

NOTE TO UNION: The following Guidelines are a draft only and are provided to the Union for the purposes of providing notice to the Union of the Employer's intent to change its practice in respect of scheduling. Management reserves the right to modify, add to, remove or amend the Guidelines, at its sole discretion, in accordance with its management rights.

## RETAIL DIVISION CASUAL EMPLOYEE SCHEDULING & AVAILABILITY GUIDELINES

### 1) General Scheduling Guidelines:

- a) Shifts are to be determined by store hours, operational needs, customer trends, etc. This includes the need for overlapping shifts. Availability should not be a factor when determining shifts.
- b) Where shifts are of the same length, assignment should be determined by such factors as store operational needs, qualifications, the availability of employees, and fairness (e.g. – rotation).
- c) When scheduling, hours of work are assigned by seniority, within documented availability, provided the employee is qualified (FLS, first aid certified, acting for Store Manager, etc.), and provided no overtime is incurred, as outlined in Article 31.7 and the Memorandum of Agreement – “Allocation of Additional Hours.”
- d) After the schedule has been posted, unforeseen work must be handled as per the terms of Article 50 – “Unforeseen Work at Stores.” Work should only be offered within the employee's stated and approved availability.
- e) The next step for staffing should be to follow the provisions of Article 51 - “Call In of PPT and/or Casual Employees From Other Stores.”

### 2) Casual Availability:

#### a) Minimum Availability

- i) Casual employees are expected to be available for work on Friday evenings and Saturdays. This expectation may vary from store to store, based on store hours.
- ii) Casual employees with a seniority date of five (5) years or greater have the option of changing their availability to work either Friday evenings or Saturdays.

#### b) Availability Changes

- i) Casual employees shall be permitted a maximum of three (3) approved availability changes per calendar year, provided that the employee continues to be available in accordance with paragraphs 2 (a) (i) and (ii), above, as applicable. Approval for

such changes shall not be unreasonably withheld. However, it is understood that approval may be denied if it disrupts the Employer's operations.

- ii) Requests for changes in casual availability must be submitted to the Store Manager on the attached form. Once completed, signed and approved by the District Manager, copies must be placed in the employee's District Office file and forwarded to the employee, Store Manager (for the store file), and Human Resources.
- iii) Requests for changes in availability must be submitted, in accordance with paragraph 2 (b) (ii), above, at least one (1) calendar month prior to the effective date of the change. Where a request for a change in availability is submitted less than one (1) calendar month in advance of the effective date of change, the request may still be considered, provided the reason for the request was not reasonably foreseeable.

### 3) Requests for Time Off & Vacation:

- a) Requests for time off from documented availability of less than one (1) week duration will be considered as short notice schedule changes. This time off will not be considered as vacation under article 31.2 (c) of the collective agreement.
- b) Requests for time off from documented availability between one (1) week and three (3) weeks duration will be treated as a vacation request as per article 31.2 (c) of the Collective Agreement.
- c) Requests for time off and vacation must be in writing. The request must specify the time off requested and the reason for the request. The request shall be provided to the Store Manager as soon as possible.
- d) When considering requests for time off or vacation, Store Managers may consider the following:
  - the specific time off requested;
  - the impact on operations, staffing and scheduling, including the availability of qualified casual employees;
  - other requests already approved or under consideration;
  - the reason for the request;
  - the amount of advance notice given; and
  - the supporting documentation provided (eg. exam schedule, etc.).
- e) Where a request for time off or vacation is denied, the reasons should be specified, eg. operational needs, inability to find qualified replacement, etc.

### 4) Leaves of Absence:

Requests for time off from documented availability greater than three (3) weeks duration shall be treated as requests for a leave of absence without pay. Such requests must be made one

(1) month in advance. If such a leave is approved, it is understood that the casual employee is not eligible for work for the entire leave of absence period that has been granted, and shall not be scheduled.

5) Human Rights Requests

Requests for time off or limited availability for the purposes of accommodation pursuant to the Ontario *Human Rights Code*, shall be considered and granted on an individual basis. Nothing in this Guideline shall be considered as preventing or limiting the Employer's ability to accommodate such requests.

6) Unavailability:

- a) If a casual employee is unavailable for a period of three (3) months or more, exclusive of any approved leave of absence, his or her employment will be deemed terminated, as per article 31.5 (b) of the Collective Agreement.
- b) If a casual employee fails to report to work after his/her request for time off is denied or his/her request to change availability is denied, the employee may be subject to disciplinary action, up to and including termination.