

JOINT COMMUNICATION

Multi-Employer/UNA Collective Agreement

Recommended Vacation Planning Guidelines

December 2012

1. Intent of Guidelines

- (a) Vacation Leave is intended to ensure Employees receive a break from their job responsibilities and have an opportunity to take a period of personal time, which contributes to their overall well being.
- (b) The Multi-Employer/UNA Collective Agreement (Collective Agreement) details an Employee's basic vacation rights and provides a process to enable the Employer and Employee to schedule vacation time during the course of the year. These Guidelines are intended to supplement the Collective Agreement, by providing managers and Employees with expanded information on the annual vacation planning processes described in Article 17. These Guidelines are the result of discussions of the Multi-Employer/UNA Joint Committee and are supported by both Employer and UNA representatives. Application of these Guidelines by managers and Employees will enhance the consistency, fairness and equity of the vacation planning processes.

2. Interpretation and Application

- (a) Key Terms
 - (i) **Operational Requirements** - to be defined by the Employer and may vary on a unit/program or site basis.
 - (ii) **Vacation Year** - normally defined as May 1 to April 30. May differ in some Union locals.
 - (iii) **Annual Vacation Accrual** - the amount of vacation an Employee is eligible to earn in a vacation year, as per Collective Agreement.
 - (iv) **Vacation Liability** - all vacation in an Employee's bank. Includes vacation accrual from current year; vacation carried forward from previous year(s); and supplementary vacation.
 - (v) **Carry-over** - the portion of vacation in excess of the Annual Vacation Accrual.
 - (vi) **Block** - a block of time including all regularly scheduled shifts, unscheduled days and designated days of rest. Based on the calendar and not the current shift rotation.

(vii) **Work Area** - unit, program or site, whichever is applicable.

3. Developing the Planner

- (a) The Vacation Planner (Planner) is to be a single document where each Employee is to make their vacation request for the Vacation Year.
- (b) The Planner covers the entire vacation year including Christmas, New Years, spring break and summer. The Collective Agreement language does not contemplate a separate vacation planning process for the December holiday season.
- (c) The vacation planning process is separate for each union group. However, when considering vacation requests, managers will consider skill mix issues.
- (d) All Regular and Temporary Employees in the Work Area are to be included on the Planner. Where Employees are on an approved leave of absence and are expected back to work during the vacation year, managers may call them regarding their Planner requests.
- (e) The Planner should allow for all Employees to see the requests made by other Employees in the Work Area. Listing the names of Employees in order of seniority will help Employees make informed vacation requests.

4. Guidance Numbers

- (a) On the Planner, the Manager must provide a guideline regarding the reasonable number of Employees in the Work Area that can be granted vacation at the same time. The purpose of providing this guideline is to assist Employees in choosing their vacation preferences in such a way as to optimize vacation approvals.
- (b) The manager must determine the number appropriate for their specific Work Area. For example:
 - In a unit with 80 nurses, it would not be considered reasonable to only grant two people vacation at any given time unless there are extenuating circumstances such as multiple vacancies.
 - In a department with 20 nurses, it may be appropriate to grant only two people vacation at any given time.
- (c) This number listed on the Planner is a guideline only. The actual number of individual vacation requests approved may differ from the Guideline due to a number of variables including:
 - patient safety considerations;
 - staff skill mix requirements;
 - replacement availability, ability to adjust the schedule, ability to reassign Employees from/to other areas, etc.;
 - workload issues; and
 - other absences such as Named Holidays, disabilities, vacancies, etc.

