

GENERAL ADMINISTRATION MANUAL

VOLUME 3: HUMAN RESOURCE POLICIES

**TITLE: CASUAL PERSONNEL RECRUITMENT, TERMS AND
CONDITIONS, AND BENEFITS**

EFFECTIVE: 98 10 01

1 SCOPE

1.1 Authority

1.1.1. This policy is issued under authority of Cabinet Minute No. 98-33, dated October 1, 1998 and amended per Cabinet Minute No. 03-13 dated April 3, 2003.

1.2 Application

1.2.1 This policy applies to all casuals including summer students, except those summer students hired under a work experience program.

1.2.2 This policy does not apply to casuals hired under the Yukon Government Social Assistance Head Start program.

1.2.3 This policy does not apply to persons engaged for emergency fire suppression services. For terms and conditions related to the engagement of Emergency Fire Fighting personnel, refer to policy 3.58.

1.3 Purpose and Principles

1.3.1 This policy establishes recruitment, terms and conditions, and benefits of persons engaged to perform casual duties. Casuals are entitled to the terms and conditions, and benefits outlined in this policy. They are not entitled to terms and conditions, and benefits not specifically provided for in this policy.

1.3.2 Casual personnel are used to cover peak work-load times, to offset fluctuations in normal operating procedures, to provide assistance when regular personnel are on leave, and to assist departments to complete departmental programs.

Further to the above:

a) Casuals are not used for temporary assignments which are either scheduled or known to be recurring for more than three (3) months or 500 hours each year. For such assignments an "auxiliary" should be engaged.

b) Casuals are not used for temporary assignments which are scheduled to be more than six (6) consecutive and continuous months (full-time or part-time). For such assignments a "term" should be engaged.

c) Casual appointments will not exceed six (6) consecutive and continuous months (full-time or part-time), and after six (6) months less one (1) day from the date of appointment the casual must be released. Only in highly unusual circumstances may the casual be rehired to work an additional period of up to six (6) months, and such a rehire will require the written authorization of the Public Service Commission. Under no circumstances will a third term be authorized.

1.3.3 It is the policy of the Yukon government to hire local residents for casual duties. Where practicable, preference shall be given to local community residents for jobs which exist in the communities in which they reside, provided they are qualified for the particular work to be performed.

1.3.4 Teachers and persons in indeterminate or term positions, including those on leave without pay, are not eligible for employment as casuals.

1.3.5 Notwithstanding this, where a person described in 1.3.4 above has special skills required by the Yukon government, or an unusual or emergency situation exists, consideration will be given to engaging these people as casuals and within the terms of this policy, providing this does not conflict with the non-casual duties of these persons.

1.5 Definitions

"casual" assignment means:

- a) the work assignment is full-time or part-time and lasts a maximum of six (6) consecutive and continuous months; and
- b) the work assignment is non-recurring; or,
- c) if it does recur, the maximum planned duration is less than three (3) months per year if full-time or 500 hours per year if part-time.

2 RECRUITMENT

2.1 Recruitment of Casuals

- 2.1.1 The Public Service Commission has the exclusive authority to engage personnel to perform work on a casual basis and to establish the terms and conditions of employment.
- 2.1.2 The Public Service Commissioner may delegate, in writing, the authority to a department or branch to recruit, select and appoint casual personnel, but the procedures to be followed shall be in accordance with the regulations and policies established by the Public Service Commission with respect to the employment of casual personnel.
- 2.1.3 The primary requirement for appointment as a casual is previous related work experience and satisfactory work performance, preferably with the Yukon government.
- 2.1.4 Notwithstanding 1.3.3 above, the Public Service Commission will endeavour to balance the mix of persons hired for summer jobs between local residents and summer students who are receiving grants from the Yukon government to attend post-secondary educational institutions.
- 2.1.5 The Public Service Commission, from time to time, may establish eligibility lists for any class of casual employment, and the commission shall determine the time frame for which the eligibility lists shall be maintained.
- 2.1.6 The department will prepare a brief outline of the work to be performed and forward it to the Public Service Commission on a Recruitment Action Request Form.
- 2.1.7 A list of eligible people shall be forwarded to the department, either from the Public Service Commission, Canada Employment and Immigration Centres (CEIC) or Outreach Workers. The department shall evaluate the candidates and make recommendations for selection to the Public Service Commission.
- 2.1.8 The Public Service Commission shall determine the certifiability of the selected recommended candidate, and if the candidate is certifiable, the commission shall extend an offer of casual employment and upon acceptance, the commission shall ensure necessary documentation is completed.

2.2 Recruitment of Summer Students

Note: excludes those in job experience programs (see 1.2.1)

2.2.1 The Public Service Commission, on behalf of the Yukon government, will encourage and facilitate the employment of students for casual work during the summer months, and will co-ordinate the interest and responsibilities of the various departments and CEIC student employment programs.

