

Park Forestry and Recreation Part-Time Scheduling Project¹

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Summary

- The Scheduling Project aims to ensure that returning Recreation Workers, whose forms are received by the deadline, are offered regularly scheduled work at the same location, in the same season, and in the same program/classification as they worked in the previous year. Any remaining hours of work available after returning employees have been scheduled will be offered to the most senior employee who is qualified, available, and whose forms have been received by the due date.²
- The Scheduling Project is based on two different definitions of seniority: “*Shift Seniority*” meaning your right to the same shift at the same program/classification at the same location that you worked the previous year; and, “*True Seniority*” meaning your cumulative hours as a City worker.
- Each season (Fall, Winter, Spring/Summer), employees are required to re-apply for shifts, using multiple colour-coded forms, on their own (unpaid) time.
- Scheduling issues arising out of this pilot project cannot be grieved.
- You cannot work more than 30 hours in the same classification, with the exception of certain seasonal classifications (ice rinks, summer aquatics, snow center operations, seasonal camps, etc...)³
- Late forms will only be considered for shifts that are still available and have not yet been offered to other employees (including from different classifications, locations and—if the form is more than one week late—new hires).
- An employee not in receipt of wages for more than 12 months loses seniority.

Details of Scheduling Project

- Where employer determines the requirements and efficiency of a given activity will permit,⁴ employer will give consideration to employees with the greatest length of seniority,⁵ past performance and qualifications.⁶

¹ The purpose of this document is to simplify the complex Scheduling Project, and it is intended to provide as accurate a summary as possible, however, it cannot substitute for the actual Scheduling Project documents in the Recreation Workers – Part-Time Collective Agreement, Article 28 and Memoranda M9-16.

² <http://www.toronto.ca/parks/hiringnow/rwsp.htm>

³ This would appear to be in order to avoid part-time staff from working full-time hours, which could eventually give that employee grounds to have the shift changed from part-time to full-time.

⁴ This is a lot of leeway for the employer to determine that it would be more efficient to use someone with less seniority.

- Employees are responsible for notifying Community Recreation Programmer (CRP) 2 weeks prior to season start if they will be unavailable during an assigned shift. Employee is responsible to find a substitute approved by CRP from the relief list.⁷
- In the event of unplanned absences, employees call in to work 3 hours prior to start of shift unless not possible.⁸
- Employer shall keep a list of qualified employees by function for relief work⁹
- Where requirements and efficiency of program permit, employer will consider seniority when scheduling relief work.¹⁰
- Where an employee reports for regularly scheduled work or relief work and none is available, will be reassigned.¹¹
- Employee is responsible to notify employer when becomes qualified to perform work for which employee wishes to be offered work.¹²
- purpose of scheduling project is to develop an administratively efficient scheduling system reflective of highly complex and diverse scheduling issues, which considers seniority along with past performance, qualifications and availability.¹³
- Parties recognize the division's Recreation Worker hiring strategies for at-risk youth.¹⁴
- Scheduling issues arising out of this pilot project cannot be grieved.¹⁵

⁵ It is not clear to me whether this passage refers to Shift Seniority or True Seniority. Whatever is meant by "seniority," it's still only being considered after program requirements and efficiency, and after employee past performance and qualifications

⁶ 28.02, p41.

⁷ 28.03(a), p42.

⁸ 28.03(b), p42.

⁹ 28.03(c), p42.

¹⁰ 28.03(d), p42.

¹¹ 28.04, p42.

¹² 28.05(a), p42.

¹³ M9

¹⁴ M9; This could be another loophole—like "efficiency and program requirements permitting"—to potentially circumvent seniority.

¹⁵ M9

- For purposes of this project employer will provide union with seniority list at snapshot dates, this list will be used in determining seniority for scheduling project.¹⁶
- An employee not in receipt of wages for more than 12 months loses seniority.¹⁷

Procedure:

- Employees must fill out appropriate forms and submit them by the due date each season (Fall, Winter, Spring/Summer):
 - o If they wish to return to same program/classification and location as last year¹⁸
 - o If they wish to be considered for remaining available shifts in same program/classification and location (extra hours)
 - o If they wish to be considered for remaining available regularly scheduled work in different program/classification at same location, or same or different program/classification at different location.¹⁹
 - o If they wish to be considered for relief work
- **Part A: Last year's job (Yellow Form for General Programs, Blue Form for Aquatic):** If you worked a shift last year, and you submit your forms in on time, you will get that shift again this year, unless your program was moved or cancelled (in which case you move with it, or they offer you other work in same classification).²⁰
- **Part B: Extra hours (White Form for General Programs, Blue Form for Aquatic):** Submit this form if you would like to apply for additional shifts in the same classification/program at the same location that you worked the previous

¹⁶ M15

¹⁷ M10

¹⁸ This is how City is defining seniority for purposes of the Scheduling Project. It means you only have seniority for shifts you worked in the past year, so even if you are qualified for shift X and you've worked it in the past, but not in the past year, whoever worked it last year has "seniority" for that shift, even if you've been around way longer.

