

# Frequently Asked Questions: Transition of Employees Pursuant to the *Health Statutes Amendment Act*, 2024

**Overview:** Alberta Health Services (AHS) and United Nurses of Alberta (UNA) have reached agreement on the terms and processes that will be used to transition UNA members from AHS to Recovery Alberta.

[This agreement](#) protects the rights of employees and provides for continuity of service delivery for our patients and clients as AHS Addiction & Mental Health and Correctional Health Services transition to Recovery Alberta. This agreement will also apply where other provincial health agencies are created as part of the 2024, *Health Statutes Amendment Act*.

An Employee who is notified that they hold a position that will transfer to Recovery Alberta, will have the option to accept or decline the transfer. Employees who decline the transfer can exercise their rights under Article 15: **Layoff and Recall** and remain with AHS. This could result in some minor disruption in areas not directly affected by the transfer. Employees displaced as a result of Article 15: Layoff and Recall will have the right to displace at AHS; or take a vacancy either at AHS or Recovery Alberta, if they have the ability to do the job.

For those who transition to Recovery Alberta, your day-to-day work will likely remain the same, with you noticing very minimal change. You will still use the same systems and processes to do your job, including Connect Care and e-People. Your work setting will not change because of this transition.

**Most importantly, this transfer will not impact your Terms and Conditions of Employment including pay, benefits, pension, standard hours, and vacation entitlement. Existing banks will also remain in place. You will continue to be represented by the United Nurses of Alberta.**

## Key Dates and Definitions:

**Date ‘Transfer Order’ Issued** - date on which the Health Minister issues Ministerial Order that identifies which positions will transition from AHS to Recovery Alberta.

**Notice Date** - date when employees will be notified their positions will move to Recovery Alberta effective the Staff Transfer Date (see below).

**Deadline to Decline Transfer** - date by which employees who receive notice must indicate they wish to decline the transfer to Recovery Alberta. This date will be set as 10 business days following the Notice Date.

**Staff Transfer Date** - date on which employees who have not declined the transfer will become employees of Recovery Alberta.

**Payroll Transfer Date** – effective date for implementation of the Recovery Alberta payroll system.

**See the following answers to questions you may have:**

**1. How will I know if my position is transitioning to Recovery Alberta?**

- a. Once the Transfer Orders are issued, all AHS employees who hold positions that are identified to transfer to Recovery Alberta, will be sent an email to their AHS email account.
- b. This Notice will be sent to your AHS email no later than 10 business days after the Date the Transfer Order is Issued.

**2. Can I decline the transfer from AHS to Recovery Alberta?**

- a. Yes. Any AHS employee in the Direct Nursing bargaining unit who is notified that they hold a position that has been identified to transfer to Recovery Alberta, will have the option to accept or decline the transfer to Recovery Alberta.
- b. If you intend to decline the transfer to Recovery Alberta, you must do so by completing the automated response link in the email that is sent to your AHS email. A list of all employees declining the transfer will be sent to UNA.
- c. If you do not officially decline the transfer using the process above, the transfer will proceed and you will move to Recovery Alberta.
- d. If you decline the transfer to Recovery Alberta, you will have full rights at AHS under Article 15: Layoff and Recall. If you decline to transfer with your position, you will not have the right to displace into Recovery Alberta.
- e. If you decline the transfer to Recovery Alberta, you may be required to temporarily transfer for a period of up to 6 months if the viability of the program is jeopardized.

**3. Will my work hours, pay and other key components of my job be impacted if I transfer?**

- a. No. The AHS position you hold as of the day before the Staff Transfer Date will be your position at Recovery Alberta.
- b. These key components of your job will not be changed as a result of the transfer to Recovery Alberta.
- c. Within 90 days of the Staff Transfer Date, you will receive a letter which confirms the key components of your job at Recovery Alberta, including:
  - i. category (Regular, Temporary or Casual);
  - ii. classification;
  - iii. applicable annual hours of work;
  - iv. FTE
  - v. number of hours per Shift and Shifts per Shift cycle;
  - vi. unit or units (if applicable) and program;
  - vii. site or sites at which the Employee works “at” or “at or out of”;
  - viii. seniority date;
  - ix. hire date;
  - x. increment level;
  - xi. vacation entitlement.

