

IN THE MATTER OF AN ARBITRATION

BETWEEN:

Hamilton Health Sciences

-and-

**Canadian Union of Public Employees
Local 7800**

Grievances re: Hours Between Shifts

Lorne Slotnick, Arbitrator

Hearing – Hamilton, Ont., November 23, 2016

A W A R D

This award deals with a group grievance (#CS6-16-041) and a policy grievance (#CS6-16-042) related to the hours between shifts for booking clerks in the diagnostic imaging department at Hamilton Health Sciences' West Lincoln Memorial Hospital Site in Grimsby. This group of employees was brought under a collective agreement for the first time, effective February 4, 2016, as a result of the amalgamation of West Lincoln with Hamilton Health Sciences.

The collective agreement provisions on scheduling provide for a period of 16 hours to be scheduled between shifts. Where the time between shifts is less than 16 hours, the employee is to be paid at the overtime rate for the hours before the 16 hours has expired, except where there has been mutual agreement between the employee and the hospital to schedule less than 16 hours between shifts, or the employee has exchanged shifts resulting in less than 16 hours between shifts.

Having heard the submissions of the parties, I order that all employees in the affected group be paid the difference between what they received and the overtime rate for any hours worked before 16 hours between shifts had expired, starting on May 1, 2016, to the present. This will not apply to shift exchanges or extra shifts offered and accepted by employees, or to any situation where the overtime rate has already been paid. The amounts above are to be paid forthwith.

The union is reminded that issues are to be raised in a timely way, as per the grievance procedure (Article 7) in the collective agreement.

I will remain seized in the event there is any difficulty in implementing this award.

A handwritten signature in black ink, appearing to read "Lorne Slotnick", written over a horizontal line.

Lorne Slotnick, Arbitrator
November 25, 2016