

Memorandum of Agreement (MOA) – Consecutive Shifts

Contract Language

The parties acknowledge the importance of fair and equitable master work schedules and recognize that there are employees who would like the opportunity to eliminate or reduce the occurrence of six (6) consecutive shifts.

To that end, the parties have agreed to the following:

- (A) Where a master work schedule contains six (6) consecutive shifts in a block, and the majority of regular employees request a change, in writing, that limits the block to no more than five (5) consecutive shifts:
 - a. The Employer will facilitate the work required in consultation with the employees on the master work schedule to reach agreement on a fair and equitable master rotation that will satisfy the needs of the employees in the same job code on the same master work schedule, meet the requirements of this Agreement, and meet the operational requirements.
 - b. The consultation will include overall consideration of the impact on the master work schedule, including but not limited to the following.
 - i. Shift length;
 - ii. Full-time equivalent;
 - iii. Weekend distribution; and
 - iv. Vacation planning.
- (B) The parties recognize the complexity of this significant change for both the employees and employers. Therefore, we agree that this work will be augmented with the following.
 - a. By April 1, 2019, the Employer will, in collaboration with the NBA, create a standardized process with guidelines for employers and employees.
 - b. Financial costs associated to the elimination of six (6) day rotations will be allocated and administered jointly by HEABC and the NBA. This commitment will be ongoing and shall be allotted to the health employers based upon the actual costs incurred in enabling the change. Funding will be jointly provided as follows:
 - i. \$2 million for 2019/20;
 - ii. \$3 million for 2020/21; and
 - iii. \$4 million for 2021/22 and ongoing.
 - c. The NBA and HEABC will allocate \$1,000,000 annually to hire and maintain full time rotation and scheduling officers to assist in facilitating the rotation change.

Joint Interpretation

Guidelines for Implementation

Employees on a master work schedule (MWS), who are in the same job code, and who wish to reduce or eliminate six (6) day blocks from their MWS, may conduct a vote to determine if a majority (i.e., more than half) of

Joint Interpretation (cont.)

the regular status nurses on the master schedule wish to make a schedule change. Where a majority agrees, the request to change the schedule, will be submitted to their manager, in writing. The employees may seek the assistance from their steward for this process or appoint a member designate(s).

In consultation with the employees (and steward if requested), the Employer will facilitate the work required to reduce or eliminate six (6) shift blocks, following the process below:

- 1) Consult with all regular status employees from the unit, listen to their ideas for a future MWS and present for their consideration the potential options for altering the MWS.
 - a) MWS options may include:
 - i) Moving to shift length patterns with combinations of shift lengths (e.g. 7.5, 8 hour or longer shift lengths).
 - ii) Moving to an extended workday shift pattern, per the Extended Work-day memorandum.
 - iii) Canvassing all regular employees on the unit to determine if a change of FTE/status is a consideration in order to facilitate employee requests. This approach may require the creation of additional positions on the unit.
 - iv) Waiving NBA collective agreement considerations (e.g. weekend distribution).
 - v) Other considerations that are aligned with the NBA Collective Agreement.
 - b) The MWS must:
 - i) Be developed with the objective of minimizing or eliminating the number of six (6) consecutive shift blocks;
 - ii) Meet employer operational and funding requirements (the parties recognize that funding is available under the collective agreement to cover cost increases, as outlined below);
 - iii) Be fair and equitable; and
 - iv) Maintain all collective agreement rights except by mutual agreement between the Union and the Employer.
- 2) The employer will consult with the unit employees and/or their steward/designate(s) to determine a process for developing MWS options which will be voted on by the staff.

The Employer and the employees (must be a majority) will agree on one of the following processes:

a) Employees Wish to Develop an MWS

Should the unit employees (and steward if requested) wish to develop an MWS, they will be provided with all the necessary information to allow them to create an option (number of staff per shift, unit DTA's and limitations, etc.). The MSW must meet the criteria above.

Once developed, the MWS will be provided to the employer for review and feedback. If the MWS meets the requirements above, all regular employees will vote, in a confidential manner, on the choice of adopting the new MWS or remaining with their current MWS.

Joint Interpretation (cont.)

b) Employees Request that the Employer Develop an MWS

If employees do not wish to develop an MWS, the employer will create a new MWS, using the criteria above.

This MWS will be presented to employees for review and feedback. Feedback may result in changes to the proposed MSW.

Once finalized, all regular employees will vote, in a confidential manner, to adopt the new MWS or remain with their current MWS.

Note: The employer and the employees may agree to a variation of 2A and 2B which allows both the employer and the employees to each create a rotation; one of which would be adopted by way of a confidential vote.

- 3) To adopt a new rotation a majority vote (more than half) is required. Where a rotation introduces eleven (11) hour shifts, the employees must vote 90% in favour of the new rotation for it to be adopted.
- 4) Timelines for schedule creation and implementation will be mutually agreed upon between the parties.

For the purposes of this MOA:

- Changes to the MWS apply only to members on the same unit and within the same job code.
- Changes in FTE +/- 0.08 do not trigger displacement.
- Changes in FTE greater than +/- 0.08, or changes in status, will trigger displacement.
- Where displacement is triggered, an employee can waive displacement and select an available line in the MSW.
- Employees who choose displacement cannot bump into the rotation as a displacement option following completion of the line selection.
- Employees who choose displacement are required to accept a comparable vacancy before receiving bump options under Article 19.01(2).

Resources to Support Master Work Schedule Development and Change

HEABC will create resources, including hiring staff with scheduling expertise, to support employers and groups of staff to develop options for new master work schedules which reduce or eliminate six (6) consecutive shift blocks in master work schedules. HEABC will work closely with NBA staff in supporting this work.

Funding is available in each of the three (3) fiscal years during the term of this collective agreement, to support the costs to employers for some changes. These funds are limited to the amount committed. HEABC and the NBA will create a joint process to support this MOA, which will, in part, determine a priority process for distribution of available funds.

Within thirty (30) days on signing this interpretation, the parties will identify two (2) acute units, two (2) community units and two (2) long-term care units to pilot the process to develop schedule changes, as per this Joint Interpretation.