



## **Guide to LOU #25**

# **Re: Trial of Modified Posting Provisions**

November 2022

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## Background

LOU #25 Re: Trial of Modified Posting Provisions is the result of discussions during the last round of collective bargaining between AHS, Covenant Health and UNA about a variety of issues associated with the processes for filling vacancies. In an effort to address inefficiencies and expedite filling of vacancies, the Parties agreed to the trial of a modified posting process. The primary goal of the modified posting process is to fill vacancies without undue delay. The method of achieving this goal is by offering vacancies to qualified Regular Employees who already hold a position in the same classification in the unit/program/office where the vacancy exists.

Following a series of meetings to discuss the process in detail and address logistical matters, an initial pilot of the process was conducted in five locations:

### **Alberta Health Services**

Sturgeon Community Hospital

- Medicine Program
- Emergency Department

Red Deer Regional Hospital

- Emergency Program

Edmonton Zone - Continuing Care

- Home Living Program

### **Covenant Health**

Misericordia Community Hospital

- Emergency Department

Grey Nuns Community Hospital

- Emergency Department

The initial pilot gave the parties the opportunity to test the concepts on a smaller scale and address process issues ahead of the broader roll out. Feedback from Employees, Local Representatives, and Managers at the participating locations has been largely positive and we are now planning for an organization-wide roll out which takes effect on **December 5, 2022 for AHS and December 12, 2022 for Covenant Health.**

## What is the New Process for Filling Vacancies?

The process for filling vacancies is a lot like the current process in the sense that vacancies will continue to be posted via the RMS. What is different about the process is:

- the Hiring Manager will review the applicant pool after 5 calendar days to see who has applied within that time frame;
- if any of the applicants as of the deadline (within 5 calendar days) are Regular Employees who already hold a Regular position of the same classification within the same unit/program/office as the posted vacancy, the Manager can proceed with offering the vacancy to these Employees starting with the most senior;
- the process should be faster as the Manager:
  - will not be conducting interviews;
  - can work through the resulting vacancies more expediently; and

- may be able to fill a resulting vacancy immediately without further posting depending on its composition relative to the vacancy that was originally posted.

## **Does Article 12.02(a)(ii) Still Apply?**

Yes. This means that Managers are still required to consider seniority in determining selection of vacant Shift schedules by Regular Employees of the unit/program/office. For reference, the provision reads as follows:

*Seniority shall be considered in determining selection of vacant Shift schedules of the same FTE by Regular Employees of the unit/program/office subject to Article 7: Hours of Work and Scheduling Provisions. For “at” employees the selection to occur within the unit, for “at or out of” Employees the selection to occur within the program and site. For Employees in temporary positions, this provision shall not be used to change from the standard work day to the extended work day (or vice versa).*

It is important to note that Managers have different current practices for ensuring compliance with Article 12.02(a)(ii):

- Some managers ensure compliance with Article 12.02(a)(ii) by offering vacant Shift schedules to Regular Employees in the same FTE in order of seniority before posting any vacancies. Managers can continue to use that approach and should follow “[Option A](#)” (see below).
- Other managers ensure compliance with Article 12.02(a)(ii) during the course of the posting process when Regular Employees in the same FTE express an interest in the posted vacancy. Managers can continue to use that approach and should follow “[Option B](#)” (see page 4).

The decision on which process to use is up to the manager and will likely be influenced by current practice and the operational realities of the specific work place including the number of Employees.

### **Modified Posting Process Option A (Offer THEN Post)**

**Important:** *This version of the Modified Posting Process applies in circumstances where Managers ensure compliance with the provisions of Article 12.02(a)(ii) BEFORE posting a vacancy. Managers who prefer to ensure compliance with this provision as part of the posting process should refer to Modified Posting [Option B](#) on page 4. The decision on which process to follow is up to the Manager and based on what works best for their particular workplace.*

#### **Phase 1: Planning**

1. During this phase the Hiring Manager is planning for their short term and long term requirements of their workplace. This includes evaluating the position that has been vacated or the funding for new FTEs and considering their operational requirements and plans.
2. After considering the above, the Hiring Manager then finalizes the composition of the available vacancy and moves on to Phase 2.

