

THE UNIVERSITY OF BRITISH COLUMBIA

**Human Resources**

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<http://www.hr.ubc.ca>

Date: November 16, 2010

To: Deans, Directors, Department Heads and Administrative Managers

From: Linda McKnight, Director, Human Resources Advisory Services

Re: "Christmas Leave" – Staff Finders Temporary Employees

All HR memos are posted electronically at <http://www.hr.ubc.ca/memos.html>.

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 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 (there was no service or workload need), 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.

Therefore since 1998 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, are 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 2010, please contact Kristi Latell, Manager, Staff Finders at 604-822-9465 or by e-mail at kristi.latell@ubc.ca.

Thank you.