
THE UNIVERSITY OF BRITISH COLUMBIA



Human Resources
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Date: November 9, 2007

To: Deans, Directors, Department Heads and Administrators

From: Linda McKnight, Director, HR – Advisory Services

CC: HR – ER, HR Associates and Assistants, HR Networks

Re: Christmas Leave Eligibility for Staff Finders

Once again it is time to remind you that 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.

An issue arose regarding the application of the language to the hourly-paid employees in Staff Finders and Don Munroe, Q.C. was assigned to interpret the language. His decision concluded that:

“...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.”

Staff Finders temporary employees eligible under the provisions of the “Munroe decision” have been paid Christmas Leave by Staff Finders since 1997.

However, some departments employing Staff Finders temporaries **not eligible** for the Christmas Leave chose to compensate them either by offering employment through the Christmas break where there was no operational requirement to do so, or by paying them without requiring them to work. Because their timesheets reflected hours worked in that period, Staff Finders was required to give them paid days in lieu.

The decision by some departments to pay their Staff Finders temporaries, while generous and with the best of intentions, inadvertently undermined the application of the Munroe decision and created unanticipated costs for Staff Finders. These costs were that Staff Finders had to provide and pay for paid days in lieu.

On November 6, 1998, written correspondence from Lisa Castle, AVP Human Resources denoted that effective Christmas 1998 and subsequent Christmases, 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 2007, please contact Wendy Johnson, Manager, Staff Finders at 822-9465 or by e-mail at wendy.johnson@ubc.ca.

Thank you.