**4. What happens to my health, dental, insurances and pension if I transfer?**

- a. Recovery Alberta has confirmed that the necessary steps will be taken to join the Health Benefits Trust of Alberta and the Local Authorities Pension Plan.

- b. The benefits and pension entitlements you hold the day before the effective date of the transfer to Recovery Alberta, remain intact and will not be impacted.
  - c. These key components of your job will only be changed as part of the normal collective bargaining process.
- 5. **What happens to my entitlements [hours worked towards next increment, unused personal leave days, all banks (vacation, overtime, named holidays, including floaters, and sick leave)] if I transfer?**
  - a. All entitlements you hold the day before the effective date of the transfer to Recovery Alberta, remain intact and will not be impacted.
- 6. **What if I am currently on a leave of absence, sick leave, or accessing income replacement from STD, LTD or WCB when the Transfer Order is issued?**
  - a. You will not receive your email notice until after you have advised AHS that you are ready to return to work.
- 7. **What happens if I work in a temporary position?**

This will depend on whether:

  - you have retained status as a Regular Employee;
  - the Transfer Order impacts your Regular position, your Temporary position, or both;
  - you accept the transfer; and
  - the viability of your unit/program/service is jeopardized as a result of Employees opting out of the transfer.
  - a. If you hold a regular position but are in a temporary position and both positions will transfer to Recovery Alberta, AND you **accept** the transfer, you will be reinstated back into your regular position or placed in a similar position at Recovery Alberta after your temporary position ends.
  - b. If you hold a regular position but are in a temporary position – and both positions will transfer to Recovery Alberta, AND you **decline** the transfer, you may be required to continue in the temporary position that moves to Recovery Alberta if the viability of the program is jeopardized. Your notice of Layoff and Recall rights under Article 15 will be postponed.
  - c. If you hold a regular position but are in a temporary position - and only the temporary position is transferring to Recovery Alberta, you will continue to work in your temporary position until either:
    - i. Recovery Alberta determines you are no longer required in the temporary position; or
    - ii. The term of the temporary position is reached.

When you are no longer required in the temporary position at Recovery Alberta, you will be reinstated or placed in an AHS position in accordance with Article 14.07. You will then be prohibited from applying on further temporary opportunities within Recovery Alberta until the Payroll Transfer Date.

- d. If you hold a regular position that is transferring to Recovery Alberta, but you're in a temporary position that remains at AHS, and you **accept** the transfer, you will continue to work in your temporary position until either:
  - i. AHS determines you are no longer required in the temporary position; or
  - ii. The term of the temporary position is reached.

When you are no longer required in the temporary position at AHS, you will be reinstated or placed in a Recovery of Alberta position in accordance with Article 14.07. You will then be prohibited from applying on further temporary opportunities within AHS until the Payroll Transfer Date.

- e. If you hold a regular position that is transferring to Recovery Alberta, but you're in a temporary position that remains at AHS, and you **decline** the transfer, you may be required to work out the term of your temporary position at AHS if the viability of the program is jeopardized. Your notice of Layoff and Recall rights under Article 15 will be postponed.
- f. If you are a Temporary Employee with no Regular status at AHS, and the temporary work will transfer to Recovery Alberta, you will continue in the temporary position until:
  - i. Recovery Alberta determines you are no longer required in the temporary position; or
  - ii. The term of the temporary position is reached.

If you hold a casual position, at the conclusion of the temporary position, you resume the normal terms and conditions of employment as a casual employee within the provincial health agency and/or AHS as applicable.

#### **8. What happens if I am a casual employee?**

- a. You will only receive a notice by email if your primary casual record is associated with a unit/program or service transferring to Recovery Alberta.
- b. If you work as a casual both in a work area that stays at AHS and in another work area that becomes Recovery Alberta, you can continue to pick up casual shifts at both AHS and Recovery Alberta using existing processes until the Payroll Transfer Date.
- c. After the Payroll Transfer Date, if you want to maintain your casual status with both Employers, you will be required to establish a casual employment record with the other Employer through one of the units/programs/offices where you work additional shifts. Your request must be considered and cannot be unreasonably denied.

