

DRAFT GUIDELINES FOR FILLING SHIFTS, REASSIGNING, MANDATING OVERTIME AND TEMPORARILY TRANSFERRING NURSES COVERED BY THE MNU COLLECTIVE AGREEMENT

Applicable to: Employers outlined in Appendix D of the MNU Collective Agreement.

1. Nurses who are willing to work additional shifts shall make their availability known to the Employer by marking themselves available as per site/Employer guidelines. These guidelines shall include a mechanism that allows for nurses to readily view and apply for available shifts at their site/Employer.
2. The Employer also invites nurses to follow one of the following processes if they are willing to work additional shifts at another site/Employer/EO:
 - i. Nurses who already hold casual status with the Employer must notify the Employer or Site, as applicable that they hold a part-time position with another Employer within the *Employer Organization in writing, one full scheduling period prior to pre-booking.
 - ii. Nurses who do not hold casual status at another Employer within the *Employer Organization, and are interested in doing so, must contact the Employer and advise in writing that they wish to obtain casual status. The nurse must meet the qualifications required, possess the required skill set to perform the work and there must be an operational need for the nursing resources
3. Additional Available Shifts both at straight and overtime rates shall be offered in an equitable manner, over the scheduling period.

Filling Unscheduled Available Shifts

A. Anticipated Unscheduled Available Shifts (“AUA Shifts”)

(Such as vacancies, LOA’s, vacation)

1. Nurses must identify that they wish to work additional hours.
2. Nurses must enter availability as per site scheduling practices and timelines.
*Note it is important for nurses to only make themselves available for shifts they are willing to work.
3. Shifts shall be distributed as equitably as reasonably possible within the scheduling period as per 10 a-k below, provided the nurse is qualified and able to perform the required duties.

4. Relief Team/Float Pool nurses may be assigned prior to awarding additional shifts in accordance with Article 15 – Shift Schedules.
5. Regional Float/Relief Nurse may be assigned up to their EFT prior to awarding additional shifts in accordance with Article 15 – Shift schedules.
6. Nurses on layoff up to their EFT for the first three (3) years of layoff.
7. Provincial Travel Nurse Team may be assigned shifts up to their EFT prior to awarding additional shifts, travel reasonability will be applied when awarding shift assignments.
8. Once the above (5-7) have been completed, shifts shall be awarded in the following order:
 - a. Part-time nurses home unit – See [Definitions](#), of the same classification.
 - b. Part-time nurses within program, of the same classification (including Float Pool/Relief Teams).
 - c. Part-time nurses within the site of the same classification.
 - d. Part-time nurses external to the site, within the same classification, same Employer.
 - e. Part-time nurses with another Employer **and** casual plus with the Employer, (**Casual Plus nurses – See [Definitions](#)).
 - f. Nurses on layoff above their EFT but up to 1.0
 - g. Casual site nurses.
 - h. Nurses on a Leave of Absence but available for Additional Available Shifts (Unpaid Maternity/Parental Leave, Education Leave, etc.).
 - i. Part-time nurses within the Provincial Travel Nurse Team (when the site being scheduled at is one of their identified sites); travel reasonability will be applied when booking shift assignments.
 - j. Casual nurses within the Provincial Travel Nurse Team (when the site being scheduled at is one of their identified sites); travel reasonability will be applied when booking shift assignments.
 - k. If the Employer decision is to fill with an alternate classification, repeat order as above.
9. AUA shifts that are not signed up for and awarded as above, will be open to any nurse, who makes themselves available on a first come basis.
10. The finalized shift schedule for the posting period is posted at the end of the week prior to the posting period.

If Employer is not successful in filing the shift(s) as per above, proceed as follows:

- a. Consider offering overtime.
- b. Consider voluntary reassignment.
- c. Consider involuntary reassignment.

B. Unanticipated Additional Available Shifts (“UUA Shifts”)

(Such as sick calls, bereavement leaves)

1. Nurses must identify that they wish to work additional hours.
2. Nurses must enter availability as per site scheduling practices and timelines.
*Note it is important for nurses to only make themselves available for shifts they are willing to work.
3. Shifts shall be distributed as equitably as reasonably possible within the scheduling period as per 4 a-k below, provided the nurse is qualified and able to perform the required duties.

