

Part 1: Awarding of Anticipated Additional Shifts

Anticipated additional shifts are shifts that are generated by requests for time off (vacation, medical appointments, banked overtime, stat holidays, educational days etc.) and fall within the next six week rotation.

Employees are encouraged to submit any requests for leave to their manager or designate as soon as they become aware time off will be required. Please note that all requests for leave shall be in writing with four (4) weeks' notice as per CUPE Article 1701, except in an emergency.

Where employees have not submitted requests for leave for a minimum of four weeks before the start of a new six week rotation, the manager or designate will still be required to review the request and see if it can be accommodated; this means seeing if the shift can be replaced. Such requests shall not be unreasonably denied. If the shift cannot be replaced, the request may be denied. All documentation must be kept in order to support the initial efforts. Employees are not required to find their own replacements.

Sign up Sheets

1. The primary Staffing personnel position or Designate will generate all sign up sheets based on approved requests every six weeks for the next posted six week schedule.
2. The sign up sheets will be distributed by the primary Staffing personnel position or Designate and shall be posted for one week. This will occur three weeks prior to the posting of the next six week schedule.
3. Sign-ups will be posted in designated areas at each site.
4. The sign up sheets will include the following:
 - Facility and department/unit/site (as defined in Appendix "D" of the CUPE Collective Agreement)
 - Time period covered by each set of Sign up Sheets
 - Date the sign up sheet was posted
 - Date the sign up sheet will be taken down
 - Date the sign up sheet shifts will be awarded
5. On date indicated the sign up sheets will be removed and sent to the primary Staffing personnel position or Designate to be awarded on a fair and equitable basis.

Awarding of shifts

1. Shifts will be awarded by the primary Staffing personnel position or Designate for those positions where relief would be required.
2. Shifts will be awarded first to part time and then casual employees who make known to the employer in writing using the CUPE Availability Form for Part-time, Casual and Laid Off Employees that they wish to work occasional additional available shifts, have requested and been oriented to the unit/ward and/or site and are able to perform the required duties. Shifts will be awarded as equitably as possible in the following order:



- a. First, additional available shifts within the site of employment prior to layoff shall be offered to an employee on layoff, pursuant to Article 2306;
- b. Among part-time employees of the same classification meeting the provisions above within the **unit/department** then;
- c. Among part-time employees qualified to the classification within the remainder of the **site**, then;
- d. Among **Casual** employees of the same classification;

Note; Part Time Employee's who pick up at other sites would be considered before Casuals at the site. Refer to Article CUPE 1202 regarding to awarding shift

3. *Once shifts are allocated they will be posted within the designated areas. The employee's are expected to check the reposted signup sheets and initial that they have followed up on awarded shifts. If the employee has not initialed by the time the signup sheet is taken down (approximately 7 days), the employer will advise the employee of the shifts awarded.*
4. If the shift has not been filled management has the right to review the shift schedule to see if a change in shifts would reduce the need to fill the available shift. Pursuant to Article 1805, shift schedules can be changed with a minimum of seven (7) days notice given to the employee without incurring overtime rates.
5. Any shift remaining open after following the above steps will be filled using the protocol for Awarding of Unfilled Anticipated & Unanticipated Additional Shifts.

Part 2: Awarding of Unfilled Anticipated & Unanticipated Additional Shifts

Unfilled anticipated additional shifts are shifts that remain open after following the protocol for "Awarding of Anticipated Additional Available Shifts".

Unanticipated additional shifts are shifts that become available after the sign up sheets for the anticipated additional shifts are awarded. These shifts affect the current six (6) week schedule and are usually comprised of but not limited to bereavement leave, sick leave, WCB leave, and approved leaves of absence.

Filling the shift

The primary Staffing personnel position or designate will award shifts, referring to the accommodation call back sheet, to employees of the same classification who require accommodation.