2.2.2 The Public Service Commission and employing departments shall hire students in accordance with the following priorities:

a) enrolled in a post-secondary educational institution and in receipt of an education grant from the Yukon government;

b) enrolled in a post-secondary educational institution either in the Yukon or elsewhere, provided they can demonstrate that their place of residence or domicile is in the Yukon;

c) other Yukon students.

3 ***DOCUMENTATION***

3.1 **Documentation of Casual Personnel**

3.1.1 A person engaged as a casual shall provide documentation as required by the Public Service Commission and failure to provide such documentation may result in the casual being released by the commission.

4 ***TERMS OF SERVICE***

4.1 **Staff Establishment**

4.1.1 Casual personnel are not appointed to positions on the staff establishment of a department, branch, or division of the public service.

4.2 **Probation**

4.2.1 Casual personnel do not serve a probationary period nor shall casual service be considered as part of a probationary period in respect of an appointment to a permanent position in the public service.

4.3 **Impact if a Casual Engaged More Than Six Months**

4.3.1 Casuals are not to be engaged for longer than six (6) consecutive and continuous calendar months, less one (1) day. Where, however, a casual is engaged in excess of this period (i.e. more than six (6) consecutive and continuous months) then:

a) the terms and conditions appropriate to included or excluded employees, as the case may be, shall apply from the date the individual exceeded six (6) consecutive and continuous months of employment;

b) the department shall give the casual three (3) months notice in writing of the effective date of his/her release or the equivalent salary and benefits in lieu thereof; or,

c) if the department finds it necessary to retain the person in the function being performed for a further specified or indeterminate period, it must establish the person in a term or indeterminate position as appropriate. Departments are alerted that term and indeterminate positions are charged against their staff establishment.

4.4 Hours of Work

4.4.1 Hours of work are established by the department, and the length of shifts will normally reflect those applicable to established positions.

4.4.2 Regularly scheduled hours may not exceed forty-two (42) hours per week. Where, however, operational needs require it, regular hours may be averaged over a four week period, the average hours per week not exceeding forty-two (42).

4.5 Schedule Change

4.5.1 The department may change the shift schedule of a casual without prior notification.

4.6 Release of Casual Personnel

4.6.1 A casual may be released at anytime, at the discretion of the department.

4.6.2 Where a casual has been released, the department shall document the termination as prescribed by the Public Service Commission.

4.6.3 Casuals may not appeal their release to the Public Service Commissioner nor to an adjudicator.

4.7 Right to Recall

4.7.1 When a casual is released from an assignment, the individual has no right to recall.

4.8 Access to In-service Competitions

- 4.8.1 Casuals have the right to apply on competitions which are restricted to in- service candidates, provided they are on staff at the closing date for the competition.

5 CLASSIFICATION AND PAY

5.1 Classification

- 5.1.1 Casual jobs are classified on the same evaluation system as that used for regular positions. Where, however, a casual is replacing a regular employee in a regular position it should not be assumed that the casual is at the same classification level as the regular employee. In some instances casuals assume only parts of the job. In other cases, where the job's duties vary at different times of the year, a short term casual, by definition, will not carry out all the functions of the job.

5.2 Hiring Rate

- 5.2.1 Casuals are paid at the hourly rate or, if there is a salary range, at the minimum of the range for the job to which they are assigned. Further to 5.1.1, departments should note that "the job to which they are assigned" is not necessarily at the same level as the job of the employee they are replacing. A casual may, in highly unusual circumstances, be hired above the range minimum but this will require the authorization of the Public Service Commission.

5.3 Pay Adjustments

- 5.3.1 Casual rates of pay are set and periodically adjusted by Management Board, on the recommendation of the Public Service Commission.
- 5.3.2 The effective date of such adjustment will normally be April 1. When the Management Board decision regarding the adjustment occurs at a date later than the effective date, then the following applies: casuals who are on strength at the date of the Management Board decision will be eligible for retroactive pay for all hours worked between the effective date and the date of the Management Board decision.

5.4 Pay Periods

- 5.4.1 Casuals are paid on a bi-weekly basis or in accordance with the instructions of the deputy head of the Department of Finance. Casual employees receive pay two (2) weeks in arrears.

5.5 Acting Pay

- 5.5.1 If a suitable permanent employee is not available to perform the full duties of a higher level position on an acting basis when required, a casual may be assigned the duties of the higher level position on an acting basis.
- 5.5.2 A "higher level position" is one which has a higher hourly rate of pay or a higher potential salary maximum than the job occupied by the casual.
- 5.5.3 A casual shall be compensated for acting in a higher level position provided he/she is required to perform the full duties of the higher level position for a minimum of five (5) consecutive working days.
- 5.5.4 The acting rate of pay shall be:
- a) where the higher level position has a salary range, the minimum of the range or the casual's rate of pay plus four (4) percent, whichever is greater; or,
 - b) where the higher level position is hourly rated, the hourly rate for the job.

