



VACATION GUIDELINES

CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) COMMUNITY SUPPORT AND FACILITY SUPPORT COLLECTIVE AGREEMENT (*Ratified: September 23, 2022*)

The following Southern Health-Santé Sud CUPE Vacation Guidelines have been updated as a result of the new CUPE Collective Agreement ratified on September 23, 2022. Note the collective agreement consists of both Bargaining Sectors for CUPE Community Support and CUPE Facility Support.

Important Note for the 2023/2024 Vacation Year:

This round of bargaining brought about a significant change in how vacation is selected and taken for the majority of Facility and Community Support employees.

As per **Article 1501**; The vacation year for Southern Health-Santé Sud shall remain status quo pursuant to **Letter of Understanding #ER-8**. Therefore, the following applies for this year and until the new vacation year can be established provincially:

Employees who were formerly MGEU Community Support, vacation year remains: April 1-March 31

Employees who were formerly CUPE Local 4270 Facility Support, vacation year remains: May 1-April 30

As per **Article 1503** where as previously vacation was selected and taken in “week block” format, the newly negotiated language now allows for “Single Day” vacation selection and utilization based on what employees have earned in the previous vacation. As per **Article 1503**, although annual vacation is still earned in weeks, employees are now able to select and take vacation in single days.

Employees who may have had a larger vacation entitlement previously will be able to utilize the vacation they had accrued under that larger entitlement for the next vacation year. However, starting this vacation year employees will accrue vacation for the next vacation year in accordance with the above. Employees who previously had a lower vacation entitlement will be moved to the higher vacation entitlement this year for accrual in the next vacation year, see **Article 1503**. The explanation for this is that the MGEU-CS group and Home Care Attendants vacation accrual and rates were different and now will be the same.

Vacation Planning and Employee Selection is managed by Leaders as per **Article 15: Annual Vacation** of the CUPE Collective Agreement for both Community Support (direct care providers) and Facility Support (non-direct care providers).

It is Labour Relations goal to provide Leaders with as much information as possible in the document as it relates to expediting your area for CUPE staff vacation. **The document will identify the changes you may see in the new collective agreement and guideline and is noted in bold for your reference.** In addition to past trends, common inquiries received and long standing practices that have kept our Service Delivery Organization consistent when applying CUPE Vacation.



VACATION GUIDELINES

CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) COMMUNITY SUPPORT AND FACILITY SUPPORT COLLECTIVE AGREEMENT *(Ratified: September 23, 2022)*

Should you require additional support in regards to your program, site or unit when you are planning vacation process or when you are at the final stages of approval of vacation; please send all inquiries to Labour Relations email at LabourRelations@southernhealth.ca **Subject Line: Vacation Inquiry – CUPE** and the LR Team will prioritize your emails during this vacation planning period.

Let's get started:

Section I – Planning

Become familiar with the new CUPE Collective Agreement **Article 15 Annual Vacation** and other vacation related Articles. Ensure to identify where your staff previously fall under based on the status quo for this vacation year.

Employees who were formerly MGEU Community Support, vacation year remains: April 1-March 31

Employees who were formerly CUPE Local 4270 Facility Support, vacation year remains: May 1-April 30

The vacation year for each Employer shall remain status quo pursuant to Letter Of Understanding #ER-8 and referral to Standardization Committee. Notwithstanding these dates, vacation entitlement shall be calculated as at the end of the last full pay period of the vacation year. (Article 1501)

Prior to posting the Vacation Entitlement Lists, Leaders will need to plan their Vacation Rule for their site/facility/unit/program/office. Considering the number of employees off at one time in a twenty-four (24) hour period, rather than per shift. We rely on Part Time Employees picking up Additional Hours and having too many staff off at once may impact your operations. This Vacation Rule can change throughout the year when planning for the rule.

Example: You may allow three (3) staff during a 24 hour period in May, June, July & August as your Student Employees pick up more in this period, the remaining months of the year may only be two (2) off at one time; all of which needs to be clarified prior to posting the Vacation Rule.

