



POLICY

RE: SENIORITY REINSTATEMENT

Adopted by Executive Council: February 12, 2024

Reviewed by Advisory Committee: September 21, 2022

Purpose:

On occasion, a member may believe that their seniority should be amended to acknowledge past service. This policy paper has been established to provide criteria for which seniority can or cannot be reinstated.

Process:

All claims for seniority reinstatement must be made in writing, either by letter or email, and must be forwarded to their applicable Vice-President for review. The request must also include an explanation of their specific situation and why they believe their seniority should be reinstated, including the applicable collective agreement language, and where silent, this policy.

The Vice-President will review the request to determine if the member's collective agreement has a seniority reinstatement provision. Prior to making any decisions, the Vice President will consult the applicable Union Representative regarding the request to ensure there are no recent decisions that might impact the request.

This policy should only apply if the member's collective agreement is unclear, silent, or appears to have contradictory provisions specific to their situation.

The Vice President will respond to the member on whether their seniority can be reinstated or not. A written explanation will be provided including the applicable collective agreement language or policy section.

In the event seniority is to be reinstated, MoveUP will advise the applicable employer and will include an explanation of the amount of seniority the member is entitled to and the date it will be applicable.

Appeal:

Should a member disagree with the decision of the Vice President, they may appeal to the President of MoveUP for reconsideration.

All appeals must be received by the President within 30 calendar days of receiving the written decision of the Vice President.

The appeal must explain why the member believes the Vice President has erred in their interpretation of the collective agreement language, and where silent, this policy.

Definition:

Seniority – is defined as continuous employment, with the exceptions noted below, with one of the employer groups represented by MoveUP while maintaining good standing as a member of the Union.

	Leaves MoveUP	Returns to MoveUP		
A	Voluntary	Voluntary	Policy	Dues
1	Temporary promotion to excluded position		Full seniority	Full dues
2	Has 3 years plus seniority and goes to another bargaining unit with same employer (<u>permanent placement</u>)	Rehired back into a MoveUP job within 1 year	Retains previous seniority	Minimum dues
3	Goes to another bargaining unit with same employer on a temporary basis (<u>temporary placement</u>)	Rehired into a MoveUP job	Full seniority	Minimum dues

C	Voluntary	Involuntary	Policy	Dues
1	Promoted or hired to excluded position	Union brings job back in	No seniority	<u>N/A</u>

D	Involuntary	Involuntary	Policy	Dues
1	Company takes job out	Union brings job back in	<u>Full seniority</u>	minimum dues <u>unless resolved with the Employer</u>
2	Government takes job out	LRB grants successor grievance	Full seniority	<u>minimum dues unless resolved with the Employer</u>

E	Part Time Employee <u>Unless otherwise stated in the applicable collective agreement, seniority shall be pro-rated on a regular hours worked basis for part time employees but not for overtime worked.</u>			
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F	Seasonal Employees - (Subject to Annual Recall)			
	Involuntary	Voluntary	Policy	Dues
	Laid off	Rehired into a MoveUP job	Accumulated Seniority	<u>Minimum dues</u>

G All or Part of a Bargaining Unit is Privatized, Sold or Split

If one of our public sector bargaining units, wholly or in part, is privatized or split into multiple units, MoveUP will work to minimize the impact of such an event on the applicable workers. Considerations must include a plan for how such workers will be treated should circumstances change and they have an opportunity to return to their original bargaining unit. Wherever possible, MoveUP will work to protect the seniority of the impacted workers, recognizing that the privatization, sale or split of their original bargaining unit was not of their choosing.