4. Relief Team/Float Pool nurses may be assigned prior to awarding additional shifts.
 - a. Nurses on layoff up to EFT
 - b. Part-time nurses home unit, of the same classification
 - c. Part-time nurses within program, of the same classification (including Float Pool/Resource Teams)
 - d. Part-time nurses within the site of the same classification.
 - e. Part-time nurses external to the site, within the same classification, same Employer.
 - f. Part-time nurses with another Employer **and** casual plus with the Employer, (**Casual Plus nurses – See [Definitions](#))
 - g. Nurses on layoff above their EFT but up to 1.0
 - h. Casual site nurses
 - i. Nurses on a Leave of Absence but available for Additional Available Shifts (Unpaid Maternity/Parental Leave, Education Leave, etc.)
 - j. Part Time Nurses within the Provincial Travel Nurse Team (when the site being scheduled at is one of their identified sites); travel reasonability will be applied when booking shift assignments.
 - k. Casual Nurses within the Provincial Travel Nurse Team (when the site being scheduled at is one of their identified sites; travel reasonability will be applied when booking shift assignments.
 - l. If Employer decision is to fill with an alternate classification, repeat order as above.
 - m. Consider voluntary reassignment of nursing staff, in accordance with Article 2804
 - n. Consider offering of overtime
 - o. Consider involuntary reassignment of nursing staff, in accordance with Article 2805

- Any shifts not awarded in # 4 a to k above, shall be open to any qualified nurse who makes themselves available on a first come first serve basis.

AUA and UUA shifts posted and awarded due to a nurse's scheduled surgery and/or date of a specialist medical appointment (Article 2309) or Compassionate Care Leave (Article 2416 (f)), shall be clearly identified as being subject to 48 hours' notice of cancellation in order for the Employer to cancel the awarded shifts.

C. Overtime

If Employer has determined to fill the shift at overtime rates, the Employer will contact nurses in accordance with their current established practices.

1. Nurse must be eligible for overtime with the Employer to be paid overtime rates.
2. Overtime shifts shall be distributed as equitably as reasonably possible within the scheduling period below, provided the nurse is qualified and able to perform the required duties as follows:
 - a. Full-time and Part-time nurses eligible for overtime, home unit, of the same classification
 - b. Full-time and Part-time nurses eligible for overtime, within program, of the same classification (including Relief Team/Float Pool)

- c. Full-time and Part-time nurses eligible for overtime, within the site of the same classification.
- d. Full-time and Part-time nurses external to the site who are eligible for overtime, within the same classification, within the Employer.
- e. Casual site nurses including Part-time nurses with another Employer **and** casual plus with the Employer, (**Casual Plus nurses – See Definitions)
- f. Full-time and Part-time Nurses within the Provincial Travel Nurse Team (when the site being scheduled at is one of their identified sites); travel reasonability will be applied in awarding shift assignments
- g. Casual Nurses within the Provincial Travel Nurse Team (when the site being scheduled at is one of their identified sites); travel reasonability will be applied in awarding shift assignments
- h. If Employer decision is to fill with an alternate classification, repeat order as above.

D. Other considerations

1. Consider voluntary reassignment of nursing staff (in accordance with Article 2804) 2 Consider involuntary reassignment of nursing staff (in accordance with Article 2805)
2. Consider alternate non-nursing classification as appropriate.
3. Agency Nurses
4. Consider use of out-of-scope nursing or management staff
5. Nurses who are on paid time off such as vacation, stats, or banked time off as last resort prior to mandating of overtime.
6. Mandating Overtime (see summary below)

DEFINITIONS:

- Employer:** The legal entity with whom the nurse is employed as listed in Appendix “D” under the Employer List Column.
- Direct Operations: Sites / Programs within the Employer Site List as Direct Operations in Appendix D.
- Non-Transferred: Employers within the Employer Organization that is not part of Direct Operations in Appendix D.
- Site:** The program(s) or facility(s) within the Employer as listed in Appendix “D” under the Site List column.
- Home Unit:** The unit in which the nurse owns an FTE.
- Casual Nurse:** For the purposes of this Memorandum of Understanding, a nurse who holds Casual Status with an Employer, and does not hold an EFT position with any other Employer within the *Employer Organization.

Casual Plus Nurse: For the purposes of this Memorandum of Understanding, a nurse who holds Casual Status at an Employer and holds a Part-time EFT position at another Employer within the same *Employer Organization

A Full-time nurse cannot be considered Casual Plus.

***Employer Organization WCRHEO & SHEO:** A nurse who holds an EFT position at Shared Health Employers Organization (within the geographic region of Winnipeg) and who holds casual status at a facility/site within the Winnipeg Churchill Health Region Employers Organization (within the geographic region of Winnipeg) will be considered Casual Plus. A nurse who holds an EFT position at a facility/site within the Winnipeg Churchill Health Region Employers Organization (within the geographic region of Winnipeg) and who holds casual status at Shared Health Employers Organization (within the geographic region of Winnipeg) will be considered Casual Plus

0 EFT PT Nurse (applicable to WCHREO and SHEO): A nurse who holds an EFT at a site and who works additional available shifts at another site with the same Employer.