Subsequently the primary Staffing personnel position or designate will award shifts to part-time and casual employees who make known to the employer in writing using the CUPE Availability Form for Part-time, Casual and Laid Off Employees that they wish to work occasional additional available shifts and have been oriented to the unit/dept or site and are able to perform the required duties. Shifts will be awarded as equitably as possible in the following order:



- a. First, additional available shifts within the site of employment prior to layoff shall be offered to an employee on layoff, pursuant to Article 2306;
- b. Among part-time employees of the same classification meeting the provisions above within the **unit/department** then;
- c. Among part-time employees of the same classification within the remainder of the **site**, then;
- d. Among **Casual** employees of the same classification;

Note: Casual employees may include existing Part Time staff in the region and are considered Casual status at another site.

Key Points

Employees will provide up to two (2) contact phone numbers:

- Part-time and Casual employees will be called using only the two (2) contact numbers provided in order and on a fair and equitable basis.
- For additional available shifts greater than three (3) calendar days, a message will be left for all available employees. The employees will be given a minimum twenty-four (24) hours to respond. An additional day will be added to the three day time period for each stat day that interrupts the call in process. E.g. 2 days will be added for Christmas and Boxing Day.
- For shifts less than three (3) days in advance, if an employee is unable to accept the shift immediately, the primary Staffing personnel position or designate, will continue to attempt to contact employees until an affirmative response is received. If provided, the staffing clerk or designate will call the two contact numbers provided by each staff member.
- If the primary Staffing personnel position or designate reaches an employee's answering machine, the following information will be left:
 - Date and time the call was placed
 - Date, time and location of shift
 - If the shift is less than three (3) days in advance, notification that they will continue to make calls to fill the shift.
 - A reminder to contact the person calling to confirm that the shift is still available and that they are interested in accepting the shift.
- If the shift is more than three (3) calendar days in advance, employees will be able to leave a message within the 24 hour period with the following information:
 - Date and time call was placed
 - Date, time and unit/ward/site of the shift and if they are willing to accept the shift.



- Employees will be chosen on a fair and equitable basis from those who have responded within the twenty-four (24) hour period. Employees will be confirmed by telephone call of being awarded a shift.

- Overtime shifts will be allocated as per Article 19 of the CUPE Collective Agreement.
 - It is **NOT** the responsibility of the employee accepting the shift to alert the primary Staffing personnel position or designate if they would be at overtime rates.
 - It is recommended if current report of hours is not available, to ask the Employee if they would be in an overtime situation before awarding the shift.

- Any unfilled anticipated additional shifts and/or unanticipated additional shifts that need to be awarded at overtime will be done in accordance with Article 19 of the CUPE Collective Agreement.

- Every effort shall be made to fill the entire shift.

Part 3: Awarding Overtime

Before offering overtime, the following measures must have been taken by the Manager or designate:

1. Call staff as per Part 1: Awarding of Anticipated Additional Shifts and Part 2: Awarding of Unfilled Anticipated & Unanticipated Additional Shifts.

2. Pursuant to Article 1805, determine if staff members are prepared to be moved from subsequent shifts to the immediate shift.

3. Review factors regarding patient acuity to staff experience and knowledge with a view to providing patient care for the shift in question and/or is census down and working short an option.

4. Exhaust process for reassignment:
 - Reassign/redistribute workload as necessary.
 - This may include a determination of what patient care is essential for the shift in question, i.e. temporary actions to reduce workload demands in the area.
 - This may include reassignment of staff within the Unit/Site including the use of an alternate classification to fill the shift.
 - Split the shift and ask staff to work fewer hours.
 - Support staff or professional technical staff can be reassigned within their existing site as may be needed to ensure safe and effective patient care and services.

