
THE UNIVERSITY OF BRITISH COLUMBIA



Human Resources
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Date: November 17, 2006

To: Deans, Directors, Department Heads and Administrators

From: Linda McKnight, Director, Human Resources – Advisory Services

CC: HR Advisory Services

Re: Paid Leave between Christmas Day and New Year’s Day

Once again it is time to review the application of “Christmas Leave” at UBC. This period of leave covers the three (3) normal working days between Boxing and New Year’s Day. There are provisions for this leave in three support staff agreements: the two Collective Agreements with CUPE 2950 and CUPE 116 and the Agreement on Conditions and Terms of Employment with AAPS.

Although there is no official policy in place for non-union support staff, excluded management & professional staff and service unit directors, Human Resources have made recommendations regarding these groups to the campus community.

Following are the provisions or recommendations by employee group.

CUPE 2950

Article 30.08 of the Collective Agreement provides that employees who are normally scheduled to work on these days will be granted leave of absence with pay unless they are required to work for operational reasons. If required to work they will be paid their regular wages and granted three paid leave of absence days at another mutually agreed upon time. Employees who are not normally scheduled to work on these days are not eligible for this paid leave. **If you have employees working flex schedules and you are unsure of how this will impact on their Christmas leave, please contact your HR Advisor.**

CUPE 2950 – STAFF FINDERS

As stated above the Collective Agreement between the University and CUPE Local 2950 provides for a three day paid leave between Boxing Day and New Year’s Day. However, arbitrator Don Munroe has subsequently interpreted this language for hourly-paid employees in Staff Finders as follows:

“...an hourly Staff Finders employee is entitled to the Christmas leave benefit where she/he is replacing an actual incumbent employee who is on leave from her/his incumbent position (due to maternity, illness, vacation, etc.), and who would herself/himself have been ‘normally scheduled to work’ during the Christmas period had she/he not been on such leave; but not otherwise.”

On the heels of this decision, and to maintain the intent of the language and the avoidance of unanticipated costs for Staff Finders, the University made the decision that those departments choosing to compensate **ineligible** Staff Finders temporary employees for Christmas Leave, by offering employment through the period between Boxing Day/New Year’s Day, where there is no operational requirement to do so, would be charged double time.

This enables Staff Finders to recoup its costs for the resulting paid days in lieu that it must provide. Those departments who choose to give Staff Finders temporary employees paid time without requiring them to work in that period must submit a description to that effect on the timesheets. They will be charged the normal Staff Finders rate.

If you have any questions regarding eligibility for Christmas 2006 (for Staff Finders), please contact Laurie Mitchell at 822-9465 or by e-mail at laurie.mitchell@ubc.ca.

CUPE 116

Article 18.10 of the Collective Agreement is identical to that of the CUPE 2950 Collective Agreement.

AAPS

The Agreement with AAPS, representing Management and Professional Staff, takes a different approach to "Christmas Leave". Article 10.04 of the AAPS Agreement recognizes that staff members are called upon to work significant additional hours of work. The Article provides guidance to supervisors and staff members on different means of compensation or other offsetting benefits. Several examples are provided, including paid leave for these three working days. Article 12.9 specifically deals with paid "Christmas Leave" and states

"...in order to offset significant amounts of hours of work over and above the usual job requirements, employees who are normally scheduled to work may be granted three (3) days leave of absence with pay to be taken between Boxing Day and New Year's Day unless they are required to work for operational reasons."

Unlike CUPE 2950 and 116 agreements, there is not an entitlement to paid leave nor is there provision for carryover. It is, however, a means, within operational requirements, to compensate Management and Professional Staff for their significant additional hours of work over and above the usual job requirements. It may also be provided as a form of recognition for other contributions of these staff members.

NON-UNION TECHNICIANS & RESEARCH ASSISTANTS and FARM WORKERS

The terms and conditions for this group quite closely resemble those of CUPE, Local 116. In order to recognize staff consistently, Human Resources is recommending that employees who are normally scheduled to work be granted the three days of "Christmas Leave", unless they are required to work for operational reasons. Employees who are required to work should be paid at straight time and granted three (3) paid leave of absence days to be taken at some other mutually agreeable time. If part-time employees are regularly scheduled to work, they are also entitled to this benefit. If part-time or hourly staff is not regularly scheduled to work between Christmas and New Year's, they are not entitled to this time off with pay.

NON-UNION EXECUTIVE ADMINISTRATIVE STAFF

The terms and conditions of this group closely resemble those of CUPE 2950. Human Resources therefore recommend that they be granted paid "Christmas Leave", subject to operational requirements.

EXCLUDED MANAGEMENT AND PROFESSIONAL STAFF

The terms and conditions of employment of this group mirror those of AAPS. We recommend that, based on operational requirements, supervisors of excluded Management & Professional Staff should consider paid "Christmas Leave" as one form of recognition for the contributions of these staff members, including their significant additional hours of work.

SERVICE UNIT DIRECTORS

Employees in this group have usually had their terms and conditions of employment benchmarked against those provided to management and professional staff. They are not covered by the AAPS Agreement however, and the terms of their employment relationship have been the subject matter of negotiation between individual employees and their supervisors. Human Resources recommends that the general guideline of using the paid "Christmas Leave" as one form of

recognition for the contributions of these staff members, including their significant additional hours of work.

If you have any questions or would like to review your particular situation, please call your Human Resources Advisor or Associate directly.