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December 13, 2023

Via Email: jimgould@bcnu.org

Mr. Jim Gould

Interim Chief Executive Officer

BC Nurses' Union

4060 Regent Street

Burnaby, BC

V5C 6P5

Without Prejudice

Dear Jim:

Re: The NBA's concerns regarding the One-Time Add Pay Application Process

As you know, the Nurses' Bargaining Association (NBA) and Health Employers Association of BC (HEABC) (together, the "Parties") agreed at bargaining to establish new increment steps for nurses at Years 10, 15, 20, 25 and 30 (the "New Increment Steps").

During ratification, the NBA advised HEABC that some nurses had expressed concerns relating to circumstances in which the New Increment Steps would not recognize their prior contributions commensurate with their years of service, for example, due to promotion language contained in the Collective Agreement.

Although the Parties had already contemplated the impacts of this language during bargaining, and despite ratification of the new Collective Agreement, HEABC continued to work with the NBA to address nurses' concerns, and the Parties agreed to replace the New Increment Steps with Year 15, 20, 25 and 30 "Add Pay", in an MOA, dated May 30, 2023 (the "Add Pay MOA").¹

Among other things, the Add Pay MOA incorporated several changes sought by the union, including an approach based primarily on seniority instead of service, and a one-time application process for two groups of nurses specifically identified as possibly having existing seniority accruals that might be limited for historical reasons. Specifically, the Add Pay MOA provided a one-time opportunity for these two groups of nurses to revise their seniority-based Add Pay eligibility date by applying to employers (the "Application Process").

As outlined in the Add Pay MOA, the Application Process was opened on October 1, 2023, and is set to close on December 31, 2023. Employers are then provided from January 1, 2023, to March 31, 2024, to process the applications received.

¹ Please see the Add Pay MOA attached.

The NBA has recently advised HEABC of several concerns raised by nurses regarding the application of the Add Pay MOA by employers. Specifically:

- That it is difficult to understand or properly complete the Add Pay Application forms;
- That it is difficult or in some cases impossible to locate supporting documentation for previous experience in some circumstances; and
- That concerns have been expressed by some nurses regarding their ineligibility as a result of the October 1, 2013, date at paragraph 8(b) of the Add Pay MOA.

HEABC suggests that the NBA's Stewards, Full-time Stewards and Stewards-at-Large are well positioned to assist nurses in fully completing and submitting their Add Pay Application forms and supporting documentation. Employers are also available for questions should additional clarification be required following support from those stewards.

Regarding the second concern, the parties agreed in the Add Pay MOA that supporting documentation would be required as part of the Application Process. Supporting documentation has also been historically required as part of long-standing Article 52 and 11.04(F)(2)(C) experience recognition processes. Despite this fact, and before the NBA raised this concern, HEABC had advised employers to take a permissive approach to the Add Pay Application Process on a without prejudice or precedent basis, in circumstances in which an applicant cannot reasonably provide supporting documentation because it is unavailable or overly burdensome to obtain. In such circumstances, HEABC advised employers to simply seek an attestation from the applicant to substantiate the missing documentation. To this end, HEABC has prepared a provincial attestation form that employers and nurses will use for the purposes of completing the Add Pay Application Process, including where a nurse cannot reasonably provide supporting documentation for all or part of their one-time application.

Finally, HEABC is prepared, on the condition that the NBA agrees to extend the timeframe for employer processing of applications (as described below), to:

- instruct employers to disregard "since October 1, 2013" from paragraph 8(b) of the Add Pay MOA for the remainder of the Application Process
- provide nurses additional time to complete and submit their applications by no later than February 29, 2024; and
- extend the time for employers to assess submitted applications to June 30, 2024.

For clarity, HEABC will instruct employers to review previously rejected applications pursuant to these revised parameters. HEABC will advise Employers to send a revised communication to **all** nurses outlining process and include a copy of, or link to, the application form.

We trust this letter meaningfully addresses the concerns raised by the NBA and provides constructive solutions to those concerns. All other aspects of the Add Pay MOA, including the Add Pay Application Process, the Collective Agreement's Article 52 and 11.04(F)(2)(C) processes, and any other aspects of the Collective Agreement will remain unchanged. Further, this letter is without prejudice and precedent to the application or interpretation of the Collective Agreement, Add Pay MOA or any other agreement between the Parties.

Upon receiving the NBA's signature below by no later than December 14, 2023, confirming agreement to the foregoing actions and modifications to the Add Pay MOA, HEABC will instruct employers as outlined in this letter and looks forward to working to complete this process.

Sincerely,



Michael McMillan
President & CEO

Agreed on behalf of the NBA:



Jim Gould
Interim CEO, BCNU and NBA Spokesperson