



USW Locals 2010
& 2010-01



*EdCom Session on
Additional Hours of Work,
Overtime/Lieu Time, &
Averaging (non-conforming hrs)*

May 21st, 2014

*Are you getting what you're owed?
If NOT... please let us know!*





**Why should we care about “overtime” and
how it impacts us
especially when many of us welcome the added wages?**

Giving your personal time to the Employer without compensation can result in the following:

- ◆ What becomes expected by the Employer becomes common practice and could later be subject to discipline if refused
- ◆ Recurring additional duties can be mistaken as part of your current job description resulting in increased workload for the same compensation



**Why should we care about “overtime” and
how it impacts us
especially when many of us welcome the added wages?**

- ◆ The work you complete on top of your regular workload takes potential jobs away from other workers. Employers should hire and train new employees rather than continually relying on overtime
- ◆ It's unhealthy both physically and mentally to work extended periods of time without proper time off. The expanded workweek can lead to exhaustion and stress-related health problems. According to the National Institute for Occupational Safety and Health (NIOSH) there is risk of muscle and skeletal disorders, heart disease, depression, and burnout [<http://www.cdc.gov/niosh/>]



Article 20.03

What are considered “normal” hours of work for full-time Employees?

- 35 hours per week @ 7hrs per day, or
- 37.5 hrs per week @ 7.5 hrs per day, or
- 40 hours per week @ 8 hrs per day

Normal core operation hours are:

Monday to Friday, 8:30am - 4:30pm



7 hours per day or more = 1 hour *unpaid* lunch, and two 15 min paid breaks

Monday to Friday = days 1 to 5

Saturday = day 6

Sunday = day 7

***The majority of our
Membership, fall into this
category!***



Article 20.24

How does it work for part-time Employees?

Normal core operation hours are:

Monday to Friday, 8:30am - 4:30pm

7 hours per day or more = 1 hour *unpaid* lunch, and two 15 min paid breaks

Monday to Friday = days 1 to 5

Saturday = day 6

Sunday = day 7

NOTE: Compensation overtime rates do not apply until an Employee has worked a minimum of 35 hours; above 35 hours is compensated at 1.5 and/or 2.0 as applicable.

NOTE: if you have worked your regular 5-day work week (less than 35hrs reached), then the 6th or 7th consecutive work day will be compensated at 1.5 or 2.0 as applicable.





Temporary Schedule Changes

ARTICLE OF CONCERN

Article 20.05 a

- If your regular hours of work per day, or work per week, are to be changed on a temporary basis, the Employer will provide 10 business days notice.
- If there is an emergency outside the Employer's control, they can utilize this clause in less than 10 business days.
- The Employer can use this clause a MAXIMUM of 10 business days per calendar year, per employee.



Permanent Schedule Changes

Article 20.06

- If your regular hours of work per day, or work per week, are to be changed on an ongoing basis, the Employer will provide 40 business days notice.
- The Employee can agree in writing to accept the permanent changes sooner than 40 days, if you so wish.



Articles 20.23 a & b

***Some* of our Members hold non-conforming hours of work positions!**

Averaged Employees are frequently required to work non-conforming hours in their positions

- Could be averaged over an academic TERM, or
- Could be averaged over a calendar YEAR, or
- Could be averaged over a BUSINESS TERM (i.e. 6 months; 2 terms/yr; e.g. IRC)

If you are considered an “averaged Employee”, you should have been notified by letter by Human Resources.





Article 20.23(a) – Employees Covered by Averaging

- Certain work units and positions will have times of the year where their normal weekly hours vary widely above the 35, 37.5 or 40 per week. An employee who works in excess of their standard weekly hours, averaged over an **academic TERM**, will be entitled to lieu time scheduled to the employees preference when possible.
 - **NOTE:** Lieu time is calculated at a rate of 1.5 or 2.0 as applicable.
 - **NOTE:** Some Academic terms are 4-month periods; others are 6-month terms.
- ◆ In no case shall any employee be required to work in excess of 60 hours per week
 - ◆ Any person who works 16 hours in a row is entitled to 8 hours off before returning to work.



Article 20.23(b) – Employees Covered by Averaging in the ARC

For the INTER-UNIVERSITY, MARKETING & COMMUNICATIONS, AND EVENTS UNITS IN THE **ARC**

- Members employed in the ARC will have times of the year where their normal weekly hours vary widely above the 35, 37.5 or 40 per week. An employee who works in excess of their standard weekly hours, averaged over an **academic YEAR**, will be entitled to lieu time scheduled in the “off season”.
- **NOTE:** Lieu time is calculated at an hourly rate of 1.0, taken at pre-set time periods.

- ◆ Again, employees falling into the averaging category in the ARC, have received letters of notification from the Employer.



What constitutes “overtime” and what doesn’t?

Article 20.16 to Article 20.20

- ◆ Overtime is NOT casual and unauthorized. Coming in early, going home late working over lunch or breaks without authorization from the department head is NOT overtime.
- ◆ Overtime is authorized in advance; it should be distributed equally amongst employees and on a voluntary basis among people who normally do the work. It does not begin until an employee has worked at least 15 min over their regular time. Overtime should never be the “normal” operation of a department.





How does Lieu Time work?

LIEU TIME Article 20.21(a)



- Overtime taken as lieu time is accumulated as follows for each hour of overtime worked:
 - **1.5 times the time worked for overtime on Mondays to Saturdays**
 - **2.0 times the time worked for overtime on Sundays**
- **For employees whose schedule does not fall with the normal core work week,** you are entitled to accumulate at a rate of 2.0 times for each hour of overtime worked on the 7th day in a work week, when you have also worked the 6th day in that work week.