## Phase 2: Application of Article 12.02(a)(ii)

1. Before proceeding with the posting, the Hiring Manager first offers the available vacancy to Regular Employees who already hold a position in the same classification and FTE within the same unit/program/office where the vacancy exists. In offering the vacancy, the Hiring Manager needs to ensure that Regular Employees working in temporary positions do not change from the standard workday to the extended workday (or vice versa).
2. If the vacancy is accepted, this will result in a new vacancy of the same FTE. This vacancy may then be offered amongst the same group of Employees who all hold positions with the same FTE.<sup>1</sup>
3. The Hiring Manager continues the process of offering resulting vacancies amongst this group of Employees until reaching the point where the vacancy cannot be filled. The Hiring Manager then progresses to the next phase of the process.

## Phase 3: Modified Posting

1. During this phase, the Hiring Manager will post the vacancy on RMS as per usual.
2. The vacancy posting template has been amended to include a “Disclaimer Statement” on all UNA postings to signal that the posted vacancy may be filled earlier than indicated on the posting. The statement reads as follows:

*PLEASE NOTE: This posting is scheduled to close at 23:59 of the posting end date but may be filled earlier if a Regular Employee who holds a position within this Unit, Program, or Office expresses their interest in this vacancy by 23:59 on the 5<sup>th</sup> calendar day following the posting date, under LOU #25. In the event that no Regular Employee from this unit/program/office expresses their interest by the deadline, the vacancy shall be filled under the provisions of Article 14: Promotions, Transfers and Vacancies. Please be advised this posting may be used to fill multiple identical vacancies arising as a result of the administration of the Trial of Modified Posting Provisions.*

3. Once activated, the Modified Posting will be live for the 10-day time limit as required by Article 14.01(a).
4. Regular Employees who already hold a position of the same classification within the same unit/program/office where the vacancy exists (hereafter referred to as “Eligible Employees”) will indicate their interest by applying on the requisition (via their internal profile) in RMS. Applications must be submitted no later than 23:59 on the 5<sup>th</sup> calendar day following the posting date in order to be considered for the vacancy under the Trial of Modified Posting Provisions.  
  
Eligible employees are not required to complete an interview so long as they indicate their interest by the deadline. The deadline for Eligible Employees to express their interest in a vacancy shall be strictly enforced.
5. Following the 5-day deadline, the Hiring Manager will check to see if there are any Eligible Employees who expressed an interest in the posted vacancy. To assist in this regard, the Hiring Manager will run a “Consequential Vacancy Report” in e-People to see a list of all Eligible

<sup>1</sup> Note that the Manager may need to issue revised offer letters via the “Hire/Transfer/No-Post” process in RMS if the selection of a vacant Shift schedule results in changes in the configuration of the Employee’s position such as the hours/Shift or Shifts/Shift cycle.

Employees in order of seniority. Managers who are unsure of an Employee's eligibility should contact HRBP/HRCF for assistance. The next steps will be determined based on whether there are any Eligible Employees who expressed an interest in the vacancy:

- If any Eligible Employees express their interest before the deadline then the Hiring Manager will proceed to offer the vacancy as described in Phase 4 below.
- If there are no interested Eligible Employees as of the deadline then the Hiring Manager will wait until the closing date for the posting and fill the vacancy by following the usual provisions of Article 14. Any interested Eligible Employees who missed the 5-day deadline will be required to submit an application and participate in an interview as per regular recruitment practices.

#### **Phase 4: Offering the Vacancy**

1. The Manager will review the list of Eligible Employees on the Consequential Vacancy Report to determine relative seniority.
2. The Hiring Manager will issue oral offers to the Eligible Employees who indicated an interest in the vacancy in order of seniority.
3. Once an offer is orally accepted, the Hiring Manager will then complete the offer grid in RMS. The acceptance of the e-Offer will then trigger the issuing of regret letters.
4. If the vacancy is filled by an Eligible Employee, the natural consequence is a new vacancy in a different FTE. The Hiring Manager will take this vacancy and re-start the process at Step 1. The Hiring Manager will continue to repeat the phases for each new consequential vacancy in turn.
5. In circumstances where the Manager has multiple concurrent postings of different FTEs, the internal movement of Employees under the Trial of Modified Posting Provisions (TMPP) may generate a number of vacancies that are identical (with the exception of the shift pattern) to a vacancy already posted. Where that occurs, the Manager can also fill the resulting identical vacancies without further reposting.

