

APPA's Welcome Back Bowling Night Party: Success!

September 27, 2018 was National Support Staff Day. To celebrate this momentous day, the APPA invited their members from both the EMSB and the CSDM to a night of Bowling. The night was divided in two time frames in which members could chose to play. Food, drinks, laughter and prizes were all part of this fun filled evening. Over 160 people attended the evening. Everyone agreed that the evening was a very successful event!



A Shout Out to all Creative Minds at the EMSB

The APPA's joint EMSB & CSDM Health and Safety Committee are inviting any of its members to participate in their logo design contest. Let your imagination run free and come up with an original idea that you think best represent Health in Safety in our workplaces. The winner will receive a gift card worth \$100. Participation deadline is November 16th, 2018. Send your great creation to rgagnon@appa.qc.ca. **The logo must include the committee's acronym SST-APPA-H&S.**



Upcoming Events

The APPA's Union Life committee is presently working on our Holiday Season Party. It will be held at Le Petit Opéra hall on December 7th, 2018. More information will be coming your way soon.

The Convention Committee is, for their part, in organisation mode for its 20th Edition which will take place at the Chantecler Hotel in February, 2019.

For more information, you can always contact us at vie_syndicale@appa.qc.ca



Overtime vs Volunteering

Numerous members have reached out to us during the past year to let us know that their administrators were not compensating them for the extra time they had put into various school activities (i.e.: parent-teacher interview night, preparing for school talent show, extra hours worked during a school outing, etc.). When questioned about the context of the situation, it quickly became apparent that if our members did not pay attention to what they had agreed to, they usually were the ones left holding the short end of the stick.

There are usually two totally different contexts in which a member is approached to do extra hours:

In the first, your administrator will more than likely ask you if you are interested in volunteering your time (not paid) in an activity that will be held outside your regular work hours.

In this case, if you said, «Yes» and you did 10 extra hours, it's on your dime and time. The administrator did not oblige you participate in the activity; he/she simply asked if you were interested. The choice to participate or not was up to you.

If you are not sure if your administrator was referring to a voluntary activity or not, send him/her an email to confirm the status of the activity and wait for his/her response before you decide if you want to participate or not.

In the second scenario, your administrator will inform you that you must attend or must participate in a school activity that will be held outside your regular work hours. In this situation, you were told by your superior that you are expected to attend or participate in the given activity. The hours worked outside your regular workweek will then be considered as overtime as determined by our collective agreement in article 8-3.01:

«Any work specifically required by the immediate superior and performed by an employee, in addition to the hours of his or her regular workweek or regular workday or outside the hours prescribed in his or her schedule, shall be considered as overtime».

The amount you will receive in compensation time for the time worked outside your regular workweek is determined by our collective agreement in article 8-3.05:

- a) for every hour of work carried out in addition to the number of hours of his or her regular workday or outside the hours prescribed in his or her schedule or during a weekly day off: one hour and a half (1 1/2) of leave;
- b) for every hour of work carried out during a paid legal holiday provided for in the agreement: one hour and a half (1 1/2) of leave, in addition to his or her salary for the paid legal holiday;
- c) for every hour of work carried out on a Sunday or during the second weekly day off: two (2) hours of leave.

How and when this time is to be compensated is circumscribed in clause 8-3.08:

Overtime vs Volunteering (cont.)

«Within thirty (30) days of the date on which the overtime was carried out, the employee and the immediate superior shall agree on when the leave granted under clause 8-3.05 or 8-3.07 may be taken. Failing an agreement, the employee shall be remunerated according to clause 8-3.09».

Clause 8-3.09 reads as follow:

Notwithstanding the preceding clauses, the board and the employee may agree that the overtime be paid. In this case, overtime shall be paid at the following rates:

- a. at his or her basic hourly rate increased by one half for all hours worked in addition to the hours of the regular workday or outside the hours prescribed in his or her schedule or during a weekly day off;
- b. at his or her basic hourly rate increased by one half for all hours worked during a paid legal holiday provided for in the agreement, in addition to the salary paid for the paid legal holiday;
- c. at double his or her hourly rate for all hours worked on a Sunday or during the second weekly day off.

Overtime shall be paid by the board within a maximum period of one month after the claim has been duly signed and submitted by the employee and approved by the board.