How does an “overtime payment” work?

Article 20.21(b-c) - The Overtime Bank and payment

- Each employee has an overtime bank. The total in your bank may not exceed the number of hours in your regular work week. Overtime that exceeds that limit shall be paid on the next applicable pay date at the overtime rate of:
 - **1.5 times the regular hourly rate for overtime on Mondays to Saturdays**
 - **2.0 times the regular hourly rate for overtime on Sundays**

NOTE: The maximum hours that can be stored in your Overtime Bank is 35.

NOTE: Manager's do have the discretion to pay you out, if they choose.





Variations on the Work Day

Articles 20.08 to 20.10 - Flexible hours of work



- Employees and managers can design, approve and renew flexible work hours such as compressed lunch or work weeks
- Lieu time accrued under this arrangement, must be mutually agreed upon between Member and Manager **and** taken within the calendar year
- Such arrangements may not be operationally feasible in some work units
- These arrangements must also be cost neutral to the Employer and they cannot trigger “overtime”



Variations on the Work Day



Article 20.11 – Call-Back

If you are called back to work once your day is over you are entitled to call back pay. Which is 1.5 times the regular hourly rate. There is a 4 hours min that must be paid regardless as to whether you work for 4 hours.

Article 20.11 – Log-on/Telephone Consultation Pay

If you are required by the employer to log on from home or a remote location outside of work hours for at least 15 min you are entitled to 1.5 time the regular hourly rate with a min of 1 hour that must be paid.



Variations on the Work Day

Article 20.13 to 20.15 – On-Call



- If you are assigned to be on-call by the Employer, you will be advised 10 business days in advance unless an emergency arises
- You will be paid 1 hour regular hourly rate (1:1) for each 8-hour period that you are on-call
- If you scheduled to be on-call on your regular day off or a Statutory Holiday, you will be paid 1 hour regular hourly rate (1:1) for each 6-hour period that you are on-call
- You are to be provided the proper communication device when on-call and you must respond immediately
- If you are contacted by phone and are able to respond on-line or by phone, rather than reporting to work, you are entitled to log-on/telephone consultation pay



Working Odd Hours

Article 20.26 – 20.27 - Shift Differential

This typically applies to units that operate 24 hours such as the central heating plant

- Employees whose work begins at 4:00 pm or later receive a shift premium of \$0.45 per hour.
- Employees whose work begins at midnight or later receive a shift premium of \$0.50 per hour.





Working Odd Hours

Articles 20.28 – 20.29 - Weekend Premium

Actually not sure who this applies to! Have you ever received this?

- Employees required to work weekends receive a shift premium of \$0.50 per hour on Saturdays and \$1.55 per hours on Sundays.
- There is no duplicating or pyramiding of overtime or premium payments.





Promotion, Change of Department, or Termination

Article 20.30 a-b

- If promoted, terminated, or a change of Department, the Employee is paid for all accrued lieu time, vacation, travel credits, and any other similar entitlements that were authorized.



Article 20.22

Normal Weekly Hours:	Annual Hours:	Hourly Rate Calculations:
35	$35 \times 52 = 1820$	Annual Salary \div 1820
37.5	$37.5 \times 52 = 1950$	Annual Salary \div 1950
40	$40 \times 52 = 2080$	Annual Salary \div 2080

Example: your annual salary is \$48,999 and you work 35 hrs/wk then your hourly rate would be: **\$26.92**

Definitions – Normal Hours



Categories:	Employee Status:	Definitions:	Calculations:
Additional Hours of Work (<u>under</u> 35hrs/week)	Part-time (e.g. 50% time), <u>or</u> Reduced Responsibility Appointments (e.g. 80% time)	Employee's working less than full-time, or on reduced responsibility appointments, may be subject to additional hours of work	Paid at an employee's regular hourly rate up to and including the 35 th hour in a work week (1:1), <u>or</u> taken as lieu time
Additional Hours of Work (<u>over</u> 35hrs/week)	Part-time (e.g. 50% time), <u>or</u> Reduced Responsibility Appointments (e.g. 80% time)	Employee's working less than full-time, or on reduced responsibility appointments, may be subject to additional hours of work	Overtime calculated only when the hours worked exceed 35 hours in a work week (1.5 or 2.0), <u>or</u> taken as lieu time
Overtime	Full-time Part-time (<i>have exceeded 35 hours +</i>) Reduced Responsibility Appointments (<i>have exceeded 35 hours +</i>)	Time worked by an employee outside of their regular weekly hours, that has been APPROVED by their Manager	Compensated by pay at a rate of 1.5 or 2.0 times the employee's regular hourly rate
Lieu Time	Full-time Part-time (<i>have exceeded 35 hours +</i>) Reduced Responsibility Appointments (<i>have exceeded 35 hours +</i>)	A form of compensation for overtime, taken as time off, for worked performed outside an employee's regular weekly hours, that has been APPROVED by their Manager	Accumulated at a rate of 1.5 and/or 2.0 for each hour of overtime worked by an employee



Parting Thoughts...
Refuse to work for nothing
Go home on time!

“No doubt unpaid overtime needs tracking. It is an increasing problem as the continuing casualisation of the workplace, the hiving off of work to private firms and the voluntary sector, and the decline of workplace organisation allows bosses to introduce ‘flexible working patterns’. That means we workers are expected to work until the job is finished regardless of whether or not that exceeds our paid hours”.

Source: <http://www.solfed.org.uk/problems-at-work-no-10-unpaid-overtime>



Questions?





Remember...



IN UNION THERE IS
Strength