¹⁹ This means that regardless of how long you've been employed by City (true seniority), you only have seniority for shifts you've already worked in the past year. Even if you've been at DFG for twenty years doing job X, if you want to apply for job Y for which you are qualified, but which you have not worked in the past year, at DFG or anywhere else, whoever worked that shift last year will be given priority, even if that was their first year. True seniority only applies in the event that multiple qualified staff apply for a position that none of them held in the previous year, and all submitted forms in correctly/on time, in which case true seniority will be deciding factor.

²⁰ M11

year. However, you cannot work more than 30 hours in the same classification,²¹ with the exception of certain seasonal classifications (ice rinks, summer aquatics, snow center operations, seasonal camps, etc...²²

- **Part C: Promotion at same location (White Form for General Programs, Blue Form for Aquatic):** Subject to qualification and having submitted correct form²³, if shifts are available in a different classification at the same location, returning staff may apply. Where more than one apply (none of whom worked this classification last year), [True] seniority will be deciding factor.²⁴
- **Part D: Any classification, different location (White Form for General Programs, Blue Form for Aquatic):** Same as above, only for any classification at a different location than where you worked the previous year.²⁵
- **Part E: Late submission of forms (White or Yellow Forms for General Programs, Blue Form for Aquatic):** Late forms will only be considered for shifts that are still available and have not yet been offered to employees under Parts A-D, (or F—new hires—one week after deadline for submitting forms). Employees submitting late forms will be considered on first-come, first-served basis. If forms are received on same day, [True] seniority will be deciding factor for any available shifts.²⁶
- **Part F: New Hires:** After all employees covered under Parts A, B, C, D, and E have been scheduled, and no sooner than one week following deadline for submission of forms for returning workers, new hires will be considered for remaining regularly scheduled work.²⁷
- **Relief Work (Yellow Form for General Programs, Blue Form for Aquatic):** Each facility will maintain a list of qualified staff, by classification, seniority order. Relief work shall be offered to most senior employee from appropriate relief list (classification) who is available at that location (ie: not from other locations, even if more senior).²⁸
- Assignment of relief shifts not subject to 30 hour/week max hours in a classification.²⁹

²¹ This would appear to be in order to avoid part-time staff from working full-time hours, which could eventually give that employee grounds to have the shift changed from part-time to full-time.

²² M12

²³ In other words, you have to know the job you want in advance.

²⁴ M12-13

²⁵ M13

²⁶ M13-14

²⁷ M14

²⁸ M14-15

²⁹ M15

- **Dispute Resolution:** Where a dispute arises re the scheduling of an employee, have 20 working days to request (through Steward) a Dispute Resolution meeting with immediate supervisor, who shall arrange meeting within 10 working days of receiving request. Supervisor will inform employee and steward in writing within 3 working days of meeting, whether dispute granted, denied or resolved.³⁰

Analysis of Scheduling Project

From the perspective of the union, this agreement was likely negotiated in order to “get a foot in the door” on the seniority issue. Making seniority a deciding factor in schedules, promotions, transfers, etc... decreases management’s ability to play favourites, to unfairly punish employees (union activists or stewards, for example). However, there are two meanings of seniority in this Scheduling Project: the traditionally understood meaning of cumulative hours as a City employee is only considered in the event that an employee is applying for a position that is open (either because it is new, or because the employee who worked that particular shift in the previous year did not apply on-time or at all). The other definition of seniority in use here refers to “ownership” of a given shift based on having worked it the previous year, regardless of cumulative hours as a City employee.

An argument in favour of this model of seniority is that it gives preference to employees working at a particular location to stay and even to advance at that location. If we assume that most PFR part-time staff work at locations in or close to neighbourhoods they live in, and/or care about, this could be a positive development. On the other hand, it could also work as a deterrent for workers who’ve been around longer from sticking around (since their years of service don’t do them much good in getting extra hours, or promotions).

Another disadvantage of the Scheduling Project is that it has taken input into scheduling issues out of the hands of park Coordinators, and concentrated decision-making power in the hands of senior management. Further, where under the previous system their existed the possibility of collective staff discussion informing scheduling (as in the case of DGP), this is no longer possible.

Further, the system is cumbersome and labour-intensive for staff. Multiple forms must be submitted prior to the start of each season, each form taking significant unpaid, personal time to complete (especially given the confusing nature of the process).

While the Scheduling Project does allow for some job security for employees based on Shift Seniority, this is entirely contingent upon always submitting forms on time prior to each season. A mistake one season could result in loss of that job forever. Additionally, while the Scheduling Project does provide some semblance of job security (again, with several caveats and provisos, including “requirements and efficiency of given program permitting”), it may in fact result in *decreased mobility* for staff.

³⁰ M15-16

How has management used the Scheduling Project against workers?

- replaced a system that had more input from park coordinators
- in the case of DGP, replaces a system that involved collective decision-making by most staff, facilitated by coordinators – so it dumbs down staff, and undermines trust and cooperation
- when staff are used to working together closely, the scheduling project replaces time that's needed for programs. For example, DGP staff exchanged over 100 e-mails with the supervisor, trying to clarify and defend programs