Reassignments in the Event of Staffing Shortages

Nurses can be reassigned for a staffing shortage (i.e. staff absence, increase in acuity or patient census). For multi-site Employers, nurses can be reassigned to a nursing unit in any site within the Employer (within a 50 km radius, or greater if mutually agreed between the Employer and the nurse). For single-site Employers, nurses can be reassigned to a nursing unit within the same site/facility/program.

Consider the nurse(s) that most closely meets the skillset (or in cases where a nurse does not have the specific current competency for that similar patient/resident/client base, only assign functional tasks or assign them to work directly with a nurse on that unit) to deliver safe patient care. If a nurse is being reassigned, the reassignment should be done as close to the start of the shift as reasonably possible, to ensure that all other options are exhausted first. Reassignment does not apply on the unit of the need. Reassignment applies to nurses from other units that have shifts that can be reassigned to the area in need.

Premiums are applied as per Article 2804.

Refer to the below section for the process surrounding voluntary reassignments for staffing shortages.

1. VOLUNTARY REASSIGNMENTS IN THE EVENT OF F STAFFING SHORTAGES (ARTICLE 2804)

Nurses can be reassigned for a staffing shortage on a nursing unit in any site within the Employer. For multi-site Employers, nurses can be reassigned to a nursing unit in any site within the Employer (within a 50 km radius, or greater if mutually agreed between the Employer and the nurse). For single-site Employers, nurses can be reassigned to a nursing unit within the same site/facility/program.

Reassignment does not apply on the unit of the need. Reassignment applies to nurses from other units that have shifts that can be reassigned to the area in need. The principle of reassignment is moving of shifts not additional shifts/hours on the same unit.

Before reassigning a nurse for a staffing shortage, the Employer shall take the reasonable steps available to management to fill the vacant shift, based on relevant factors/circumstances including, but not limited to: timing and circumstances of the vacant shift, maintenance of patient care, and wellbeing of nursing staff. Where the Employer is unable to fill vacant shifts through other means, in accordance with the Collective Agreement, the Employer shall then seek volunteers for reassignment, to be applied equitably (on a quarterly basis).

If no nurses are willing to be reassigned voluntarily, refer to the below section for the process surrounding involuntary reassignments for staffing shortages.

2. INVOLUNTARY REASSIGNMENTS IN THE EVENT OF STAFFING SHORTAGES (Article 2805)

Where no nurse has accepted the reassignment on a voluntary basis as per 2804 B., the Manager can consider involuntary reassignment. It is important to note that involuntary reassignment is not considered mandating overtime.

Before involuntary reassignment of nurses, the Employer shall first seek volunteers to work the necessary shift(s) on the basis of voluntary eligible overtime amongst nurses who have documented their availability per the site process to work in the receiving unit for the shift(s). No nurse shall be compelled to accept reassignment where nurses volunteer to work those shifts on the basis of overtime compensation.

For multi-site Employers* only: Where the Employer contemplates compulsory reassignment from a separate sending site, the Employer shall first offer overtime to nurses (of the same qualifications as potentially reassigned nurses), before compelling reassignment from the same sending site. No nurse will be compelled to accept a reassignment greater than 50 kms from their regular facility/program/site/unit.

Where the Employer is required to reassign nurses involuntarily, determine the nurse(s) that are scheduled to work shift(s) on the day(s) where coverage is required. Consider the nurse(s) that most closely meets the skillset required to deliver safe patient care. Advise the nurse(s) that they are being reassigned and indicate clearly the shift(s) so reassigned. Ensure payroll coding for the applicable premiums, as outlined in Article 2805, are applied. Involuntary reassignment of nurses, regardless of classification, shall be assigned equitably, on a quarterly basis.

***To confirm if an Employer is multi-site, see Appendix "D" – Site List.**

3. MANDATING OVERTIME

3.1 Mandating occurs when a nurse is eligible for overtime. Before the Employer considers mandating a nurse to work overtime, all other options should be exhausted, as outlined in the above

sections. If all of these options have been exhausted, and there is a potential patient safety or safe workload issue then the Employer has the right to mandate overtime.

3.2 A nurse is obligated to work their assigned EFT but cannot normally be “required” to work additional shifts above that EFT commitment. In a critical situation in which patient safety is at issue, the Employer can mandate a nurse to remain at work (extension of shift) or require a full-time nurse to work on a scheduled day off (or a part-time nurse as per 3.1 (d) below) to ensure that the appropriate care and services continue to be provided.

Pursuant to Article 16, the Manager or designate will determine which nurse will remain at work. No nurse shall be required to remain at work for more than sixteen (16) consecutive hours (inclusive of regular and overtime hours), unless otherwise mutually agreed between the nurse and Employer, in accordance with Article 1611.

