

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

Assisted Living Alberta

Overview: Alberta Health Services (AHS) and United Nurses of Alberta (UNA) agreed to the Letter of Understanding #34 RE: Health Care Re-Focusing which governs the transition of UNA members from AHS to Assisted Living Alberta (ALA).

[This agreement](#) protects the rights of Employees and provides for continuity of service delivery for our patients and clients as AHS Employees transition to ALA. This agreement will also apply where other provincial health agencies and/or provincial health corporations 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 ALA, will have the option to accept or decline the transfer. Employees who decline the transfer to ALA have a number of options available to them including the right to exercising their options under Article 15: Layoff and Recall. This could result in some minor disruption in areas not directly affected by the transfer.

For those who transition to ALA, 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 (UNA).

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 ALA.
- **Notice Date** - date when Employees will be notified their positions will move to ALA 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 ALA. 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 ALA.
- **Payroll Transfer Date** - effective date for implementation of the ALA payroll system.

1. How will I know if my position is transitioning to ALA?

- a. Once the Transfer Orders are issued, all AHS Employees who hold positions that are identified to transfer to ALA, 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 ALA?

- 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 ALA, will have the option to accept or decline the transfer.
- b. If you intend to decline the transfer, 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 ALA.
- d. If you decline the transfer to ALA, 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 ALA.
- e. If you decline the transfer, you may be required to temporarily transfer for a period of up to 6 months if the viability of the program is jeopardized.

3. Do the parties agree on the options available for directly affected Employees who decline to transfer and indirectly affected Employees?

No, the parties do not have complete agreement on the options available for directly affected Employees who decline to transfer to ALA and indirectly affected Employees.

- The Employer(s) and the Union agree that directly affected Employees who opt not to transfer to ALA shall have all rights specified in Article 15: Layoff and Recall except that the Employee may not receive 28 days' notice of position elimination. The Employer(s) and the Union also agree that indirectly affected Employees shall have all rights specified in Article 15: Layoff and Recall plus the option of selecting a vacancy at ALA provided the Employee has the ability to perform the work.
- The difference of opinion between the Employer(s) and the Union centres on the issue of whether, when exercising their Article 15: Layoff and Recall rights, such directly affected or indirectly affected Employees are restricted to exercising these rights within AHS only or whether they are free to exercise these rights across all provincial health agencies and provincial health corporations.

- **The Employer(s) interpretation** is that exercising Article 15: Layoff and Recall rights is restricted within AHS only. This means that directly affected Employees who opt not to transfer to ALA and indirectly affected Employees are not entitled to displace less senior Employees or select vacancies from within Recovery Alberta, Primary Care Alberta, Acute Care Alberta, Cancer Care Alberta, Give Life Alberta or Emergency Health Services.
 - **UNA's interpretation** is that directly affected Employees who opt not to transfer are able to exercise Article 15: Layoff and Recall rights with the option of either selecting to displace or selecting a vacancy within any provincial health agency or provincial health corporation, except ALA. Indirectly affected Employees are able to exercise Article 15: Layoff and Recall rights with the option of either selecting to displace or selecting a vacancy shall be within any provincial health agency or provincial health corporation.
- 4. What if I decline the transfer to ALA and want to displace or take a vacancy at another provincial health agency or provincial health corporation, such as Recovery Alberta or Assisted Living Alberta, etc.?**
- As indicated above, UNA and the Employer(s) have different positions on the interpretation of the Letter of Understanding #34 RE: Health Care Re-Focusing and the options available. Should you have questions regarding your options please contact your Labour Relations Officer (LRO) and/or HR Business Partner for further information and assistance.
- 5. 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 ALA.
 - b. These key components of your job will not be changed as a result of the transfer to ALA.
 - c. Within 90 days of the Staff Transfer Date, you will receive a letter which confirms the key components of your job at ALA, 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; and
 - xi. vacation entitlement.

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

- a. ALA 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 ALA, 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.

7. 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 ALA remain intact and will not be impacted.

8. 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.

9. 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 your employment category is that of a Regular Employee but you are currently in a temporary position and both positions will transfer to ALA, AND you **accept** the transfer, you will be reinstated back into your regular position or placed in a similar position at ALA after your temporary position ends.
 - b. If your employment category is that of a Regular Employee but you are currently in a temporary position – and both positions will transfer to ALA, AND you **decline** the transfer, you may be required to continue in the temporary position that moves to ALA if the viability of the program is jeopardized. Your notice of Layoff and Recall rights under Article 15: Layoff and Recall will be postponed.

- c. If your employment category is that of a Regular Employee but you are currently in a temporary position - and only the temporary position is transferring to ALA, you will continue to work in your temporary position until either:
- i. ALA 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 ALA, you will be reinstated or placed in an AHS position in accordance with Article 14.08.

