

JOINT COMMUNICATION

Multi-Employer/UNA Collective Agreement Guidelines Regarding Seniority Tie-Breaking July 2, 2008

Background

Prior to the April 1, 2003 creation of region-wide bargaining units through Bill 27, each UNA Local had their own process worked out with each Employer for breaking a seniority tie. For example, some Locals used the time-stamped employment application, while others utilized an alphabetical system.

These distinct local approaches have continued. However, with region-wide bargaining units and portability of seniority, the number of Employees within a bargaining unit with identical seniority dates has increased. With many of the collective agreement provisions such as job postings, layoff, displacement and recalls being applied on a regional basis, it is not practical to continue with tie-breaking processes that are different between UNA Locals and Employer sites/programs within the region-wide bargaining unit.

The Multi-Employer/UNA Joint Committee has discussed the issue and recommends the following Guidelines.

Guidelines

- ▶ Where there is more than one Employee currently in the bargaining unit with the same seniority date, UNA will place these Employees in order of seniority utilizing a random selection process. These newly ordered seniority dates will remain with these Employees as long as they remain employed within the bargaining unit.
 - For example: if there are three Employees with a seniority date of March 10, 2001, UNA would randomly order them and advise the Employer that the seniority order should be:
 - Employee X - March 10, 2001(1);
 - Employee Y - March 10, 2001(2);
 - Employee Z - March 10, 2001 (3).

For current Employees, this is a one-time adjustment to the bargaining unit seniority list(s). **Note:** This is an example only. How the ordering of common seniority dates is reflected will depend upon the Employer's system and coding

requirements.

- In accordance with the Article 30.03 of the Collective Agreement, Article 12: Seniority has no application to Casual Employees. However, if a Casual Employee obtains regular or temporary employment, their seniority date is adjusted to account for prior periods of contiguous service as a Casual Employee (Article 12.01). As a result, UNA will include Casual Employees in the one-time random ordering of seniority, for future reference as required.
- ▶ In order to support this random seniority ordering, UNA will need to receive copies of the seniority list electronically:
 - For Employers already providing UNA with electronic seniority lists, UNA will conduct the random ordering of common seniority dates by September 1, 2008 and UNA will advise the Employer of the results.
 - For Employers that do not currently provide the seniority lists to UNA electronically, UNA will be in contact in order to discuss options to facilitate this process.
- ▶ On an ongoing basis, if a new Employee being hired into the bargaining unit brings the same seniority date as other Employees already in the bargaining unit, they would automatically be placed as the least senior of those Employees sharing the same seniority date. In the above example, the new Employee would have a seniority date of March 10, 2001(4).
- ▶ During the Union's process of randomly assigning seniority, it is understood that Employers will make decisions on the basis of the current seniority lists. For example, in making decisions regarding vacation preference, schedule line selection or job selection where the candidates are relatively equal, the Employer would utilize the current seniority lists.
- ▶ Once UNA advises Employers of the revised seniority lists, Employers will then utilize the revised seniority lists for decision-making purposes and administration of the Collective Agreement.
- ▶ If an Employer faces a seniority related decision between two Employees with a common seniority date during the implementation period, the Employer should contact the UNA Provincial Office for ranking.

If you have any questions regarding these Guidelines, please contact:

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