### **Modified Posting Process Option B (Post THEN Offer)**

**Important:** This version of the Modified Posting Process applies in circumstances where Managers ensure compliance with the provisions of Article 12.02(a)(ii) as part of the posting process. Managers who prefer to ensure compliance before posting should refer to [Modified Posting Option A](#) on page 2. The decision on which process to follow is up to the Manager and based on what works best for their particular workplace.

#### **Phase 1: Planning**

1. During this phase the Hiring Manager is planning for their short-term and long-term requirements of their workplace. This includes evaluating the position that has been vacated or the funding for new FTEs and considering their operational requirements and plans.
2. After considering the above, the Hiring Manager then finalizes the composition of the available vacancy and moves on to Phase 2.

## Phase 2: Modified Posting

1. During this phase, the Hiring Manager will post the vacancy on RMS as per usual.
2. The vacancy template has been amended to include a “Disclaimer Statement” on all UNA postings to signal that the posting may be filled earlier than indicated on the posting. The statement reads as follows:

*PLEASE NOTE: This posting is scheduled to close at 23:59 of the posting end date but may be filled earlier if a Regular Employee who holds a position within this unit/program/office expresses their interest in this vacancy by 23:59 on the 5<sup>th</sup> calendar day following the posting date, under LOU #25. In the event that no Regular Employee from this unit/program/office expresses their interest by the deadline, the vacancy shall be filled under the provisions of Article 14: Promotions, Transfers and Vacancies. Please be advised this posting may be used to fill multiple identical vacancies arising as a result of the administration of the Trial of Modified Posting Provisions.*

3. Once activated, the Modified Posting will be live for the 10-day time limit as required by Article 14.01(a).
4. Regular Employees who already hold a position of the same classification within the same unit/program/office where the vacancy exists (hereafter referred to as “Eligible Employees”) will indicate their interest by applying on the requisition (via their internal profile) in RMS. Applications must be submitted no later than 23:59 on the 5<sup>th</sup> calendar day following the posting date in order to be considered for the vacancy under the Trial of Modified Posting Provisions.

Eligible Employees are not required to complete an interview so long as they indicate their interest by the deadline. The deadline for Eligible Employees to express their interest in a vacancy shall be strictly enforced.

5. Following the 5-day deadline, the Hiring Manager will check to see if there are any Eligible Employees who expressed an interest in the posted vacancy. To assist in this regard, the Hiring Manager should run a “Consequential Vacancy Report” in e-People to see a list of all Eligible Employees in order of seniority. Hiring Managers who are unsure of an Employee’s eligibility should contact HRBP/HRCP for assistance. The next steps will be determined based on whether there are any Eligible Employees who expressed an interest in the vacancy and if the interested Eligible Employees have the same FTE as the posted vacancy or not:
  - If there are interested Eligible Employees in the same FTE, the Manager will first start with Stream A (this ensures compliance with Article 12.02(a) (ii)).
  - If there are no interested Eligible Employees of the same FTE the Hiring Manager will start with Stream B.
  - If there are no interested Eligible Employees as of the deadline then the Hiring Manager will wait until the closing date for the posting and fill the vacancy by following the usual provisions of Article 14. Any interested Eligible Employees who missed the deadline will be required to submit an application and participate in an interview as per regular recruitment practices.

### Phase 3: Offering the Vacancy

- The Manager will review the list of Eligible Employees and determine current FTE and relative seniority based on the available information from e-People and proceed with issuing an oral offer of vacancy under Stream A or Stream B as applicable.