5. Exhaust process for offering overtime per Article 19:



- a. Full-time or part-time employees who are at full-time hours per 1901 and 3106 of the same classification on/in each **unit/department** and are eligible for overtime (equitable distribution per 1906).
- b. Full-time or part-time employees who are at full-time hours per 1901 and 3106 in the same classification within the **site** and are eligible for overtime (equitable distribution per 1906).
- c. Casual employees in the same classification who are duly qualified (i.e. have been oriented to the unit/ward and/or site) at full-time hours and are eligible for overtime.
- d. Casual employees in a different classification who are duly qualified (i.e. have been oriented to the unit/ward and/or site) at full-time hours and are eligible for overtime. Employees within a higher classification volunteering to work in a lower classification shall be paid the lower classification rate of pay.
- e. Employees of the same classification who have been granted a leave of absence from their **entire EFT** who are at full-time hours per 1901 and duly qualified (i.e. have been oriented to the unit/ward and/or site) and are eligible for overtime.
- f. Employees in a different classification who have been granted a leave of absence from their **entire EFT** who are at full-time hours per 1901 and duly qualified (i.e. have been oriented to the unit/ward and/or site) and are eligible for overtime. Employees within a higher classification volunteering to work in a lower classification shall be paid the lower classification rate of pay.

Part 4: Mandating Overtime

Exceptional and/or extreme circumstances may arise, which, after all other measures have been fully exhausted, may necessitate that an employee remain at work beyond his/her scheduled shift. These extreme situations must relate to exceptional circumstances pertaining to either unfilled anticipated or unanticipated shifts that fall within 24 hours of their start time.

Before the Employer considers mandating an employee to work overtime, the Nurse in Charge or Designate shall assess the facility/department situation as per process and then meet Senior Management protocol established. If all options in the process have been exhausted, and there is a potential patient safety or safe workload issue then the Employer has the right to mandate overtime.

Mandating Overtime is determined by the Manager or designate and where feasible; temporarily suspend admissions/services to the unit/ward/site or transfer patient(s) to another site.

Pursuant to Article 1906, overtime is to be divided as equally as reasonably possible among employees who are qualified to perform the work. Consideration, therefore, must be given when choosing who to mandate. An employee cannot be mandated to work overtime if there are qualified employees within the same classification who are available and willing to perform the work. Compensation is pursuant to Article 19 of the Collective Agreement.

Who can be mandated to Work Overtime and Under What Circumstances?

- A full time employee who is currently on duty can be mandated to stay and work the overtime.

- A part time employee who is currently on duty can be mandated to stay and work the overtime.
- A casual employee who is currently on duty **cannot** be mandated to stay and work the overtime. The reason why Casual staff do not have any obligation to the shift based on their status. (they can be offered Overtime, however not mandated)

Steps:

- a. If unable to fill the shift as per established process and protocol; mandate overtime to an employee who is currently at work:
 - Review the schedule of all the staff on duty to determine how many consecutive shifts each has worked to that point in time, and how many remaining consecutive shifts each has.
 - Discuss personal issues that would make involuntary overtime a hardship (i.e. childcare arrangements, pre-existing appointments/plans).
 - If the following information is available, it should be taken into account:
 - The amount of overtime worked to date by each individual.
 - The number of times they have been required to stay in an involuntary overtime situation over a six week period
 - If all factors appear to be equal between two or more staff members, then the staff member with the least amount of seniority will be required to stay.
- b. Record and forward each incident of mandatory overtime to the Staffing Personnel or designate for compilation.

What Happens if an Employee Says No?

Overtime that is being mandated must be of a “critical” nature. Safe patient care would meet that requirement. The Employers can expect to be challenged by employees to defend the decision to mandate an employee to work overtime.

The Employer should anticipate some of these objections being raised and should take these issues into account when deciding which employee will be mandated to work the overtime shift. Discipline can not be considered if the employee has a legitimate and valid reason for refusing the mandated overtime i.e. childcare issues. The Employer has the right to ask appropriate questions to determine the validity of the mandating refusal.

Any questions or situations that are presented while awarding or mandating anticipated or unanticipated shifts, you are encouraged to call your Labour Relations designate to your area for clarity or outcomes or the Labour Relations General email at LabourRelations@southernhealth.ca.