

Interpretation Bulletin – Banked Time CUPE Local 30 – Article 6.03

The 2011-2013 Collective Agreement introduced some changes to Article 6.03 Banked Time – here's how the amended clause works:

Q1: What type of earnings can be banked?

(6.03.01 – **NO CHANGE**) Employees can bank dollars earned from overtime hours worked, pay for work on off days, pay for work on a statutory holiday, and the dollar amount of stand-by pay. Just as before, the employee can choose to bank all or half of his banked time earnings.

Q2: What is the maximum I can have in my bank?

(6.03.02 - **NO CHANGE**) The maximum dollars an employee can have in his bank is time equivalent of 160 hours (see Q12 for the only exception). If the employee takes a payout of dollars in his bank, or uses some of the dollars as paid time off, he can re-accumulate credits up to the 160 hour limit. Also, (6.03.04) when a general wage increase occurs, the 'value' of the bank drops below 160 hours – an employee can bank additional hours in this case, up to the 160 hour maximum.

Q3: I was able to take 6 hours pay out of my bank whenever a lack of work resulted in my being sent home with 2 hours reporting pay. Can I still do this?

(6.03.03) **YES**. The City does not wish to disrupt a practice that has worked well for many years. We want to ensure that employees have the ability to use their banked time, for situations where work cannot be assigned (eg. inclement weather).

Q4: What if I want to take a Friday off to go golfing – are there restrictions around that?

(6.03.03) **YES** – permanent employees can be approved for up to 80 hours paid time off in each payroll year. Remember that employees are owed the dollar amount in their overtime bank; that is, the City owes you money not paid time off. For this reason, banked credits should not be viewed the same as vacation hours. In exceptional circumstances, where the employee has no other source of income, the City could approve an employee to use more than 80 hours. An example of these "exceptional circumstances" is where an employee is denied sick benefits, and is appealing with more medical evidence. Banked time can be used in this case (beyond 80 hours) to ensure continuation of pay.

Temporary and Provisional employees are not subject to the 80 hour paid time off limit per year – since they do not have time in a vacation hours bank.

Q5: What is the rationale for the 80 hour paid leave maximum per year?

When an employee works 8 hours at over time rates, 16 hours pay can be banked. The City appreciates that the employee working overtime has contributed 8 extra hours of work, taking time away from his personal life. However, where 16 hours is banked, the employee often takes 16 hours off with pay at some point in the future. So, although one day of productivity is gained with the overtime work, two days of productivity is lost in the future, if the employee takes the banked credits as time off.

Q6: Can my supervisor insist that I use excess vacation credits as time off, vs. banked time?

(6.03.03) **YES** – Supervisors are responsible for assisting their employees to manage their vacation bank. As before, no employee can use banked credits as time off – if they have excess vacation credits.

Q7: Article 27.05 says that I can use banked time to avoid a sick incident charge if a medical appointment takes longer than 3 hours. If my appointment takes 4 hours – and I use 1 hour of banked time and 3 hours Medical or Dental Appointment time – does the 1 hour used count towards my 80 hour maximum?

(6.03.03) **NO** – “2 and 6” usage and usage related to medical or dental appointments is not counted toward the 80 hour maximum.

Q8: Were there any changes to the banked time payout rules?

(6.03.05) **NO** – Employees can take payouts of banked credits as long as a minimum of 24 hours is paid out. An employee can take a payout of less than 24 hours if he is asking for his entire balance to be paid out.

Q9: Can I transfer some or all of my banked credits to an RRSP?

(6.03.05) **YES** - An employee has the option to request an annual transfer of banked time funds accrued in the payroll calendar year to one of the City's Group Registered Retirement Savings Plans. Employees must ensure that their RRSP account is active by pay period 1 so that the City can annually transfer the accrued funds to the employee's RRSP account in pay period 3. Employees are responsible for ensuring that their Registered Retirement Savings Plan transfer complies with Canada Revenue Agency's regulations.

Q10: Can I carry over banked credits to succeeding years?

(6.03.06) **YES** – **NO CHANGE TO THIS PRACTICE.**

Q11: Were there any other changes to the article?

YES – **A NEW CLAUSE WAS ADDED (6.03.07).** It states that overtime hours earned by Community Peace Officers when they are voluntarily working special civic events cannot be banked – all overtime owed will be paid out in every case.

Q12: I am a Construction Project Inspector working seasonally. Have any of my banked time rules changed?

(Letter #4 in the 2009-2010 collective agreement) **NO** – **LETTER OF UNDERSTANDING #4 HAS BEEN RETAINED.** Construction Project Inspectors can still bank up to a maximum dollar equivalent of 240 hours per year, due to the fact they have an annual layoff period.

Q13: Have any of the banked time rules changed for Roadway Maintenance Section employees:

(Letter #13 in the 2009-2010 collective agreement) **NO.** **LETTER OF UNDERSTANDING #13 HAS BEEN RETAINED,** but is now combined under Letter of Understanding #4. Roadway Maintenance Section employees can still bank up to a maximum dollar equivalent of 240 hours per year, due to the fact their work is significantly affected by inclement weather.

Q14: Have any of the banked time rules changed for Fleet Services or Building & Landscape Services employees:

(Letter #15 in the 2009-2010 collective agreement) **YES.** **LETTER 15 WAS DELETED.** This means that Fleet Services and Building & Landscape Services employees can now bank all of their overtime earnings up to the 160 hour maximum. The “1 hour banked, 1 hour paid” rule no longer applies).