<b>Stream A – interested Eligible Employees of the same FTE</b>	<b>Stream B – other interested Eligible Employees</b>
<ul style="list-style-type: none"> <li>▪ The Hiring Manager will issue an oral offer of the vacancy to the Eligible Employee of the same FTE with the most seniority. Regular Employees in temporary positions cannot change from the standard work day to the extended work day (or vice versa) under Article 12.02(a)(ii).</li> <li>▪ If the vacancy is accepted this will result in a new vacancy of the same FTE. This new vacancy may then be offered to the next most senior Eligible Employee who indicated their interest in the posted vacancy.<sup>2</sup></li> <li>▪ The Hiring Manager will continue to offer each new vacancy of the same FTE to Eligible Employees who indicated their interest in the posted vacancy until the point where there is a vacancy that cannot be filled amongst the Eligible Employees with the same FTE. The Hiring Manager will then commence Stream B.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Hiring Manager will commence at Stream B if none of the Eligible Employees have the same FTE as the posted vacancy or will progress to Stream B after first working through the processes under Stream A.</li> <li>▪ The Hiring Manager will issue an oral offer of the vacancy to the Eligible Employee who indicated an interest in the vacancy in order of seniority.</li> <li>▪ The vacancy being offered in Stream B may be a different Shift pattern than originally posted as a result of the processes under Stream A.</li> </ul>

- Once an offer is orally accepted, the Hiring Manager will then complete the offer grid in RMS. The acceptance of the e-Offer will then trigger the issuing of regret letters.
- If the vacancy is filled by an Eligible Employee, the natural consequence is a new vacancy in a different FTE. The Hiring Manager will take this vacancy and re-start the process at Step 1. The Hiring Manager will continue to repeat the phases for each new consequential vacancy in turn.
- In circumstances where the Manager has multiple concurrent postings of different FTEs, the internal movement of Employees under the TMPP may generate a number of vacancies that are identical (with the exception of the shift pattern) to a vacancy already posted. Where that occurs, the Manager can also fill the resulting vacancies without further reposting.

<sup>2</sup> Note that the Manager may need to issue revised offer letters via the Hire/Transfer/No Post process in RMS if the selection of a vacant Shift schedule results in changes in the configuration of the Employee's position such as the hours/Shift or Shifts/Shift cycle.



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## Frequently Asked Questions

### 1. Who does the LOU apply to?

The LOU applies to Regular Employees who already hold a permanent/regular position in the same classification in the unit/program/office where the vacancy exists (for ease of reference throughout the document we refer to these individuals as “Eligible Employees”). Eligible Employees include Regular Employees who continue to hold a regular/permanent position in the unit/program/office where the vacancy exists even though they may be working in a temporary position in a different unit/program/office.

### 2. Who does the LOU not apply to?

The LOU does not apply to:

- Temporary Employees as defined in Article 2.04(c);
- Casual Employees as defined in Article 2.04(b);
- Regular Employees who hold a position in a different classification within the unit/program/office where the vacancy exists;
- Regular Employees who hold a position within a different unit/program/office regardless of whether they pick up additional shifts or are working in a temporary position within the unit/program/office where the vacancy exists; and
- Regular Employees who have accepted a Regular or Temporary position outside the scope of the bargaining unit pursuant to Article 14.11.

### 3. How do we determine the deadline for Eligible Employees to express their interest?

With the exception of “Hot Jobs”, all posted vacancies indicate the number of hours or days the vacancy has been posted. The deadline for Eligible Employees to express their interest under LOU #25 will be at 23:59 on the day the posting indicates the vacancy was posted “5 days ago”. Once the system indicates that the vacancy was posted “6 days ago”, the deadline has passed. Note that some vacancies are posted as “Hot Jobs” which indicate the date the vacancy was posted. To determine the deadline for Hot Jobs, add five days to the date the vacancy was posted. For example, in the case of a vacancy posted at midnight on July 4, 2022, the deadline for Eligible Employees to indicate their interest is at 23:59 on Saturday July 9, 2022.

### 4. What if an Eligible Employee applies for the vacancy after the 5-day deadline? What if they are only 2 minutes late?