- (d) The guideline regarding the number of Employees granted vacation at the same time may vary for different times of the year. For example, it would not be unusual for the number of Employees that can be allowed vacation at the same time to be different for the summer months or for December than for other times of the year.
- (e) The guidance number should refer to the number of Employees that may be granted time off for each day/24 hours. However, the guidance number should not be identified in hours and does not need to identify different numbers for each shift. For example, if a unit can likely provide for two Employees to be off for a day shift, one for the evening shift and one for the night shift, the guidance number should be listed as four per day [see Point 8(g)].
- (f) The guidance number provided over the course of the year should mathematically cover the Vacation Liability for all Employees the Work Area for the year. It is recommended that a standard guidance number be developed as follows:
- Vacation Liability for the Work Area in days ÷ the number of operating days applicable to that Work Area in the year = base guidance number (per day)-.
 - Monday to Friday operations may use 261/days per year, while 24/7 operations may use 365 days per year as the days applicable to that Work Area in the year.
 - The guidance number can be converted to weeks by first dividing the Vacation Liability by 5 and then dividing by 52 weeks. For example, the guidance number for a Work Area with a Vacation Liability of 1300 days would be 5 Regular staff off for each week [$1300/5=260$ weeks; 260 weeks annual accrual/ 52 weeks = 5].
 - This number can then be increased or decreased for certain times of the year in accordance with estimates regarding variables such as those described in Point 4(c) above.
- (g) In instances where the manager uses the formula above to calculate their guidance numbers and because of large amounts of Carry-over, the resulting number is so high it is operationally unfeasible, the manager may put a lower guidance number on the Planner, so long as the guidance number covers the combined Annual Vacation Accrual for Employees in the Work Area. For example, the Annual Vacation Accrual for 65 Employees in a Work Area may be 1300 days; however due to historical carry-over, the Vacation Liability is significantly higher at 2080 days. Using the formula above in Point 4 (f) [$2080/261=7.9$], the resulting guidance number is 8 staff off per day (based on 261 days per year and rounded up). If the manager is unable to grant 8 Regular staff vacation due to operational reasons, they may post a lower guidance number on the Planner, provided they cover, at a minimum, the Annual Vacation Accrual of 1300 hours or 5 Regular staff off per day [$1300/261=4.9$].

5. Posting the Planner

Planners must be posted during the period of January 1st to March 15th each year.

6. Making Requests on the Planner

- (a) Employees must submit vacation preferences in writing by March 15th. Managers should indicate the process their Work Area will follow in submitting requests.

- (b) When requesting vacations on the Planner, Employees can request:
- Vacation time that will be accrued by the date of their requested vacation. For example, if an Employee wants seven days off in July, but at the time they make their request on the Planner, they only have five days in their bank, the request is allowed because as of the date the vacation will begin in July, the Employee will have accrued a total of seven days.
 - All approved carry-over.
 - All Supplementary Vacation an Employee wants to utilize in the current Vacation Year.
- (c) Employees are encouraged to request as much of their Vacation Liability as possible on the Planner (including Annual Vacation Accrual and Carry-over). At a minimum, Employees should request at least their Annual Vacation Accrual on the Planner. Where an Employee does not want to request their full Vacation Liability on the Planner, they should make a request as soon as possible after March 15th for vacation during the remainder of the Vacation Year [see Ad Hoc Requests Point 9].
- (d) If at the end of the Vacation Year an Employee has not used their full Vacation Liability, they must request to carry-over the unused vacation to the next Vacation Year [see Point 7].
- (e) It is strongly recommended that senior Employees indicate their vacation preferences on the Planner as soon as possible once the Planner is posted. This will assist Employees with less seniority in choosing their vacation preferences and will reduce the number of vacation requests that need to be denied.
- (f) The Planner is to be used only to request vacation time and should not be used to request or record any other types of time off.
- (g) Employees should begin from the premise that vacation is to be requested and approved as a single block of time. Blocks include all regularly scheduled shifts, unscheduled days and designated days of rest.
- (h) Employees may request to divide vacation into smaller Blocks. Employees should expect that requests to divide vacation into very small Blocks (e.g. every weekend off in Vacation Year) may be reasonably denied.
- (i) Employees should request Blocks of vacation rather than specific days or shifts based on the current schedule.
- (j) Blocks should be requested based on the calendar day and not on the shift rotation. Rotations may change through the course of the year.
- (k) If there is a specific time period required for an important event or for travel, Employees should ensure that the entire time period is requested on the Planner regardless of the current shift pattern, by marking off each single day within the Block. For example, if an Employee wants July 1 – 15 off as vacation, they should ask for the whole period off,

including each day within the Block (including scheduled and non-scheduled days) rather than simply asking for the dates that are currently scheduled as work days during that time. The intent is to request and receive a block of vacation time rather than individual days.