3.3 Who Can be Mandated to Work Overtime and Under What Circumstances?

- a. A full-time nurse who is currently on duty can be mandated to stay and work the overtime.
- b. A part-time nurse who is currently on duty can be mandated to stay and work the overtime.
- c. A casual nurse who is currently on duty and completed a full shift can be mandated to stay and work the overtime.
- d. A full-time nurse who is NOT currently on duty can be mandated to report for work and work the overtime. This is because a full-time nurse has scheduled days off so they can therefore be mandated to work on one of those scheduled days off.
- e. A part-time nurse who is NOT currently on duty CAN ONLY be mandated to report for work and work overtime when they have worked/been scheduled the equivalent of full-time hours in the defined period. This is because a part-time nurse has scheduled days to work so they cannot be required to report for work on a day that they are not scheduled to work.
- f. A casual nurse who is NOT currently on duty CANNOT be mandated to report for work, whether at straight time or overtime because of the nature of the casual employment relationship.

What Happens if a Nurse Says No?

- a. Overtime that is being mandated must be of a “critical” nature. Safe patient care would meet that requirement, but Employers can expect to be challenged by nurses to defend the decision to mandate a nurse to work overtime.
- b. The Employer should anticipate some of these objections being raised and should take these issues into account when deciding which nurse will be mandated to work the overtime shift. Discipline cannot be considered if the nurse has a legitimate and valid reason for refusing the mandated overtime. The Employer has the right to ask appropriate questions to determine the validity of the mandating refusal. Staff who continue to refuse without adequate reason should be advised that if they refuse and leave the facility or refuse not to report for a mandated shift, they may be subjected to disciplinary action which may include a report to the appropriate College. If you have a nurse identifying a right to refuse under The Workplace Safety and Health Act, the Act sets out a specific procedure that must be followed in a work refusal situation. It is important that workers, Employers, supervisors, and health and safety representatives understand this process. For more information, refer to The Workplace Safety and Health Act.

- c. In the interest of patient safety, the principle of work now, grieve later should prevail.

4. TEMPORARY TRANSFERS

There may be circumstances where due to a need for additional nurses at a facility/program/site on a sporadic or episodic basis, nurses may be temporarily transferred within and between Employers Organizations. In such cases, your site Human Resources must be consulted to ensure the provisions of Article 4204 B. Temporary Transfer of Nurses are adhered to.

Examples:

1. Nurse holds .5 EFT (Part-time status) at St. Boniface Hospital and picks up additional available shifts (casually) at Victoria Hospital. This Nurse is identified as Casual Plus at Victoria Hospital.

The nurse holds a part-time EFT at a non-transferred site under one Employer, and picks up additional shifts at a direct operations site within the same Employers Organization.

- a. The nurse must inform Victoria Hospital in writing that they are a Part-time employee with St. Boniface Hospital
- b. The nurse must be offered shifts prior to any casual nurses as listed above for the AAS or UAAS processes.
- c. The Nurse is not eligible for overtime until such time the nurse works the normal full-time hours in two (2) consecutive bi-weekly periods with each Employer.

2. Nurse holds 0.7 EFT (Part-Time) at Victoria Hospital and picks up additional available shifts at Grace Hospital. This nurse's status is still Part-time. In SAP, the Nurse is identified as 0.00 EFT Part-time Nurse at Grace Hospital. The nurse holds a part-time EFT at a site under one Employer, and picks up additional shifts at another site under the same Employer within the same Employers Organization

- a. The nurse must be offered shifts prior to any other part-time nurse from a non-transferred site (casual plus) or casual status nurse.
- b. The nurse is eligible for overtime once the nurse works the normal full-time hours in two (2) consecutive bi-weekly periods with the Employer.

3. Nurse holds 0.8 EFT at Selkirk Regional Health Centre and picks up additional available shifts (casually) at Betel Home Selkirk. This nurse is identified as Casual Plus at Betel Home Selkirk.

The nurse holds a part-time EFT at a direct operations site under one Employer, and picks up additional shifts at a non-transferred site within the same Employer Organization.

- a. The nurse must inform Betel Home Selkirk in writing that they are a Part-time employee with Selkirk Regional Health Centre.
- b. The nurse must be offered shifts prior to any casual nurses as listed above for the AAS or UAAS processes.

- c. The Nurse is not eligible for overtime until such time the nurse works the normal full-time hours in two (2) consecutive bi-weekly periods with each Employer.
- 4. Nurse holds 1.0 EFT at Boundary Trails Health Center and picks up additional shifts (casually) at Rock Lake District Personal Care Home.

This nurse is identified as Casual at Rock Lake District Personal Care Home The nurse is not eligible for Casual Plus status.

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