

# ***NAPE***

Newfoundland and Labrador Association of Public and Private Employees

# **Bumping Process General Service Collective Agreement**

2016

# What is Bumping?

- Bumping is a collective agreement provision which allows more senior workers who have been laid off to displace less senior employees.
- The senior worker must be qualified and able to perform the duties required of the position in question.
- The process involves assessing the candidate in relation to the position not to other employees.

# Contact your Shop Steward

- If you are laid off, the first thing you should do is contact your Shop Steward.
- If you do not know who your local Shop Steward is, please contact NAPE:
  - St. John's Office: 754-0700 or 1-800-563-4442
  - Grand Falls-Windsor Office: 489.6619
  - Corner Brook Office: 639-8171

- The process is guided by Article 35 of the General Service (GS) Collective Agreement.
- **3 distinct employee groups:**
  1. Permanent employees
  2. Seasonal employees
  3. Temporary employees

# Important Definitions

- **Headquarters:** Each building/work location is to be considered a headquarters. The Confederation Complex is considered a single headquarters.
- **Headquarters area:** is the community in which the headquarters/work location is situated. Communities which are immediately adjacent will be considered as one (1) headquarters area.

# Important Definitions

- **Bumping districts:** The Province, for layoff, recall and bumping purposes, is broken down into five (5) districts with these districts being applicable to all departments.
- **Provincial Parks:** Each provincial park is considered a separate headquarters area within its respective departmental district.

# Examples

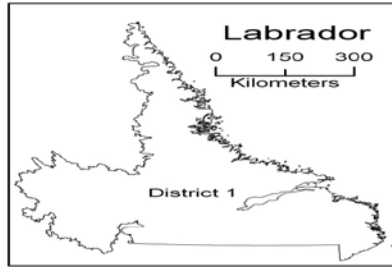
- Permanent employees can bump seasonal and temporary employees with less than 24 months seniority regardless of the actual seniority of the permanent employee.
  - EXAMPLE: permanent employee with one month seniority can bump a seasonal employee with 15 months seniority or a temporary employee with 23 months seniority.
- A permanent employee can bump seasonal or temporary employees with more than 24 months seniority provided the permanent employee has more actual seniority than the seasonal or temporary employee being bumped.
  - EXAMPLE: a seasonal or temporary employee with three (3) years seniority can only be bumped by a permanent employee with more than three (3) years seniority.

# Examples

- Seasonal employees can bump temporary employees with less than 24 months seniority regardless of the actual seniority of the seasonal employee.
  - EXAMPLE: a seasonal employee with three (3) months seniority can bump a temporary employee with 23 months seniority.
- A seasonal employee can bump a temporary employee with more than 24 months seniority provided the seasonal employee has more actual seniority than the temporary employee being bumped.
  - EXAMPLE: a temporary employee with three (3) years seniority can only be bumped by a seasonal employee with more than three (3) years of seniority.



# District Maps



## NAPE Districts Newfoundland & Labrador

### Legend

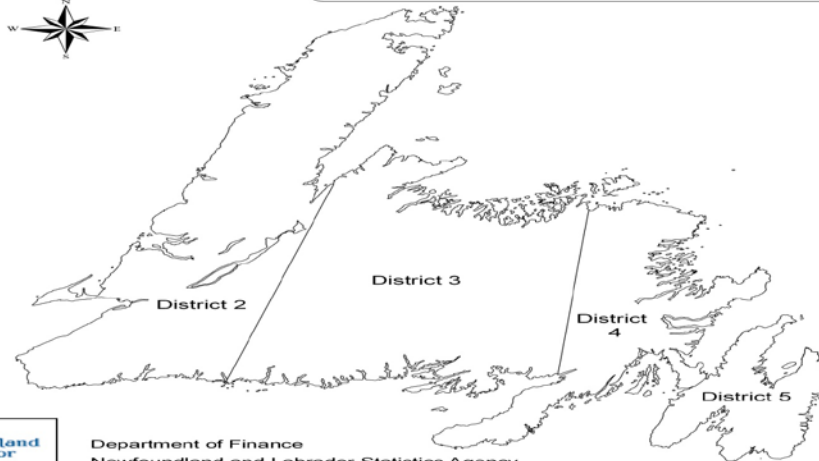
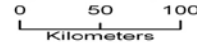
NAPE District # 1 - All of Labrador portion of the Province.