- (l) Managers should review the requests for vacation during the planning period on a regular basis to ensure that Employees are scheduling vacation. If an Employee has not scheduled any vacation and has not requested to carry forward their bank by March 15th there should be a discussion related to the requirement to take some vacation time.
- (m) The Collective Agreement does not provide for a standing, or pending request. Once a vacation request has been denied, the request is no longer active. If circumstances change such that a previously denied vacation period becomes available, the Employee will need to provide a new vacation request for consideration.
- (n) Because Supplementary Vacation does not have to be utilized in any single vacation year, Employees should only utilize the Planner to request earned supplementary vacation time that they want to utilize in the current vacation planning period.
- (o) The Supplementary Vacation is to be taken at a time mutually agreed between the Employer and the manager. However, unlike regular vacation, it is not necessary to seek agreement from the Employer should the Employee wish to carry the Supplementary Vacation from year-to-year, provided that the Supplementary Vacation is taken prior to the next significant anniversary date.

7. Requests For Carry-Over

- (a) Employees may request a portion of their Vacation Liability be carried over to the next Vacation Year. The Collective Agreement does not contemplate vacation carrying over past a one year window of time.
- (b) Any requests to carry-forward vacation into the next Vacation Year should be discussed with the manager as far as possible in advance of the next vacation planning year.
- (c) Requests to carry-forward vacation must be made by the Employee in writing and approved by the manager prior to March 15th.
- (d) As soon as possible after March 15th (deadline for Employee requests) managers should review the total vacation requested on the Planner against the Vacation Liability for the Work Area. Where an Employee has:
 - not requested their total Vacation Liability on the Planner and has also not made a request in writing to carry-forward vacation; or
 - the request for carry-over has been reasonably denied,

the manager and Employee should meet as soon as possible to discuss a mutually agreeable time to schedule the vacation at some point during the year. If a mutually agreeable time cannot be identified, then an Employee's vacation time may be scheduled by the manager in accordance with the Collective Agreement.

8. Approving Vacation

- (a) Vacation requests provided on the Planner will be approved or denied no later than April 30th. The manager will post both the approved and denied requests on April 30th.
- (b) The approved vacation schedule for the Vacation Year must be made available for Employees for the duration of the Vacation Year.
- (c) Managers will attempt to approve or deny vacation requests that fall early in the vacation planning period (for example a vacation request for the first two weeks of May) as soon as possible after March 15th.
- (d) Where all requests for vacation cannot be accommodated, seniority, relative to other Employees in the Work Area, will be the deciding factor.
- (e) All requests for vacation must be given consideration based on the information that is available to the manager at the time of the request. Where operationally feasible, managers are encouraged to grant vacation. In determining whether it is operationally feasible the manager will consider:
 - number of available and/or experienced relief staff;
 - number of Regular Employees on any given shift vs. number approved for vacation; and
 - skill mix of Employees on the unit/department (i.e. if by granting the vacation the unit/department will be left with mostly inexperienced nurses, the vacation may be denied).
- (f) Managers are encouraged to maximize the number of Employees who can be approved vacation during a day/24 hour period and during a Block. For example, on some 24 hour units, one Employee on day shift, one on evenings and two Employees on nights may be granted vacation for a total of four Employees in a 24 hour period. Similarly, managers should consider the number of Employees who can be approved for vacation during a block of time. For example, if a senior 0.4 FTE Employee requests four weeks' vacation, only a total of eight days vacation will be used during this block. Where possible, vacation should be granted to less senior Employees within that same four week Block to maximize the number of Employees granted vacation at any one time.
- (g) If an Employee requests a Block of four weeks and only three of the weeks can be granted the manager should ask the Employee if they wish those three weeks. If an entire Block cannot be granted Employees should not be required to take a partial block without mutual agreement of the change in request.
- (h) Vacation requests for Christmas or New Year's that are approved on the Planner meet the Collective Agreement requirement under Article 18.06: Named Holidays for two consecutive days off on at least one of those holidays. An Employee may request vacation on the Planner for one, both or neither of the two holidays.

