



Memo

To: All Locals in Provincial Negotiations
Date: July 9, 2004
Re: Seniority

The new collective agreement has made some significant changes to seniority. As a result, seniority will be calculated differently than it has in the past. Seniority will now be calculated based on date of hire for all Locals under the Provincial collective agreement. This is a change for some Locals where seniority was calculated based on hours worked. The other significant change is that seniority is now portable in manner similar to portability of sick leave banks. This change to portability of seniority also has retroactive application. As a result many members will be able to have adjustments made to their seniority date.

The new language is as follows:

- 12.01 (a) An Employee's "Seniority Date" shall be the date on which a regular or temporary Employee's continuous service within the bargaining unit commenced, including all prior periods of service as a casual, temporary or regular Employee contiguous to present regular or temporary employment.
- (b) Continuous service within the bargaining unit shall include:
- (i) service as a bargaining unit Employee in direct nursing care or community health nursing, and
 - (ii) service with any Employer with a bargaining relationship with the UNA provided that the Collective Agreement with that Employer contains a reciprocal clause.

provided there was no break in the Employee's service for longer than six months.

- (c) Seniority shall not apply during the probationary period; however, once the probationary period has been completed, seniority shall be credited from the seniority date established pursuant to Article 12.01(a).

The Circle of Seniority

The easiest way to look at seniority is draw a large circle. Inside the circle are all in-scope positions at employers (or predecessor employers) under the UNA/PHAA Collective Agreement, and any employer with reciprocal agreement. As July 1, 2004, the employers with reciprocal agreements are Alberta Cancer Cancer Board, Millwoods Shepherd's Care, and the Good Samaritan Society. UNA is still attempting to achieve reciprocal agreements with CCEBA and Bethany Cochrane.

A nurse who is in an in-scope position has full portability of seniority within the circle. If the nurse resigns her employment and leaves the circle for greater than six months, seniority is broken.

Another way of looking at seniority is to consider the parameters and restrictions surrounding seniority.

Parameters/Restrictions

- The work must have been within the scope of the bargaining unit (Undergraduate Nurse, Graduate Nurse, Staff Nurse, Assistant Head Nurse, Head Nurse, not management or "out-of-scope")
- The worksite must have been or is currently a unionized work site and the collective agreement must contain language which permits portability of seniority ("reciprocal agreement").
- The Employer must be the Regional Health Authority or another Employer (eg. Caritas, Good Samaritan Society, Alberta Cancer Board)where the collective Agreement contains the reciprocal agreement). Examples of Employers where a reciprocal agreement does not exist would include VON, Central Park Lodges, Extendicare, etc. Non unionized worksites would include Rimbey Hospital, Raymond Hospital, physician offices, etc. Unionized worksites that would not be eligible would include unionized colleges, universities, etc.

- Periods of employment with predecessor Employers, eg. Camsell Hospital, Salvation Army Grace Hospital, Empress Hospital, Holy Cross Hospital would be recognized.
- The Employee must not have a break in service (resignation) of more than 6 months.
- Leaves of absence (eg.: maternity leave, education) or other absences (illness, injury) are not breaks in service.

Examples

- i) A nurse was hired at the Royal Alexandra Hospital on June 3, 1975, she resigned in 1988 and was immediately hired at the Calgary General Hospital. On July 24, 1990, she resigned and was immediately hired at the Foothills Hospital. Her seniority date will be June 3, 1975
- ii) A nurse was hired at Royal Alexandra Hospital on June 3, 1975. She resigned in 1988, and took two years off. On July 24, 1990, she was hired as a community nurse at the Red Deer Health Unit. On October 18, 1999, she resigned and two weeks later began working at the Lethbridge Regional Hospital. Her seniority date will be July 24, 1990.
- iii) A nurse was hired at the Royal Alexandra Hospital on June 3, 1975. On July 24, 1990, she resigned and was immediately hired at a physician's private clinic. On January 12, 2003, she was hired at the Sturgeon General Hospital. Her seniority date will be January 12, 2003.

Questions and Answers

Q: How and when can an Employee have prior periods recognized?

A: The onus is on the Employee to gather proof of previous employment, which should then be submitted to the Local Executive. If the proof of employment is acceptable to the Local, the Employer will be asked to adjust the Employee's seniority date.

