

GUIDELINES (for Union use)

Grievances re: Improper Holiday Schedule

Issue Statement: Did management violate Contractual provisions including but not limited to Article 3, 11, 30 of the Collective Bargaining Agreement; and Item 13 of the Branch 2184 Local Memorandum of Understanding when assigning work for the Holiday schedule?

FACTS TO CONSIDER: (provide evidence as necessary)

- Was a holiday schedule posted in a timely manner?
- Were CCA employees scheduled to the maximum extent possible, even if the payment of overtime was required?
- Was the negotiated pecking order followed?
- Identify who was improperly forced to work, and who should have been utilized instead.

ARGUMENTS/CITATIONS:

- Remember, the union has the burden of proving the Contract was violated. Article 11.6; Joint Contract Administration Manual:
 - p. 11-3: The intent of Article 11.6 is to permit the maximum number of full-time and part-time regular employees to be off on the holiday should they desire not to work while preserving the right of employees who wish to work their holiday or designated holiday.
 - p. 11-4: Holiday Schedule Posting: If the holiday schedule is not posted as of Tuesday preceding the service week in which the holiday falls, a full-time employee required to work on his or her holiday or designated holiday, or who volunteers to work on such day, will receive holiday scheduling premium for each hour of work, up to 8 hours.
 - p. 11-4: The posting of a holiday schedule on the Tuesday preceding the service week in which the holiday falls is to include part-time flexible employees who at that point in time are scheduled to work on the holiday in question.

- LMU Item 13: Employees will be selected to work on a holiday in the following order:

Full-Time volunteers who will be working on their **holiday**, selected by seniority

Full-Time volunteers who will be working on their **non-scheduled day**, selected by seniority

CCA Employees

Non-Volunteer Full-Time Employees working on their **non-scheduled day** by inverse seniority

Non-Volunteer Full-Time Employees who will be working on their **holiday** by inverse seniority

- M-00898: Article 11, Section 6.B of the National Agreement requires that, where operational circumstances permit, PTF employees should be utilized **in excess of eight (8) hours** before any regular employees should be required to work their holiday or designated holiday.

REMEDY:

Compensate the full-time employees improperly assigned to work their holiday or designated holiday with an additional 50 percent premium; Compensate the full-time employees who should have worked at the rate of pay the employee would have earned had (s)he worked; and/or other appropriate remedy.