9. Requesting Vacation Outside of Planner (Ad Hoc Requests)

- (a) Vacation requests submitted outside of the Planner (after March 15th) must be approved or denied within 14 days of the request. If the manager is unable to make a determination at the time the request is made, managers should deny the vacation rather than not responding at all. Employees may request the same vacation period at a later date when it may be more appropriate to make a decision (e.g. vacancies may be filled by then, more relief staff may be orientated/available on the unit/department, etc.).
- (b) If multiple vacation requests are received after March 15th for the same time period, these requests will be considered on a first come, first serve basis. If multiple vacation requests are received at the same time, then the requests will be considered in order of seniority.
- (c) Employees should begin from the premise that vacation is to be requested and approved as a single block of time. A Blocks includes all regularly scheduled shifts, unscheduled days and designated days of rest.
- (d) Employees may request to divide vacation into smaller Blocks. Employees should expect that requests to divide vacation into very small Blocks (e.g. every weekend off in Vacation Year) may be reasonably denied.
- (e) Employees should request Blocks of vacation rather than specific days or shifts based on the current schedule.
- (f) Blocks should be requested based on the calendar day and not on the shift rotation. Rotations may change through the course of the year.

10. Vacation Cancellations

- (a) Where the Employer requires an Employee to come in and work at any time during their approved vacation period (i.e. regularly scheduled days, unscheduled days or designated days of rest), this is considered a vacation cancellation. The Employer may cancel or reschedule vacation only when a critical unforeseen emergency event occurs that is beyond the Manager's control and all opportunities to replace the Employee have been exhausted. Canceling vacation is subject to the Collective Agreement provisions for the Employer (see Article 17.03(g) regarding reimbursement of all non-refundable costs).
- (b) To be fair to other Employees, requests by Employees to cancel, change, or modify their approved vacation period after April 30th should be considered only if extenuating circumstances exist.

11. Vacation Payout

- (a) Employees may request vacation payout in accordance with Article 17.03(f). The Employer cannot unilaterally choose to payout unused vacation. Provided the other limitations of Article 17.03 are met, the Employer cannot refuse an Employee's request for payout.

- (b) The amount of vacation that can be paid out is limited to the period of time that exceeds four weeks of vacation. The four week limitation can be a combination of vacation already used in the year and the time remaining in the vacation bank. For example, if an Employee has already utilized two weeks of vacation this Vacation Year and has eight weeks vacation remaining, the Employee can request to have up to six weeks vacation paid out. The four week limitation would be met with the two weeks already used and the two weeks that would be left in the bank after the payout of six weeks.

12. Other Considerations

- (a) Casual Employees earn vacation pay based upon a percentage of regular earnings and are automatically paid this percentage on the bi-weekly pay cheques.
- (b) Where Part-time Employees work additional shifts they will earn additional entitlements. This will allow them to schedule vacation days in excess of their normally scheduled workday.
- (c) Part-time Employees will only be paid for their scheduled shifts during their approved vacation blocks. To supplement their income while on vacation, a Part-time Employee may request, and their manager may agree, to provide vacation pay for all unscheduled days within their approved vacation block up to full-time hours, provided the Employee has enough vacation liability in their bank at the start of their approved block. This arrangement will not be considered a payout but instead will be coded and paid as "REGULAR VACATION". **(NOTE - Due to AHS system limitations, this will not take effect until JANUARY 15th, 2013)**
- (d) Employees cannot be on vacation and work for the same employer during their vacation period. Employees cannot agree to work additional shifts during their approved vacation periods and cannot work for the same Employers in areas other than their normal Work Area during scheduled vacation.

If you have any questions regarding this Joint Communication, please contact your applicable representative, as follows:

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