

SECTION 5

TERMS AND CONDITIONS OF EMPLOYMENT

5.02 HOURS OF WORK

AUTHORITY: THE COLLECTIVE AGREEMENT BETWEEN THE
PROVINCE OF PRINCE EDWARD ISLAND AND THE
UNION OF PUBLIC SECTOR EMPLOYEES
CIVIL SERVICE ACT

ADMINISTRATION: PEI PUBLIC SERVICE COMMISSION
GOVERNMENT DEPARTMENTS / AGENCIES

1. PURPOSE

1.01 To outline the hours of work and related issues for civil service employees.

2. APPLICATION

2.02 This applies to all civil service employees.

3. POLICY

3.01 Hours of Work provisions are outlined in Article 9 of the Collective Agreement.

- (a) The average hours of work per week which shall be performed by employees are indicated by the letter code under the column headed "Hours of Work" in Schedule A-2 of the Collective Agreement. The code letters shall denote average weekly hours of work:

<u>Letter Code</u>	<u>Hours of Work</u>	<u>Daily Hours of Work</u>
X	37.5	7.5
Y	40.0	8.0

- (b) The hours of work code for excluded employees varies with the requirements of the position, but shall not be less than 37 ½ hours per week for full time employees.

3.02 Summer hours are determined by Executive Council after consultation with the union. Summer hours are usually from 8:00 am to 4:00 pm, with 1/2 hour for lunch, for the period June 1 through September 30.

3.03 Overtime

- a) Overtime is defined as authorized work in excess of the employee's normal daily or weekly hours of work (Article 13). Employees normally scheduled to work in excess of 7.5 or 8 hours per day or normally scheduled to work Saturday or Sunday are not necessarily in an overtime position.
- b) Overtime must be authorized by the Employing Authority.

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- c) Employees shall be compensated for overtime in accordance with Article 13 of the Collective Agreement. Compensation, subject to the provisions of Article 13 may be in the form of pay or compensatory leave. (Rate of Overtime pay is contingent on asterisk code. For example, single asterisk is time and half. Double asterisk is straight time if time is not taken over 12 month period)
- d) Employees working overtime may be eligible for a meal allowance (13.08) and a travel allowance (13.10).

3.04 Flexible Working Hours (See Guidelines as Attachment 4.01 and 4.02)

- (a) Employees other than shift employees may request, to their employer, flexible working hours. Such a request shall be made in writing. (Article 9.06)
- (b) Flex hours may include a variation in the starting and finishing times or may include the completion of the average hours of work over a period other than five (5) full days provided that over the period of fourteen (14) or twenty-one (21) calendar days an employee works an average of thirty- seven and one-half (37.5) or forty (40) hours per week.
- (c) In consideration of the employee's request the employing authority should consider the following:
 - The nature of the proposed arrangement;
 - The operational requirements of the position and the effect such an arrangement would have on service and other employees; and
 - Advantages to the employee, work unit and clients.
- d) Any approval shall be for an initial period of three (3) months. Flexible work hours should be evaluated at regular intervals to ensure it continues to meet the requirements of all parties. Extensions can be denied or terminated dependent upon operational requirements.

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3.05 Lateness

- (a) Employees are expected to be regular and punctual in attendance. Employees unable to arrive at work on time must report the reason for such lateness to their supervisor. If an employee has difficulty arriving for work on time supervisors may wish to discuss their hours of work to assist them in rectifying the problem. Performance issues such as this should be dealt with during the Performance Management process.
- b) It is the responsibility of the employee to be punctual and, when absent, to provide adequate and proper notice of absence to the supervisor or manager with a reasonable or justifiable explanation for the absence. Failure to provide notice justifies the imposition of discipline even where it is established the absence is justified. When the absence is not reasonable or justifiable, the discipline imposed will be more severe. Time lost due to lateness must be made up by the employee.
- c) If an employee is persistently late, the supervisor may also elect to deduct the employee's pay. Deductions may occur in the following manner:
- for lateness 1 to 15 minutes, one-quarter hour's pay;
 - for lateness 15 minutes to 30 minutes, one-half hour's pay;
 - and
 - for every additional half-hour of lateness or fraction thereof, one additional half-hour's pay.

