

Non Union Non Management Lay Off and Bumping

Reviewed Date		Number	<i>HR0212</i>
Revised Date	May 12, 2021	Approved Date	<i>July 24, 2019</i>

Introduction

This policy outlines the specific steps to be taken in the event of a permanent lay off and resultant bumping of non-union, non-management staff as a result of government funding issues and/or any Health Unit budgetary/fiscal restraint or reductions. The lay off and bumping protocol contained within this policy was agreed to with the Simcoe Muskoka District Health Unit's HR Council in order to adequately address the principle of seniority as requested by the majority of non-union staff.

Purpose

To inform Simcoe Muskoka District Health Unit (SMDHU) non union non management staff of the staff reduction processes that may need to be applied in situations involving government funding issues and/or any Health Unit budgetary/fiscal restraint or reductions. The additional purpose of this policy is to mirror standard lay off and bumping language found in numerous collective agreements of unionized employees.

Legislative Authority

Employment Standards Act, 2000, as amended from time to time

Policy Definitions and Interpretation

Downsizing: Means the permanent reduction of positions.

Policy

In the event of full time and/or part time employee permanent downsizing as a result of government funding issues and/or any Health Unit budgetary/fiscal restraint or reductions any resultant non-union non-management employees laid off would be eligible to bump another employee in the same job classification they are in who has less seniority and is the least senior employee in that job classification; or if qualified, by having the requirements/qualifications listed in the Position Description, bump an employee who has less seniority and is the least senior employee in a job classification that is either within their current salary band or a salary band below theirs.

Procedures

1. Seniority shall be from the most recent date of hire as a paid employee at the Health Unit such that casual, temp and grandfathered paid student time (Policy HR0205, dated May 5, 2021) is included before one became a part time or full time employee as long as there was no break in continuous service of more than 13 weeks, unless a written employment offer/contract states otherwise.
2. A tie in seniority based on date of hire will be decided by a coin toss, the criteria of which will be determined by SMDHU's HR Council.
3. There is no bumping up either bumping up from a part time to a full time or a full time bumping up to higher paying job, however full time employees can bump part time employees.
4. For those employees whose education/experience was grandfathered in their position as of November 2, 2006, (Job Evaluation and Position Description finalization date) should they bump to the same job classification their "grandfathering" would follow them as would also be the case should they bump to a lower position.

Given SMDHU is mandated to manage the agency as efficiently as possible the Health Unit has clarified with HR Council the above recommended protocols will not apply to casual, temporary or student employees as they are not eligible to bump, or to: employees who have been hired under an employment agreement specifying they will be subject to an annual temporary layoff; short term temporary layoffs; a temporary layoff as stated and agreed to in an individual employee's employment contract; or situations not related to government funding issues and/or any Health Unit budgetary/fiscal restraint or reductions such as unacceptable individual staff performance/discipline/fit/misconduct or other employment related issues.

Related Policies

HR0206 Temporary Lay Offs

Related Forms

N/A

Final Approval Signature: _____

Review/Revision History:

May 12, 2021 Paid student employment grandfathered re: Policy HR0205, dated May 5, 2021