lines in the new schedule. In the event that the new schedule does not contain enough full-time lines for all of the regular full-time Employees and Weekend Worker Employees to all select a full-time line, then the Employer will need to issue position elimination notice in accordance with Article 15.

10. Q. *Can the Employer create a temporary Weekend Worker position?*

A. Subject to achieving mutual agreement to implement a Weekend Worker schedule, the parties can agree to implement a temporary Weekend Worker position. This may be an option if either party is unsure of the potential benefits of such a position and would otherwise not agree to implement the Weekend Worker position at all, unless it was for a temporary, trial period or to meet specific, short-term operational or personal needs.

11. Q. *How does the Weekend Worker accrue and utilize vacation?*

A. For the Extended Work Day Weekend Workers, vacation is accrued in accordance with Article 37.05 and 37.06 (i.e. the Employee accrues “x” hours of paid vacation based on the Employee’s years of employment (including eligible employment ported from other Employers for vacation purposes under Article 17.02(e)).

When vacation credits are utilized, vacation hours (i.e. the regularly scheduled weekend hours not worked due to vacation) are paid at the Employee’s basic rate of pay. The difference between Weekend Worker vacation hours and regular full-time hours of work, continues to be treated as a paid leave of absence. However, for each hour of paid vacation taken by the Employee, 1.25 hours are deducted from the Employee’s vacation bank in order to ensure that the Weekend Worker does not have an advantage in terms of paid vacation when compared to other full-time Employees.

For example, each day of vacation is paid at 11.08 hours and 13.85 hours are deducted from the Employee’s vacation bank.

For Regular Work Day Weekend Workers, paid vacation time is accrued in days based on years of employment and for each hour of paid vacation taken by the employee in accordance with Article 17.02, 1.26 hours are deducted from the Employee’s vacation bank. For example, each day of vacation is paid at 7.75 hours and 9.765 hours are deducted from the Employee’s vacation bank.

12. Q. *How does the Weekend Worker accrue and utilize sick leave?*

A. For the Extended Work Day Weekend Workers, sick leave is accrued in accordance with Article 37.10 (i.e. the Employee accrues 11.625 hours of sick leave for each full month of employment. When sick leave is utilized, sick leave hours (i.e. the regularly scheduled weekend hours not worked due to illness or injury) are paid at the Employee’s basic rate of pay. The difference between Weekend Worker sick hours and regular full-time hours of work, continues to be treated as a leave of absence with pay. However, for each hour of sick leave taken by the Employee, 1.25 hours are deducted from the Employee’s sick leave bank in order to ensure that the Weekend Worker does not have an advantage in

terms of paid sick leave when compared to other full-time Employees. For example, each day of sick leave taken is paid at 11.08 hours and 13.85 hours are deducted from the Employee's sick leave bank.

For Regular Work Day Weekend Workers, sick leave time is accrued at the rate of 1 ½ days for each full month of employment. For each hour of sick leave taken by the Employee, 1.26 hours are deducted from the Employee's sick leave bank in order to ensure that the Weekend Worker does not have an advantage in terms of paid sick leave when compared to other full-time Employees. For example, each day of sick leave taken is paid at 7.75 hours and 9.765 hours are deducted from the Employee's sick leave bank.

13. **Q.** *How do Employers administer shifts that are part sick leave or vacation and partly worked?*
- A. The same principle applies if only part of a shift is worked due to sick leave or vacation. The hours taken off are paid at the basic rate of pay and for each hour taken 1.25 hours for Extended Work Day Weekend Workers or 1.26 hours for regular work day Weekend Workers are deducted from their banks. Remember, no deduction is taken from the sick leave bank for pre-approved dental, physiotherapy, optical or medical appointments provided the absence is for not more than two hours.
14. **Q.** *What about other paid absences such as special leave, bereavement leave and professional development days?*
- A. Other paid absences would be administered the same for a Weekend Worker as they are for other full-time Employees. Because these absences have maximums rather than being accrued, Employees utilizing a bereavement leave, special leave or professional development leave day are paid for the hours of work missed due to the leave. For example, a regular work day Weekend Worker would be paid 7.75 hours for each day and an Extended Work Day Weekend Worker would be paid 11.08 hours for each day of work missed. In the event that an Extended Work Day Weekend Worker takes a professional development day on an unscheduled day, they would be paid for 7.75 hours that day the same as a normal Extended Work day Employee.
15. **Q.** *What happens to the paid leave of absence portion of the Weekend Worker schedule (i.e. the paid leave of absence that brings the Weekend Worker hours up to match regular, full-time hours of work) if a Weekend Worker takes an unpaid leave of absence of less than 30 days from the scheduled portion of their job?*
- A. If a Weekend Worker takes an unpaid leave of absence of less than 30 days, the paid leave of absence portion of the Weekend Worker position will need to be reduced proportionately.

16. **Q.** *Do the Weekend Workers receive shift differential and weekend premium and, if so, on what hours?*
- A. Weekend Workers would be paid shift differential and weekend premium in accordance with Article 28 of the Collective Agreement. However, these premiums are only paid on hours worked and not on the hours that are recorded as a paid leave of absence.
17. **Q.** *How should shift exchanges be handled?*
- A. Weekend Workers can exchange shifts with any other Employees. The terms and conditions of Article 7.05 continue to apply, including 7.05(iv) which requires that a shift exchange must not result in any additional costs for the Employer.
18. **Q.** *In the event that the Employer changes a Weekend Worker shift with less than 14 days notice, what hours attract payment at 2X?*
- A. Article 7.04(a)(ii) applies when the Employer changes a Weekend Worker's shift from a day shift to a night shift or vice versa. In these cases, the Employer would pay 2X the Employee's basic rate of pay for hours worked during the first shift of the revised schedule. The paid leave of absence portion of the employee's earnings would continue to be paid at the Employee's basic rate of pay.
19. **Q.** *Can the Employer change a Weekend Worker's days off?*
- A. An Employer can only change an Extended Work Day Weekend Worker's days off as long as the change stays within the definition of a Weekend Worker schedule. For example, the schedule of a Weekend Worker scheduled to work Friday, Saturday and Sunday could be changed so that the Weekend Worker is required to work Saturday, Sunday and Monday instead. If required, and if less than 14 days notice provided, the Employer would be required to pay the Employee 2X the basic rate of pay for all the hours worked on what would otherwise have been a scheduled day off. In the example provided above, the Employer would pay 2X for hours worked on the Monday.

For Weekend Workers working 7.75 hour shifts, the Employee's days of rest cannot be changed.

20. **Q.** *After the initial implementation, if a new schedule is posted that contains a Weekend Worker line, can Employees utilize their seniority to select the Weekend Worker line in accordance with Article 12.02?*
- A.** It is recommended that this situation be treated the same as current practice when a new schedule is posted that contains a permanent evening shift or permanent night shift line.