Newly hired full-time employees who have less than one year's continuous service (**Article 705**) as appropriate date under **Article 1507**, will be granted vacation on a percentage of the hours worked. If the employee has less than 6 months of employment with the Employer the Employer does not have to allow the employee vacation leave unless the Employer and the Union have mutually agreed to allow the employee to take the earned vacation that was accrued within the 0 – 6 months of employment. (**Article 1502**)

Although annual vacation is still earned in weeks, employees are now able to select and take vacation in single days. (Article 1503)



VACATION GUIDELINES

CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) COMMUNITY SUPPORT AND FACILITY SUPPORT COLLECTIVE AGREEMENT *(Ratified: September 23, 2022)*

Vacation entitlement shall be the amount of vacation hours accrued in accordance with the rate earned in 1503. For full and part time employees, the amount of vacation that was earned in accordance with article 1503 based on their years of employment in accordance with **Article 705 (Continuous Service)**. Full time employees will use these hours for vacation selection. Part time employees will use the hours that they have accrued up to their current EFT for vacation selection. In accordance with **Article 3103**, any vacation earned above their EFT would be paid out at the beginning of the vacation year. For both full time and part-time employees, the expectation is that the vacation taken is for the full shift scheduled on the day they selected during the vacation process unless otherwise specified within the collective agreement. **(Article 1505)**

The total number of employees that can be on vacation in any one department classification/unit will be determined by the Employer **and included in the vacation entitlement posting. (Article 1507)**

All requests for vacation leave will be subject to approval of the employee's supervisor or designate based on operational requirements and accrued vacation entitlements. (Article 1506)

Leaders will need to calculate their # of staff and their # of vacation weeks required in total to honor all employee's vacation time in the year. This will also assist with developing the Vacation Rule staffing #s.

It is noted, this vacation planning period does not include the Employer's obligations under the collective agreement to manage leaves throughout the year and may include sick, bereavement, stats, union leaves. etc.

It is important to post both the Vacation Rule and Vacation Entitlement Lists at the same time.

The Employer will post a projected vacation entitlement list not later than **two (2) months prior to the vacation cut off dates as per Article 1501. Priority in the selection of dates shall be given to the employees having the most seniority within each unit/department/base location. (Article 1507)**

As we currently are maintaining the previous vacation years until one is determined at the Standardization Committee mentioned in **Article 1501**, each bargaining unit will Employer have different dates as per below:

Employees who were formerly MGEU Community Support projected posting date: February 1st

Employees who were formerly CUPE Local 4270 Facility Support projected posting date: March 1st

Employees shall indicate their preferences as to dates within thirty (30) calendar days of posting of the projected entitlement list. An employee who fails to indicate their choice of vacation within the above thirty (30) calendar day period shall not have preference in the choice of vacation time, where other employees have indicated their preference.



VACATION GUIDELINES

CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) COMMUNITY SUPPORT AND FACILITY SUPPORT COLLECTIVE AGREEMENT *(Ratified: September 23, 2022)*

Meeting with individual staff members is not outlined as a process in the CUPE collective agreement. Should you choose this process, your only option is to meet with staff by Seniority on the last day of Vacation Planning, (March 31st or April 30th) starting with the employee with the most seniority.

Vacation selection by employees can now be done in full single days, as seniority and the number of employees allowed away may be a factor in determining vacation approval. Employees wanting to take blocks of vacation must indicate the days they are scheduled to work in that week for approval. Vacation will only be selected and approved for the full scheduled shift unless specified elsewhere within the collective agreement.

Leaders will need to give due consideration to employee preferences, extenuating circumstances, and include seniority as part of the decision making process.

Section II – Administering the Vacation

Employees shall indicate their preferences for vacation dates within thirty (30) calendar days of posting of the projected entitlement list. (Article 1507)

Employees who were formerly MGEU Community Support vacation request submission date: March 1st
Employees who were formerly CUPE Local 4270 Facility Support vacation request submission date: April 1st

The approved vacation schedules will be posted for the entire vacation year a minimum of one (1) week prior to the commencement of the vacation year as set out in **Article 1501. (Article 1508)**

Part Time Employees Annual Vacation Accrual (Article 3103):

(a) Part-time employees shall earn vacation on a pro rata basis in accordance with this formula:

**Hours Paid at Regular Rate of Pay x Entitlement of a Full-time
Full-time Hours Employee**

(b) Part-time employees may select and take vacation only for the amount of vacation hours accrued, up to their EFT, in accordance with the hours earned in (a) above.

(c) A part-time employee is only able to use accrued vacation for time off up to their established EFT. Vacation pay accrued above the employee's established EFT in accordance with (a) will be taken as vacation payout at the employee's basic rate of pay at the beginning of each vacation year.

(d) Unless otherwise specified, vacation pay for part-time employees shall be for the full shift taken.

(e) Unless otherwise specified, all accrued vacation not taken during the vacation year shall be paid out by the end of the vacation year.