5.6 Premium Payments

- 5.6.1 All premiums which apply to established positions shall apply to casuals who are performing the same duties as regular employees in established positions.

5.7 Overtime

- 5.7.1 When a casual is carrying out the duties which are the same as, or similar to, those of an established position in the public service, payment for any overtime work will be in the same manner as that for the established position.
- 5.7.2 When a casual is carrying out duties which are not the same as, or similar to, those of an established position in the public service, then the following will apply:
- a) a casual shall be compensated for hours of overtime worked which are in excess of the normal daily hours at the rate of time and one-half (1½T) for the first four hours and double time (2T) thereafter;
 - b) for hours of work on his/her day of rest, a casual will be compensated at the rate of time and one-half (1½T) for the first four hours and then double time (2T) thereafter;
 - c) a casual shall be compensated at the rate of double time (2T) for all overtime hours worked on his/her second or subsequent day(s) of rest.

6.0 STATUTORY HOLIDAYS

6.1 Definitions

- 6.1.1 New Year's Day
National Heritage Day
Good Friday
Easter Monday
The day fixed by proclamation of the Governor in Council for the celebration of the birthday of the Sovereign
Canada Day
Discovery Day
Labour Day
Thanksgiving Day
Remembrance Day
Christmas Day
Boxing Day
- 6.1.2 Any day proclaimed by the Government of Canada as a national holiday other than a designated paid holiday mentioned above, shall be proclaimed as a designated holiday.
- 6.1.3 All casual personnel shall observe the statutory holiday on the day of the month that it occurs.
- 6.1.4 Notwithstanding 6.1.3 above, where the statutory holiday falls on a scheduled day of rest for a casual, the statutory holiday shall be moved to the casual's first working day following his/her day of rest.
- 6.1.5 Section six (6.0) does not apply to casuats who are performing duties of the following: corrections officers, cooks (institutional), cooking instructors (corrections), corrections cooks, youth service workers, weight station operators, weigh station supervisors, certified nursing aides, nursing home attendants, home care attendants, kitchen helpers and recovery unit attendants.
- 6.1.6 Notwithstanding 6.1.5 above, casuats performing these duties and who work on a regularly scheduled working day which is a designated paid holiday, shall be paid six (6) hours additional pay at their regular straight-time rate.

6.2 Statutory Holidays not Worked

- 6.2.1 Casuals will be compensated for a statutory holiday not worked only if the casual worked the scheduled working day immediately preceding the statutory holiday and the scheduled working day immediately following the statutory holiday.
- 6.2.2 A casual who is hired to work a regular work week at the regular daily hours of the position, shall be compensated at the rate of straight time (1T) for the regular number of hours which would have been worked had it been a normal working day.
- 6.2.3 Casuals employed on a sporadic or part-time basis will be compensated at a rate of straight time (1T) multiplied by the average number of daily hours normally worked during the last two (2) weeks preceding the designated statutory holiday.
- 6.2.4 A casual who has not completed two (2) weeks of employment at the time of a statutory holiday, will be deemed to be employed on a sporadic basis for compensation purposes.

6.3 Statutory Holidays Worked

- 6.3.1 When a casual is carrying out duties which are the same as, or similar to, those of an established position, then compensation for time worked on a statutory holiday will be in the same manner as that for the established position.
- 6.3.2 When a casual is carrying out duties which are not the same as, or similar to, those of an established position, then the following will apply:
- a) a casual who is required to work on a designated paid holiday shall be compensated for hours worked at the rate of time and one-half (1½T) for the first four hours and double time (2T) thereafter. This is in addition to the holiday pay provided in 6.2 above.
 - b) where a casual works on a statutory holiday following a day of rest on which he/she also worked and received overtime, he/she shall be compensated at a rate of double time (2T) for all hours. This is in addition to the holiday provided in 6.2 above.

7.0 BENEFITS

7.1 Medicare

- 7.1.1 The employer will pay seventy-five (75) percent of the cost of medicare premiums, where the casual requests that the employer make premium deductions from his/her pay, and where the casual has earned sufficient salary, during the pay period in which scheduled deductions are taken, to cover mandatory deductions plus his/her twenty-five (25) percent of the premium.

7.2 Payment in Lieu of Vacation Leave

TITLE: CASUAL PERSONNEL RECRUITMENT, TERMS AND CONDITIONS, AND BENEFITS **POLICY 3.7**

GOVERNMENT OF YUKON

POLICY 3.7
Under Review

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EFFECTIVE: October 27, 1994

- 7.2.1 Upon termination, casual personnel shall receive eight (8) percent holiday pay in lieu of vacation leave. The eight (8) percent is calculated from base pay, excluding overtime and premium payments.