The deadline will be strictly enforced even in cases where the Eligible Employee is just a few minutes late. Failure to express interest by the deadline means that any interested Eligible Employees will have to compete for the vacancy with the other applicants under the usual processes of Article 14, should the vacancy not be filled as a result of the TMPP. The success of the LOU will be assessed based on whether posted vacancies are filled faster and more efficiently. Achieving success under the LOU requires a shift in everyone’s approach and Employees who want

to rely on the terms of the LOU may need to adopt new habits including more frequent scanning of job postings and indicating their interest as soon as there is a posting that appeals to them.

## 5. How does an Eligible Employee indicate their interest?

Interested Eligible Employees who want to take advantage of the provisions of the LOU can apply directly using their online candidate profile in e-People. Employees will not need to submit their resume or go through the interview process as long as they:

- a) apply by the 5-day deadline; and
- b) hold a Regular position in the same classification and unit, program, or office as the posted vacancy.

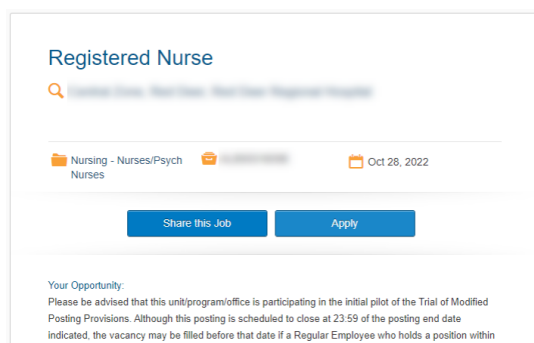
Eligible Employees will apply to vacancies through e-People as follows:

**Navigation:** My Homepage > Employee Self Service > Recruitment Activities > Job Opportunities, and then click on your company name to be redirected to the appropriate Job Board.

- a. Find a job opportunity posted within your unit/program/office using specific search criteria (e.g. requisition #, keywords or location, etc.)
- b. Click the job posting hyperlink to display the posting and review the position summary and details.

### Applying to a Vacancy within Your Unit/Program/Office

- a. Once you have found a vacancy within your unit/program/office you are interested in, you can start the application process.
- b. Click on the Apply button to start the application process (see graphic below).



- c. Read the Privacy Agreement that displays and click on I Accept.
- d. Log in to your RMS profile if you are not already signed in.
- e. The application process will begin displaying the step progression bar at the top of the page. At this point, all you have to do is validate the information in your profile to make sure your information (such as your phone number, etc.) is still correct and current. Complete the validation process and move to the next step.

- f. **eSignature** – acknowledge you have read the statement and certify the information provided in the application is true and complete by:
  - i. entering your full name at the bottom; and
  - ii. entering the last 4 digits of your telephone number
- g. **Review and Submit** – review all the information you have entered. Click **Submit** once you are ready to submit your application. Once you submit, a thank you message will display indicating process is complete. You will receive an email notification that your submission has been received.

**6. What is the impact to an Employee who is still in their probationary period or their initial trial period at the time they are awarded a vacancy pursuant to this LOU?**

Employees who have completed their probationary period or initial trial period are not required to serve a further trial period in the event that they are awarded a vacancy pursuant to the LOU.

Employees who are still in the process of completing their probationary period or initial trial period at the time that they are awarded a vacancy pursuant to the LOU will still need to complete their probationary period/initial trial period.

**7. In looking at the organization of our particular unit/program/office it's hard to determine how to apply the LOU. How do we determine the "boundaries" of the workplace for the purposes of the LOU?**

AHS and Covenant Health are complicated organizations and no two clinical care settings are exactly alike even when the focus of care is the same. Generally speaking, the starting point for answering this question is to consider the degree to which Employees are integrated currently. A quick look at the vacation planner can provide some guidance in terms of determining these boundaries.

For instance, a unit/program/office with highly integrated teams where Employees all perform the same job functions, or are cross trained and scheduled/assigned to work across a variety of functions or areas can be grouped together for purposes of the LOU. In these kinds of workplaces, the vacation planner for the unit/program/office likely reflects this high degree of integration by including all employees on a single planner.