VACATION GUIDELINES

CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) COMMUNITY SUPPORT AND FACILITY SUPPORT COLLECTIVE AGREEMENT *(Ratified: September 23, 2022)*

For part time employees occupying more than one position refer to **Article 3201 (e) and (f)**.

For casual employees please refer to **Article 3301 (a)**.

Section III – Other Considerations

The vacation rules are for vacation planning only. Therefore, any remaining vacation that is requested for the remainder of the vacation year needs to be considered at the time of request. The approval of this request will be dependant on your operations and staffing levels.

Employees are entitled to payment of the vacation they had earned in the previous vacation year, but did not have an opportunity to take before the employment relationship was terminated. The percentages for termination reflect the accrual rates in **Article 1503**, and are paid out in the employee's last pay from the Employer. **(Article 1504)**

Employees shall be given the opportunity to request remaining unscheduled vacation entitlement by November 15th of each year. This process is in place to ensure that those employees who did not select their vacation within the department/unit during the vacation process by choice or movement etc. have an opportunity to take their accrued vacation in the time periods remaining within the vacation year. **(Article 1512)**

Employers will post a notice before November 1st in the base location each year indicating that employees need to request to schedule their remaining vacation. This scheduling process shall not alter the valid requests that remain from the initial vacation selection process, but allow employees an opportunity to select vacation in the remaining days.

Approval of these requests are based on operational requirements if there is a dispute between which employee will have the time off approved, it goes to the most senior. In the event that employees do not select or schedule their vacation by November 15th, the Employer can schedule the time for them in the remainder of the vacation year. If no time is scheduled, the vacation will be paid out in accordance with **Article 1511**.

An employee who transfers to another unit/department/site after their vacation request has been approved, shall in consultation with the employee have their vacation scheduled by the Manager of the new unit/department/site within the time periods remaining during that vacation year. (Article 1514)

When an employee transfers to another unit/department or site, any remaining vacation that was previously approved is no longer valid. The Manager of the department/unit shall consult with the employee regarding the remaining time available for the vacation year in order to schedule their remaining vacation. Where the vacation is not scheduled – then **Article 1511** would apply.



VACATION GUIDELINES

CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE) COMMUNITY SUPPORT AND FACILITY SUPPORT COLLECTIVE AGREEMENT *(Ratified: September 23, 2022)*

In the event that an employee is hospitalized during **their** vacation, it shall be incumbent upon the employee to inform the Employer as soon as possible. In such circumstances the employee may utilize income protection credits to cover the hospitalization period and the displaced vacation shall be rescheduled. Proof of such hospitalization shall be provided if requested. **(Article 1515)**

Where an employee is subpoenaed for jury duty or is in receipt of WCB benefits during **their** period of vacation, there shall be no deduction from vacation credits and the period of vacation so displaced shall be rescheduled at a time mutually agreed between the employee and the Employer within the available time periods remaining during that vacation year.

The paid time off that an employee receives under the ten “10” or twelve (12) hour shift pattern is to correspond exactly in hours to the paid time off a seven and three-quarter (7.75) hour shift pattern. (Article 1516)

This language was previously captured in the letters of understanding for ten (10) and twelve (12) hour shifts. As the language in the LOUs were moved into the body of the new collective agreement, this language was also added to confirm that employees who work ten (10) and twelve (12) hour shifts are entitled to be paid their vacation taken in accordance with **Article 1505**. Ten (10) and twelve (12) hour employees are only entitled to take vacation for the hours they have accrued in accordance with **Article 1503** and for the full shift (unless specified elsewhere in the collective agreement e.g. inclement weather).

An employee requested to report to work on a scheduled day of vacation shall receive double time for all hours worked and the vacation day will be rescheduled **at a time mutually agreed between the employee and the Employer. Where this is not possible, the provisions under Article 1512 shall apply. (Article 1517)**

Employees should only be asked to work on a scheduled vacation day after all other avenues for filling additional available shifts/hours have been exhausted and before mandating.

Part time employees can request to work during their vacation. See part time duties. **(Article 1517)**

Long Service Recognition – Vacation Effective April 1, 2009

In recognition of length of service, each full-time employee shall receive one additional week of vacation (5 days) **in their twentieth (20th)** year of continuous service, and on each subsequent fifth (5th) (i.e., 25th, 30th, 35th, 40th, etc.) anniversary of employment. The additional five (5) days shall be granted in the vacation year in which the anniversary date falls and are not cumulative. **(Article 1518)**

Part-time employees shall be entitled to a pro rata portion of this benefit. **(Article 1518)**