

## ARTICLE 22 - DEFINITIONS

- 22.01 (a) A "permanent" employee is one who is engaged either for the full year or for the period of the year during which the schools are open for their regular terms.
- (b) A "full-time" employee is a permanent employee who works on a regular schedule of thirty-one (31) hours or more per week. 33
- (c) A "part-time" employee is one who is a permanent employee who works on a regular schedule of less than thirty-one (31) hours per week.
- (d) A "casual" employee is one who meets the definition of employee in the *Public Service Labour Relations Act* and when employed on a casual or temporary basis for a continuous period of one hundred and twenty (120) working days within the District, shall be entitled to all the rights and benefits of the Collective Agreement unless an article:
- (i) otherwise specifies; or
  - (ii) specifically refers only to one or more of the other definitions of an employee (i.e. permanent, part-time, or full-time).

A casual worker employed on a casual or temporary basis, who has not worked for a continuous period of one hundred and twenty (120) working days within the District, shall be entitled to the following terms and conditions of employment.

**A. The following articles SHALL apply to casuals who have worked less than a continuous period of one hundred and twenty (120) working days:**

### PREAMBLE

**ARTICLE 1 - RECOGNITION AND NEGOTIATIONS (Except for 1.05)**

**ARTICLE 2 - MANAGEMENT RIGHTS AND PROVINCIAL SECURITY**

**ARTICLE 3 - DISCRIMINATION**

**ARTICLE 4 - UNION MEMBERSHIP AND DUES CHECK OFF**

**ARTICLE 5 - CORRESPONDANCE**

**ARTICLE 6 - LABOUR-MANAGEMENT COMMITTEES (Except for 6.05)**

**ARTICLE 7 - GRIEVANCE PROCEDURE**

**With the Exception of:** Discipline, suspension and discharge of a casual employee shall not be subject to grievance and adjudication procedures.

**ARTICLE 8 - ADJUDICATION**

**With the Exception of:** Discipline, suspension and discharge of a casual employee shall not be subject to grievance and adjudication procedures.

**ARTICLE 9- No STRIKES AND LOCKOUTS**

**ARTICLE 11 - SENIORITY (only 11.01, 11.02, 11.03,11.05, 11.06 (B), 11.08, 11.10 and 11.07(a) and 11.07 (C)**

**As follows:** Work assignments of three (3) months or longer will be deemed to have been offered to the employees in the District according to clause 11.07 (c) if it is posted in accordance with the job posting provisions of Article 12. Notwithstanding clause 12.01 (a), where a work assignment of three (3) months or longer is posted in accordance with the posting provisions of Article 12 the notice for such work assignment shall be posted for a minimum of (5) working days.)

**ARTICLE 12 - VACANCIES (EXCEPT FOR 12.04 AND 12.05)**

**ARTICLE 14 - HOURS OF WORK**

**ARTICLE 16 - TECHNOLOGICAL CHANGE (only 16.01, 16.02, 16.03 and 16.04)**

**ARTICLE 18 - VACATION (ONLY 18.08)**

**ARTICLE 22 - DEFINITIONS (As proposed)**

**ARTICLE 23 - CLASSIFICATION (Except for 23.03 and 23.04)**

**ARTICLE 28 - SAFETY AND HEALTH**

**ARTICLE 30 - GENERAL CONDITIONS**

**ARTICLE 32 - COPIES OF THE AGREEMENT**

**ARTICLE 33 - DURATION AND TERMINATION 34**

**B. The following Articles and Letters of Agreement of the Collective Agreement SHALL NOT apply to casual employees having worked less than a continuous period of one hundred and twenty (120) working days.**

**ARTICLE 13 – LAYOFF**

**ARTICLE 24 – RETIREMENT AGE AND PENSION**

**ARTICLE 25 – GROUP LIFE INSURANCE**

**ARTICLE 26 – MEDAVIE BLUE CROSS**

**ARTICLE 27 – WORKERS’ COMPENSATION**

**ARTICLE 29 – JOB SECURITY**

**ARTICLE 31 – PRESENT CONDITIONS AND BENEFITS**

LOI Deferred Salary Leave

LOA Hours as of October 15th

LOA Contracting Out

LOI Pension for FT Employees

LOI Pupil Prep Day

SLB Sick Leave Bank

LOI Hours of Work

LOA Delicate Relationship

LOI Autism Intervention Training.