In contrast, some units/programs/offices have teams that report up to a single manager but the teams themselves have low or no integration with one another. The teams might also be engaged in completely different work requiring different skills. In these kinds of workplaces, the vacation planner for the unit/program/area likely reflects this low/no integration by having these employee groups on separate planners.

In many cases, the boundaries of the unit/program/office for purposes of this LOU will align neatly with the vacation planner currently being used. Where the vacation planner does not provide this clarity or where the operational realities warrant, representatives from the Employer and the Union should attempt to reach mutual agreement regarding the boundaries for the purpose of the LOU.

**8. If vacancies are being awarded on the basis of seniority does this mean that the Employee does not need to have the ability to perform the work?**

The parties agree that Employees are required to have the ability to perform the work. Under this LOU, if the only factor that is changing is the FTE, Employees are considered as having the ability to perform the work on the basis that they are already doing so. Ultimately, if the vacancy involves different job functions requiring different qualifications that the Employee does not have, the Employee may not be eligible to rely on their seniority to secure the vacant position pursuant to this LOU.

**9. Can an Employee change classifications under this LOU?**

No. Under the express provisions of the LOU, vacant positions can only be made available to Regular Employees within the unit/program/office who hold a position in the same classification as the vacancy.

**10. How does this LOU apply when there is an Employee requiring a workplace accommodation and the posted vacancy aligns with their qualifications and work restrictions?**

In circumstances where there is an identified qualified Employee in need of a workplace accommodation and whose work restrictions align with the posted vacancy, this individual will take precedence for the posted vacancy ahead of any Eligible Employees who may have expressed an interest in the vacancy.

**11. How quickly will the successful candidate start in their new position?**

The start date for the new position shall be as per the posting unless the Manager and Employee mutually agree to an adjustment to the start date.

**12. Can the LOU be used to fill temporary vacancies?**

Yes. While the LOU only applies to Regular Employees it can be used to fill temporary vacancies as well as regular/permanent vacant positions.

When filling a temporary vacancy, the Hiring Manager would still follow Option A or Option B as written; there are no adjustments to the process for temporary vacancies. The only difference in the process might be the resulting vacancy at the end. For instance in the course of filling a temporary vacancy, the Hiring Manager may be left with a resulting temporary vacancy of a different FTE and term.

**13. If there are consequential vacancies arising during the process do they have to be posted?**

It depends.

Generally speaking, when working with 1 vacancy at a time, the natural consequence is going to be a new vacancy of a different FTE or a new vacancy with different hours/Shift and Shifts/Cycle. These will need to be posted as new vacancies and the process starts over.

When multiple vacancies of differing FTEs have been posted concurrently there is a strong possibility that some of the consequential vacancies that result will be the same FTE as one of the vacancies that was originally posted. Where that is the case, the consequential vacancies do not need to be re-posted as long as these are the same as the original posted vacancy in every respect other than the Shift pattern:

- if the FTE of the consequential vacancy is different, it must be posted;
- if the original posting was for an Extended Work Day position and the consequential vacancy is for a 7.75 hour work day (or vice versa), it must be posted;
- if the mobility requirements of the consequential vacancy are different (e.g. “at or out of” versus “at”), it must be reposted; **but**
- if everything about the consequential vacancy is the same as the original posted vacancy but the shift pattern is different, it does not need to be reposted and can be offered to an eligible Employee who expressed an interest in the original posted vacancy.

**14. What happens if we encounter a difference of opinion with one another and we are not sure how to proceed?**

Start by convening a meeting with the applicable Manager, HR Advisor, and Local Representative to engage in a problem solving conversation. If the difference of opinion remains following that conversation then request an expedited problem solving meeting involving the following representatives from AHS and UNA:

<b>AHS/Covenant</b>	<b>UNA</b>
Raelene Fitz and/or Rick Mann (AHS) or Sheilagh Gaboury (Covenant Health)	David Harrigan and/or Brady Holroyd

During the problem-solving meeting, representatives will take an interest based approach to resolving the outstanding issue.