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April 26, 2018

Dear Members:

On April 5, 2018, Arbitrator Sullivan rendered his decision settling the Parties' dispute over the interpretation of the new language in Article E4.01 agreed to in the last round of bargaining.

The language, with the added words in bold, reads as follows:

#### **E4.01 Deemed Resignation**

Subject to E2.03, on call employees who do not make themselves available for work for three consecutive months **or where work is available, who do not work a minimum of three shifts over any three consecutive month period** shall be deemed to have resigned from employment.

Under this language, the Parties agreed there are two ways employees can be deemed resigned: they can fail to make themselves available for work at least once every three months (by submitting availability or working), or they can fail to work at least three shifts "where work is available" over the same time period. The dispute between the parties was whether cold calls to employees outside of their submitted availability were encompassed by this term.

Arbitrator Sullivan concluded that the term "where work is available" is in no way tied to an employee's availability, and that all work offered to employees—regardless of their submitted availability—counts for the purposes of the deemed resignation provision. The full decision can be read here: <https://goo.gl/WUE5Bc>

#### **WHAT THIS MEANS / FOR YOUR ACTION:**

**For all practical purposes, the decision means all on-call employees must work a minimum of three shifts every three months, regardless of their availability. If the Employer calls and offers an on-call employee at least three shifts over three months, the employee is obligated to work at least three shifts over this same period, regardless of whether their submitted availability resulted in them being scheduled for that many shifts.**

Moving forward, if employees want to ensure they work only within their submitted availability, they will have to submit sufficient availability to ensure they are scheduled for at least three shifts every three months based on their submitted availability. Otherwise, employees will be compelled to accept shifts outside of their submitted availability to meet the three-shifts-over-three-months threshold.

The Employer has given new direction to Provincial Scheduling and Unit Chiefs, in light of Arbitrator Sullivan's decision. All offers of work, short notice, no notice and cold-call must be documented. You can review this direction here: <https://goo.gl/RhNgHR>

Sincerely,

Cameron Eby  
Provincial President  
Ambulance Paramedics of BC  
CUPE Local 873

CE/km/MoveUp