**C. The following alternate provisions will apply to casual employees having worked less than a continuous period of one hundred and twenty (120) working days.**

#### **ARTICLE 10- SUSPENSION, DISCIPLINE AND DISCHARGE**

Does not apply.

**Alternate Provision:** A casual employee is employed on a non-permanent, temporary, or sporadic basis, and does not occupy a regular or permanent position in the Public Service. As such, the Employer may terminate the employment of a casual employee without cause at any time and the employee does not have access to the grievance procedure. However, the Employer will supply the casual employee and the Provincial Recording Secretary with reasons for termination in writing.

#### **ARTICLE 15 – OVERTIME**

Does not apply.

**Alternate Provision:** However, casual employees having worked less than a continuous period of one hundred and twenty (120) working days shall be entitled to overtime for time worked in excess of forty four (44) hours of work per week and shall be paid the following rates:

- a) One and a half (1 1/2) times the minimum wage established under the *Employment Standards Act*; or
- b) The casual employee's regular rate of pay; whichever is greater.

#### **ARTICLE 17 - HOLIDAYS**

Does not apply.

**Alternate Provision:** A casual employee who has worked more than ninety (90) days during the previous twelve (12) calendar months shall receive three percent (3%) of their straight time hourly rate of pay for all hours worked in lieu of public holidays.

#### **ARTICLE 19 –SICK LEAVE**

Does not apply.

**Alternate Provision:** A casual employees having worked less than a continuous period of one hundred and twenty (120) working days who are unavailable for work due to illness will advise the Employer when they become available for casual work. 35

## ARTICLE 20 – LEAVE OF ABSENCE

Does not apply.

**Alternate Provision:** A casual employees having worked less than a continuous period of one hundred and twenty (120) working days who are unavailable for work due to maternity leave and/or child care leave will advise the Employer when they become available for casual work subsequent to a pregnancy.

## ARTICLE 21 - WAGES

Does not apply.

**Alternate Provision:** A casual employees having worked less than a continuous period of one hundred and twenty (120) working days shall be paid at the following rates:

(a) ~~eighty percent (80%)~~ one hundred percent (100%) of the minimum rate payable under the Collective Agreement for the classification in which the casual employee is working; or,

(b) the rate paid to the casual employee immediately prior to the commencement of this agreement;

whichever is greater.

~~The rate of pay for a casual employee may be at a rate higher than eighty percent (80%) of the minimum rate prescribed for the applicable classification if, in the opinion of the Deputy Head, such higher rate is deemed necessary.~~

(e) Newly hired employees, full-time or part-time, shall be considered on a probationary basis for a period of ninety (90) working days in accordance with Article 11.06. During the probationary period, employees shall be entitled to all rights and privileges of the Agreement except where otherwise provided.

(f) In this Agreement, words defined in the *Public Service Labour Relations Act* have the same meaning as that Act unless stated otherwise herein.

(g) In this Agreement, words defined in the *Interpretation Act*, and not defined in the *Public Service Labour Relations Act* have the same meaning as that Act unless stated otherwise herein.

(h) For the administration and application of this Agreement "Employer" means and includes Treasury Board and the Department of Education and Early Childhood Development.

(i) In interpreting this Agreement, the feminine shall include the masculine, the singular shall include the plural, and the plural shall include the singular.

(j) A "promotion" means a change from one classification to another classification, which has a higher maximum/hourly rate.