3.06 Absence Without Leave

Employees absent without approved leave for ten consecutive working days shall be deemed to have resigned their position. The resignation will be effective the first day of the absence. Employees who satisfy the Chief Executive Officer, P.E.I. Public Service Commission, that the absence arose due to circumstances beyond their control shall be reinstated. (Section 34(3) *Civil Service Act*)

3.07 Storm Conditions

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Time lost by an employee as a result of absence or lateness due to storm conditions or because of the conditions of public streets and highways must be:

- made up by the employee at a time agreed upon by the employee and the employee's immediate supervisor, or
- charged to the employee's accumulated vacation , accumulated holiday time or accumulated overtime, or
- otherwise deemed to be leave without pay (Article 24.11)

3.08 Closure of Operations

- (g) When the Employer ceases operations due to storm conditions an employee shall be considered to be on a leave of absence with pay; if not already on approved leave of absence (i.e., sick or vacation)
- (b) If it becomes necessary to close specific operations during the work period, employees will be notified through their employing authority.
- (c) All employees, except those who are designated will be considered to be on leave of absence with pay when notified that their operations are closed.

3.09 Designations - Employees/Workplaces

- (a) The parties acknowledge that certain designated workplaces must continue to function when specific operations are closed due to storm conditions or because of the condition of public streets or highways. In recognition of this fact designated employees in designated classifications in designated workplaces shall be compensated in accordance with Article 11.05.
- (b) Employees in the classified division who work within a designated classification at a designated workplace during the period from November 1 to March 31 are "designated employees" for the purpose of Article 24.11(d).
- (c) Designated employees are expected to be at work when required, regardless of storm conditions or the conditions of public streets

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and highways.

4. ATTACHMENTS

4.01 Flexible Hour Guidelines

4.02 Flexible Hour Options

ATTACHMENT 4.01

FLEXIBLE HOURS GUIDELINES

UPSE Collective Agreement:

According to **Article 9.06(a)** of the Collective Agreement, **non-shift employees** may request a flexible daily work schedule and **where operational requirements permit**, the Employing Authority shall endeavor to approve the request and it shall not be unreasonably denied.

Article 9.06(b), states upon concurrence, the employee may complete the average weekly hours of work in a period other than 5 full days, providing that over a period of 14 calendar days, the employee works an average of 37.5 or 40 hours per week as per the hours of work code.

Article 9.06(c) states that **variations in the employee's daily hours of work may occur as a result of staggered starting and finishing times, or alteration of the time taken as a lunch break.** The lunch break for an employee will not be less than $\frac{1}{2}$ hour and not more than 1 and $\frac{1}{2}$ hours.

Article 9.06(d) states that an employee wanting to establish a flexible hour schedule must submit the request to the Employing Authority, and receive approval. **Any such approval shall be for an initial trial period of 3 months.** After that, the arrangement can be extended indefinitely provided the Employing Authority and employee are in mutual agreement. Extensions can be denied or terminated dependent upon operational requirements.

Article 9.06(e) says that **all requests and responses shall be in writing.**

ATTACHMENT 4.02

Flexible Hour Options

Flexible Hours within 7.5 Hour Day

The hours of operation for government offices is 8:30 - 5:00 (winter hours). Deviation from this schedule is permitted as described above in Article 9.06 (a). In September of each year, Human Resources will send out a reminder asking employees who wish to work flexible hours to submit their request to their supervisor in writing. Once the request is approved, the supervisor will send it to HR for the personnel file.

Compressed Work Week

As stated above in Article 9.06(b), employees can work a flexible weekly or biweekly schedule.

- Any approved work schedule must provide for at least 75 or 80 hours of work (contingent of work code) or paid leave within each biweekly time frame
- A schedule must be submitted for the three month period. It will outline the schedule that the employee will be working within a biweekly time frame.
- When there is a statutory holiday, the employee will indicate how he/she will accommodate this in the schedule. For example, a biweekly period with one statutory holiday must include 67.5 hours of work or vacation leave. If there are two statutory holidays, it must include 60 hours of work or vacation leave. Human Resources will need the schedule in advance for leave purposes.
- Employees who work a compressed work week will take sick leave according to the set schedule. That is, if an illness occurs on a scheduled 8 hour day, the employee requests eight hours of sick leave. Conversely, if it occurs on his/her day off, no sick leave is required.
- Vacation leave will be determined in the same fashion as sick leave.