As this article illustrates, you must be aware of what you are agreeing to before you do extra work that you think will be compensated in the future.

Unfortunately, if there is a problem which arises from the situation in which you had a choice to do it or not something, the union will not be able to help you claim compensation after the fact. However, if you sent an email to you immediate superior and he/she clearly responded that it is something you were obliged to attend and he/she is not respecting your right to compensation time or remuneration for the extra hours worked, then we will be able to defend your case at the school board level.

A simple way to avoid confusion is to send an email to your immediate superior to confirm whether or not his/her request for additional hours is something you are expected or must do or if it is something for which you are volunteering your time. Make sure you ask him/her to respond by email and not verbally to your inquiry. If he/she responds to you verbally send him/her a second email in which you will state that following your discussion with him/her, you understand that he/she is requesting that you must attend or must participate in an activity outside your regular workweek hours. This process must be done every time you are requested to do hours outside your regular workweek hours.

Finally, always keep in mind, that just because you had a previous arrangement with another administrator, it doesn't mean that the new one will be doing the same thing.

New Formula for General Assemblies

Recently many members have shared with us their lack of interest in attending the APPA's General Assemblies. Many reasons were mentioned: too far, too late, not interesting, etc.

In response to these comments, the APPA's Executive and joint Union Councils have come up with the following changes:

Places where meetings are held: Since we consider it is important to get closer to our members, we will be holding the meetings in different locations during the upcoming year. An Assembly will be held in each of the following geographic areas of the Island of Montreal: North, South, East and Central.

Long term replacement assignments: Implications

When an employee on the priority of employment list accepts to take a replacement assignment for a person that is either on a sick leave, a parental leave, a CNESST leave or a SAAQ leave, the duration of the assignment as well as the weekly work hours associated to it, are not set in stone. For example, Human Resources communicates with you and ask if you are interested in replacing a worker that will be off for a year on maternity leave. You are overjoyed and answer yes. Does this mean the School Board is obliged to keep you in this position for a year? Not necessarily, if the person decides to come back to work before the end of the projected year, your assignment will end upon her return. Although this case is quite straight forward others may have more twists and turns.

In another situation, Human Resources gets in touch with you and ask if you are interesting in replacing a person that is off on a CNESST leave, because he got hurt at work. You are told that the duration is undetermined but right now it is a 5 day full-time post. You answer that you will take the post and start working immediately. After two months at the job, you are informed that the person will be starting a progressive return to work: 2 days for 2 weeks, 3 days for the next 2 weeks, 4 days for another 3 weeks and finally, he/she will return to work full-time afterwards. After the third week of his progressive return to work, another employer calls you and asks if you are available to 2 days a week. You look at your schedule and those days correspond to the days when you are now off so you say yes. Another week goes by and the employee you were replacing has a relapse and his doctor indicates that he must immediately stop his progressive return to work. Human Resources notifies you of this new development. He also informs you that you will be returning to your five day a week schedule. You tell him you can't because you have taken on another contract. What can happen at this point?

- 1) Human Resources can indicate to you that you had accepted to replace this person knowing that the duration of your replacement was undetermined.
- 2) Human Resources can request that you cancel your other commitment with the second employer
- 3) If you refuse, Human Resources can decide that you are in breach of contract assignment and return you to the bottom of the priority of employment list.

Although this is a possible outcome, it can be avoided if you communicate with Human Resources before you say yes to your second employer. If they give you the green light, then you will be in the clear. However, if you just do it without having their consent, then the outcome may be the one describe above. Just remember, a short email (paper trail is always better than telephone calls) to Human Resources to explain your situation can avoid a lot of grief in the long run.



ENSEMBLE!

Find us online at www.appa.qc.ca
Readers' opinion: ensemble@appa.qc.ca



The changes in venues will give all of our members the opportunity to have at least one of the meeting in their own region.

Attendance prizes: 2 attendance prizes consisting of an APPA promotional article and a gift certificate (article + gift certificate = approximately \$40) will be drawn per slice of 50 people attending the meeting.

The changes are on a trial basis and we will be adjusted, if need be, in response to your comments and suggestions.

For more information, you can always contact us at vie_syndicale@appa.qc.ca