

Explaining the transition **FROM AHS TO RECOVERY ALBERTA**

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Individual factors and arbitration decisions may affect the interpretation and application of the Collective Agreement. If you have any questions or concerns, please contact your Local Executive or Labour Relations Officer (LRO).

The Government of Alberta is moving forward with its plans to transition away from one province-wide regional health authority.

With the passage into law of *Bill 22, the Health Statutes Amendment Act* on May 29, 2024, the provincial government is now planning the changes to Alberta Health Services (AHS) and the creation of four sector-based provincial health agencies: primary care, acute care, continuing care and mental health and addiction.

The sector-based provincial health agency covering mental health and addiction is Recovery Alberta (RA), which is expected to be created on July 1, 2024. The other three agencies are expected to be created in fall 2024.

The government has informed UNA that the primary care, acute care, continuing care agencies will be responsible for governance and policy but not be Employers. RA will be an Employer and all mental health, addictions, and corrections positions currently under AHS will be transferred to this new organization.

The creation of these sector-based health agencies and the transfer of staff is not something that UNA can stop, but UNA has reached a Letter of Understanding (LOU) with AHS on exactly how these transfers will happen. We have written the Letter broadly enough that it will cover other transfers, just in case the government changes its mind.

The Letter of Understanding acknowledges that the positions will transfer. However, contrary to what the government and AHS was saying, affected Employees represented but UNA are not obligated to transfer with the positions.

Directly affected Employees have an option to stay in their positions and transfer to RA, or to receive notice of position elimination, and exercise their rights under *Article 15, Layoff and Recall*. Directly affected employees will be notified of the position transfers. Directly affected Employees who wish to decline the transfer must do so in writing by email. At that time, they may request notice of position elimination. If they do not respond, they will be transferred to RA.

If a directly affected Employee is away on Leave, WCB, STD or LTD, they will exercise their rights when they return from their leave.

Employees who are displaced or “bumped” by directly affected Employees have, in addition to their rights under Article 15, the right to take a vacancy at the new Employer.

Each transferring Employee will transfer seniority, hours worked towards their next increment, unused personal leave days and all credits accrued up to the date of the payroll transfer in the following banks: vacation, overtime, named holidays inclusive of the floater holiday (if applicable), and sick leave. All pre-approved vacation time, personal leave, professional development, time off in lieu of overtime, time off in lieu of a named holiday, and Shift exchanges will be honoured by the new Employer.

Once the new Employer is created, for the first several months the change will be invisible to Employees for the purpose of the Collective Agreement. The provincial health agency shall be treated as a single Employer and the Direct Nursing and Nursing Instruction bargaining units shall be treated as a single bargaining unit for purposes of applying and administering the Collective Agreement until the payroll transfer date. Thereafter, AHS and the sector-based health agency shall be treated as separate Employers. It is expected that for RA, the payroll transfer date will be in early April 2025.

The details of the transition of Employees from AHS to RA are found in the attached Letter of Understanding. UNA will do its best to answer questions and address the concerns of members affected by these changes. UNA encourages members to read the LOU and the Frequently Asked Questions list below.

FAQ

ABOUT TRANSITION TO RECOVERY ALBERTA

GENERAL

Q: Can this transition be stopped?

A: No. This was not a decision made by AHS. The Government of Alberta has decided this is happening, regardless of the negative effects it may have on staff and patients.

Q: Will this LOU be in place for all future transfers of Employees from AHS that are part of the GOA Health care refocusing?

A: Yes. It has been written broadly so that if other agencies employer front line employees, it applies. But as mentioned earlier, at this time the Government has stated that the other agencies will be for governance and policy purposes and will not employ nurses.

Q: When will the transfer order be expected for Recovery Alberta?

A: It is expected that RA will be created in July 2024, and the transfers will take place after that, likely September 1, 2024.

Q: How will I be notified that my current position is moving to Recovery Alberta?

A: Directly affected Employees will receive an email from the Employer. Local Presidents also have a list of the positions that will be transferred.

Q: Who is considered a Regular Employee?

A: The Collective Agreement describe three different categories of Employees: Regular (full time or part time), Casual, and Temporary (those hired for a specific time frame).

Regular Employees in temporary positions continue to be Regular Employees.

Q: Will severance or early retirement options be offered with the position transfer order?

A: No. Bill 22 specified that, regardless of any Collective Agreement, severance will not be available as a result of these changes.

Q: What will the length of time be between the transfer order and the deadline to respond if I am a directly affected Employee?

A: The Union and AHS need to determine this time frame.

Q: What does displacement mean?

A: Article 15 of the Collective Agreement indicates that an Employee whose position is eliminated or who is displaced in accordance with this Article shall, provided the Employee has not less than 24 months of seniority:

- (i) have the right to displace an Employee with less seniority in a position for which the Employee has the ability to perform the work;
- (ii) at the Employee's option, take a position which is vacant and for which the Employee has the ability to perform the work; or
- (iii) at the Employee's option, accept layoff with the right of recall.

Displacing another Employee is often referred to as "bumping."

Q: Where can I find information about Article 15?

A: UNA has created a Questions and Answer document that can be found at www.una.ca.

Q: Does the new Letter of Understanding provide any rights on a addition to Article 15?

A: Yes. Directly affected employees have the right to transfer to RA or to exercise their Article 15 rights. Indirectly affected employees (those displaced by directly affected) also have the right to select a vacancy at RA.

- Q:** What are the best resources for Employees to access if they have more questions?
- A:** Contact the Labour Relations Officer assigned to your UNA Local at 1-800-252-9394 or nurses@una.ca.

EMPLOYEES ON LEAVE

- Q:** Does this Letter of Understanding apply to all Letters of Agreement under Article 22 of the Provincial Collective Agreement?
- A:** The LOU does apply to Employees on leave. But Employees is away on Leave, WCB, STD or LTD will be notified and will exercise their rights when they return from their leave.

TEMPORARY POSITION

- Q:** If I am in a temporary position that is being transferred to the new provincial health agency, what is the process if the new Employer wants to extend my temporary position?

POST PAYROLL TRANSITION

- Q:** When is the expected date of the payroll transition?
- A:** April 5, 2025.
- Q:** Will the payroll transition affect the way I file my taxes?
- A:** It should not have any effect on the filing of taxes. For the 2025 tax year Employee's will get two T4's. We are still trying to establish if Employees will restart the CPP and IE contributions. If so, any over contributions will be refunded to you in the next taxation year.
- Q:** Will there be a change to scheduled paydays and payroll cut-offs with the payroll transition?
- A:** At this time, the employers have no plans for change.

- Q:** The Letter of Understanding discusses that Employees can be casual at one or both of the Employers, what is the process to notify the Employer(s)?
- A:** Nurses will have to establish a Casual employment record with the other Employer through one of the units/programs/offices. Staff should speak to the Manager directly. The additional Casual Record will not be activated until the payroll transfer date. A request to create an additional Casual Record shall not be unreasonably denied.

- Q:** Which Employer do I notify of my readiness to return to work?
- A:** You should notify Alberta Health Services.

- A:** Any extension would need to be agreed to by the Union. If this occurs, you should speak to your Local President.

- Q:** How will working a regular position with one Employer and casual in another impact my pension and entitlements?
- A:** Post payroll transfer, hours worked with the other Employer as a Casual will not be pensionable. Hours worked as a casual will not accrue vacation, sick, or count as hours toward Professional Fee Reimbursement.
- Q:** I have moved to RA. Can I still apply for a position at AHS?
- A:** Yes. But AHS must hire from within their bargaining unit first. If a vacancy still remains, they must hire from RA before hiring externally.