#### **9. What happens if I am currently serving a probation or trial period?**

- a. If you're serving a probationary or trial period at AHS in a position that will transfer to Recovery Alberta, you will be required to complete your probationary or trial period already in progress, but you will not be required to start a new probationary or trial period.
- b. If you are serving a trial period for a position that is transferring to Recovery Alberta; and either Employer determines you've been unsuccessful during the trial period or you request to return to your former position, you will be reinstated or placed:

- i. within AHS in circumstances where your former position was not affected by the Transfer Order; or
- ii. within Recovery Alberta in circumstances where your former position was affected by the Transfer Order.

**10. What happen if I work part-time with AHS and pick up additional shifts in an area that will transfer to Recovery Alberta?**

- a. Until the Payroll Transfer Date, you can continue to pick up additional shifts at Recovery Alberta using the shift redistribution process.
- b. If you want to continue to work additional shifts in a Recovery Alberta area after the Payroll Transfer Date, while you remain a Part-time Employee at AHS, you must request that a casual record with Recovery Alberta be created before the Payroll Transfer Date.
- c. Work with the manager of the Recovery Alberta area to make this request for a new casual record to be effective Payroll Transfer Date. Requests cannot be unreasonably denied, and you will not be required to serve a new probationary period.

**11. What happens if I have pre-approved time off but I have accepted the transfer to Recovery Alberta?**

- a. Recovery Alberta will honour a transferring Employee's pre-approved:
  - (a) vacation time;
  - (b) personal leave;
  - (c) professional development;
  - (d) time off in lieu of overtime;
  - (e) time off in lieu of a named holiday; and
  - (f) shift exchanges.

**12. What happens if I am an Internationally Educated Nurse (IEN) currently working at AHS and my position is transferred?**

- a. AHS will ensure that work permits are amended to indicate your new employer as Recovery Alberta.

**13. I am currently applying for a new position at AHS or considering transferring within AHS – how do I know which vacant positions are staying at AHS or moving to Recovery Alberta?**

- a. AHS and Recovery Alberta are working together to modify current and future vacancy postings in RMS to identify who the employer will be after the Transfer Order.
- b. If the vacancy you applied on is identified to transfer to Recovery Alberta and you are the successful candidate, it will be made clear to you at the time of offer that this is now a Recovery Alberta position.
- c. If you accept this offer of employment with Recovery Alberta, you will not have any rights under Article 15: Layoff and Recall.

**14. What will happen after the Payroll Transfer Date when the Recovery Alberta payroll system is implemented?**

- a. AHS and UNA have determined how AHS and Recovery Alberta will interact between the Payroll Transfer Date and the end of the term of the collective agreement that is currently being negotiated. For purposes of administering

payroll, you will be working for two separate employers and your hours will be coded separately with the applicable employer.

- b. During this period of time, employees of Recovery Alberta will have enhanced access to vacancies, displacement, recall, and reassignments at AHS and vice versa:
- c. Vacancies (permanent and temporary):
  - i. AHS and Recovery Alberta will each extend hiring preference to their own employees first. Recovery Alberta employees will no longer be internal candidates within AHS and vice-versa but they will be considered ahead of external candidates. This agreement is reciprocal.
  - ii. Employees who are successful applicants on vacancies at the other Employer, may transfer accrued seniority, pension entitlements, vacation entitlements and unused vacation up to 1 (one) year's entitlement and sick leave up to the maximum level of entitlements in effect at the receiving Employer provided the Employee voluntarily terminates their employment with their initial (original) Employer.
- d. Article 15: Layoff and Recall:
  - i. Employees with over 24 months seniority who are issued position elimination at either AHS or Recovery Alberta will be permitted the option to select vacancies or recall at the other Employer provided they have the ability to perform the work.
- e. Reassignment:
  - i. Employees may be reassigned to the other Employer in cases of emergencies and for the purposes of maintaining skills, education, orientation, and meetings.
- f. PRCs and WHS Meetings:
  - i. While recognizing the final decisions rest with the Employer(s), issues related to co-mingling of Recovery Alberta and AHS Employees, policies, equipment, patients, residents, and clients, will be a standing item at the Professional Responsibility Committee and Workplace Health and Safety meetings.