- d. If your employment category is that of a Regular Employee and you hold a regular position that is transferring to ALA, 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 an ALA position in accordance with Article 14.08.

- e. If your employment category is that of a Regular Employee and you hold a regular position that is transferring to ALA, but you are 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: Layoff and Recall will be postponed.
- f. If your employment category is that of a Temporary Employee with no regular status at AHS, and the temporary work will transfer to ALA, you will continue in the temporary position until:
- i. ALA determines you are no longer required in the temporary position; or
 - ii. the term of the temporary position is reached.

If you have retained status as a Casual Employee, then at the conclusion of the temporary position, you will resume the normal terms and conditions of employment as a Casual Employees within the provincial health agency, provincial health corporation and/or AHS as applicable.

10. 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 ALA.
- b. If you work as a casual both in a work area that stays at AHS and in another work area that becomes ALA you can continue to pick up casual shifts at both AHS and ALA 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.

11. What happens if I am currently serving a probationary or trial period?

- a. If you are serving a probationary or trial period at AHS in a position that will transfer to ALA, 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 ALA; and either the Employer determines you have 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 ALA in circumstances where your former position was affected by the Transfer Order.

12. What happens if I work part-time with AHS and pick up additional shifts in an area that will transfer to ALA?

- a. Until the Payroll Transfer Date, you can continue to pick up additional shifts at ALA using the shift redistribution process.
- b. If you want to continue to work additional shifts in an ALA area after the Payroll Transfer Date, while you remain a Part-time Employee at AHS, you must request that a casual record with ALA be created before the Payroll Transfer Date.
- c. Work with the manager of the ALA 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.

13. What happens if I have pre-approved time off, but I have accepted the transfer to ALA?

- a. ALA 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.

14. 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 ALA.

15. 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 a provincial health agencies or provincial health corporation?

- a. AHS and ALA 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 ALA and you are the successful candidate, it will be made clear to you at the time of offer that this is now an ALA position.
- c. If you accept this offer of employment with ALA, you will not have any rights under Article 15: Layoff and Recall.

16. What will happen after the Payroll Transfer Date when the ALA payroll system is implemented?

- a. AHS and UNA have determined how AHS and ALA will interact between the Payroll Transfer Date and March 30, 2028 and negotiated additional amendments to Article 14.05. For the purpose of administering payroll, you will be working for two separate Employers, and your hours will be coded separately with the applicable Employer.
- b. Vacancies (permanent and temporary):
 - i. The Employers that participate in the Collective Agreement with the United Nurses of Alberta¹ will extend hiring preference to their own Employees first. Applicants that are employed by one of the participating Employers will not be considered internal candidates for vacancies with a different participating Employer but will be considered ahead of external candidates. In circumstances where a participating Employer is considering external applicants and must decide between two or more who are “relatively equal”, the hiring Employer shall give first consideration to an applicant who is employed by one of the other participating Employers ahead of other external candidates.

¹ The participating Employers include: Alberta Health Services, Covenant Care, Lamont Health Care Centre, The Bethany Group (Camrose), Recovery Alberta: Mental Health and Addictions, Primary Care Alberta, Assisted Living Alberta, Cancer Care Alberta, Give Life Alberta, and Emergency Health Services).

- ii. Employees who are successful applicants on vacancies with another participating Employer, may transfer their accrued seniority, pension entitlements, vacation accrual rates and unused vacation up to 1 (one) year's entitlement, and sick leave up to the maximum level of entitlement in effect at the receiving Employer. Employees who elect to transfer their vacation and sick entitlements are required to transfer these in whole and are not permitted to maintain the same entitlements concurrently with multiple Employers. Employees are required to comply with the Employers' administrative controls associated with transfer of these entitlements.
- c. Article 15: Layoff and Recall:
 - i. AHS Employees with over 24 months seniority who are issued position elimination notice or displaced under Article 15.04 ~~have~~ the option to select vacancies and/or be recalled by ~~any~~ PHA or PHC ~~provided~~ they have the ability to perform the work.
- d. Reassignment:
 - i. Employees may be reassigned to other PHAs and PHCs in cases of emergencies and for the purposes of maintaining skills, education, orientation, and meetings.
- e. Professional Responsibility Committee (PRCs) and Workplace Health and Safety (WHS) Meetings:
 - i. While recognizing the final decisions rest with the Employer(s), issues related to co-mingling of Employees of the various PHAs and PHCs, policies, equipment, patients, residents, and clients will be a standing item at the Professional Responsibility Committee and Workplace Health and Safety meetings.