Under Article 12.04 (a) (i) the Employer will issue seniority lists within three (3) months of date of signing of this Collective Agreement. The Union then has three (3) months to submit corrections to the Employer. While Employees should be encouraged to start accumulating their information, the Employer may not issue a new list for some time.

Q: What documentation is needed?

A: Employees should be encouraged to check their current personnel file for any letter or letters from previous Employers (eg. "Record of Employment", Letter of Hire,

written statement of sick leave credits or vacation entitlement ported from a former Employer).

Article 13.03 of the collective agreement states “By appointment made at least two (2) working days in advance, exclusive of Saturday, Sunday or Named Holidays, an Employee may view her or his personnel file on request, on-site and in the presence of a person authorized by the Employer. An Employee may be accompanied by a Union Representative when viewing the Employee’s personnel file.” So the employer must provide the file to the employee at the employees normal place of work.

Q: What if my former Employer doesn't exist (eg. Holy Cross Hospital) or refuses to provide information to assist in validating prior employment?

A: Contact UNA Provincial Office. Perhaps a Freedom of Information and Protection of Privacy (FOIPP) request can be initiated or other options pursued.

Q: What if my work was in one region and I now work in another?

A: Provided the work was in-scope and there was not a break of more than 6 months seniority would be recognized.

Q: What happens with out-of-scope periods of employment?

A: Article 12.05 relates to going "out of scope" into a management position with the same Employer. Going from in scope at Lethbridge to out of scope in Calgary would constitute a break. Going from in-scope to out-of-scope with the same Employer will mean that prior period is recognized, but the Employee will not accrue seniority for the out-of-scope period.

NOTE: Article 12.05 does not have retroactive application so individuals who went from in-scope to out-of-scope with what is now the same Employer (eg. in-scope at Foothills Hospital to out-of-scope community in Calgary for more than 6 months and then returned in-scope at the Foothills) would not be entitled to previous seniority.

Q: What is not eligible for recognition? What creates a break - triggers the start of a new seniority date?

A: Anything prior to a 6 month break in service
Non-UNA unionized worksite (eg. Brooks Hospital)
Employment at a non unionized worksite of more than 6 months (eg. Raymond Hospital, physician office)
Unionized worksites where a reciprocal agreement doesn't exist (eg. Central Park Lodge)

Out-of -scope with a different Employer (if the period of time was more than 6 months before re-entering to an in-scope job)

Q: Do I get seniority if the site was organized but with a different union - eg. SNAA, CEP, AUPE, other staff associations?

A: If the other union was a predecessor to UNA representation, then the answer is yes. For example, if you were represented by AUPE as a mental health therapist and are now in UNA because of Bill 27, your previous experience will count for seniority.

However, only time within the scope of the bargaining unit would be recognized. There are Employees who remained with the same Employer but worked as an LPN, aide, etc. prior to becoming an RN or RPN. Seniority is only recognized for the portion of employment where the Employee was performing work within the scope of the bargaining unit (ie: Undergraduate Nurse, RN/RPN, Assistant Head Nurse, Head Nurse/Instructor).

Q: Do I get my seniority for going to teach at the college?

A: An Employee who maintains their employment relationship (either by taking a leave of absence or continues to work full-time, part-time or casual) under the UNA collective agreement would maintain accrued seniority. An Employee who quits and works for the college for more than 6 months would sever prior seniority.

Q: What if a non-unionized worksite becomes unionized?

A: Provided reciprocal language exists in the Collective Agreement then Employees who previously worked at that worksite will have another opportunity for recognition and adjustment of their seniority date.

Q: What if a unionized worksite doesn't have a reciprocal agreement, but obtains one in the future?

A: Then another opportunity for recognition and adjustment will occur.

Q: If seniority is portable can I bump to another region?

A: No. Article 15 Layoff and Recall is limited to the bargaining unit (the Employer). Individuals cannot displace Employees in another bargaining unit.

Q: I am applying for a position at another Employer. Can I use my seniority to obtain that position?

A: No. If you are successful, you will be able to port your seniority, but you cannot use seniority to obtain a position at another Employer.

Q: I am a casual employee. If I move to another Regional Health Employer, can I bring my seniority?

A: Yes. Once you are hired by the other Health Region, all your previous experience, including full-time, part-time, temporary and casual will be credited for seniority.