NAPE District # 2 - West Coast/Northern Peninsula - From line drawn Purbeck's Cove - Burgeo, to include all remaining Island portion

NAPE District # 3 - Central West - From line drawn Gander Bay Road west to line drawn Purbeck's Cove to Burgeo (including Twillingate Island)

NAPE District # 4 - Central East - From line Long Harbour, Chapel Arm west to line drawn Gander Bay Road to English Harbour East (including Fogo Island)

NAPE District # 5 - Avalon Peninsula west to line drawn between Long Harbour, Chapel Arm



# 3 Levels

- Bumping options (for permanent employees) can be broken down into 3 “levels”
- Level 1 – Within Headquarters
- Level 2 – Within Headquarters Area
- Level 3 – Bumping districts

## Location: Headquarters

- Option 1 - junior permanent, same classification
- Option 2 – junior permanent equivalent classification
- Option 3 – junior temporary/seasonal same classification
- Option 4 – junior temporary/seasonal equivalent classification
- Option 5 – choose to bump to lower classification

## Location: Headquarters Area

- NOTE: No bump at equivalent level available at HQ level and choose not to bump to lower level
- **A** – bump the junior equivalent classification regardless of employment status
  - If not **A** then go to next step (**B**)
- **B** – bump the next junior in equivalent classification grouping until successful

## Location: Headquarters Area

- If not successful, 3 choices:
- **X:** go back to headquarters and bump down
- **Y:** go to region and bump at same classification level
- **Z:** go across department

- If not successful or satisfied at Level 1 or Level 2 you have the option of going back to your own department and bumping down to the next level, and then complete the entire cycle again

Minimum qualifications can be identified by exercising reasonable judgment when considering the following:

- An accurate Job Description of the position in question;
- The primary duties of the position;
- Requirements for special licenses or professional memberships;
- A reasonable estimate of the Education and Experience required to perform the primary duties of the position;
- Equivalencies may need to be considered;
- History of the incumbents who have been placed in the position previously.

- The assessment must:
  - Focus on job skills required to perform essential duties of the position.
  - Utilize assessment tools which are reasonable and are consistently applied.
  - Test if necessary (i.e. typing tests, software utilization, etc.)
  - Consider reasonable accommodation as prescribed by the Human Rights Code.
  - Cannot screen on the basis of “in-house” programs/manuals/regulations



# Responsibilities

- The Employer is to supply the options for employees to consider.
- Permanent employees have 30 days to bump
- Temporary employees have 10 days to bump
- Employees satisfy their obligation to demonstrate possession of essential job skills through a resume.
- Rejection of an employee's request to be given in written form with a rationalization of the reasons for the decision.
- In most circumstances, the employee must be able to perform the primary duties of the position within 3 - 5 days of starting work (brief orientation included)
- This time frame allows for general orientation only, not for basic training or skill development.

- Permanents who bump into Temporary or Seasonal positions **retain permanent status**.
- Permanents are restricted to requesting a bump outside of their Department within 14 days notice of layoff.
- Employees who have been bumped receive the remaining notice from the original layoff notice.
- However, for permanent employees, a minimum of 48 hours notice of layoff subject to total period of 30 days.

# Temporary Bumping

- The previous slides mainly dealt with the bumping process for Permanent Employees
- By and large, the process for temporary employees is the same for permanent employees but **ONLY in their own department**

# Questions, comments, concerns?

- **Step 1** – Take a look at Article 35 of your Collective Agreement (available at [www.nape.nf.ca](http://www.nape.nf.ca))
- **Step 2** – Contact your Local Shop Steward
- **Step 3** – Contact an Employee Relations Officer (ERO) at NAPE (see slide 4)