

**KALEIDA HEALTH
1199/SEIU UNITED HEALTHCARE WORKERS EAST
COMMUNICATIONS WORKERS OF AMERICA**

2022 CONTRACT NEGOTIATIONS

**Union Counterproposal
Date Presented: April 27, 2022**

**Article 9
Categories of Employees**

FOR CWA BARGAINING UNITS:

Section 1. A full-time employee is defined as one who is regularly scheduled to work:

- a.) thirty-seven and one-half (37½) hours in a work week (or seventy-five [75] hours in a pay period) for employees working eight (8) hour shifts;
- b.) thirty-seven and one-half (37½) hours in a work week (or seventy-five [75] hours in a pay period) for employees working ten (10) hour shifts;
- c.) thirty-seven and one-half (37½) hours in a work week (or seventy-five [75] hours in a pay period) for employees working thirteen (13) hour shifts;
- d.) thirty-six (36) hours in a work week (or seventy-two [72] hours in a pay period) for employees working twelve and one-half (12½) hour shifts;
- e.) thirty-four and one-half (34½) hours in a work week (or sixty-nine [69] hours in a pay period) for employees in the BGMC-TCC bargaining unit working twelve (12) hour shifts;
- f.) seventy (70) hours in one (1) work week and no hours in a second work week for a total of seventy (70) hours in a pay period for employees in the BGMC-PROF bargaining unit;
- g.) forty (40) hour weekend employee is one who is regularly scheduled to work forty (40) consecutive hours over the weekend for employees in the MFSH-TCC bargaining unit;

Section 2. A part-time employee is defined as one who is regularly scheduled to work:

- a.) less than thirty-seven and one-half (37½) hours but eighteen and three quarters (18¾) or more hours in a work week (or thirty-seven and one-half [37½] hours in a pay period);

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- b.) less than thirty-seven and one-half (37½) hours but twelve (12) or more hours in a work week for employees in the DMP-TCCS and DMP-RN bargaining units;
- c.) less than thirty-seven and one-half (37½) hours but fifteen (15) or more hours in a work week (or thirty-seven and one-half [37½] hours in a pay period) for employees working in the DMP-PROF bargaining unit.

Section 3. Section 1. f.) above refers to the schedule currently worked by Pharmacists. In accordance with the Fair Labor Standards Act, wages shall be paid to these employees as follows:

- a.) overtime premium of time and one-half the employee's normal hourly rate shall not be paid for hours in excess of forty (40) hours in a workweek; but
- b.) overtime premium will be paid for all hours in excess of eight (8) in a day.

FOR OCH RN/LPN BARGAINING UNIT:

Section 1. In the RN unit a full-time employee is defined as one who is regularly scheduled to work:

- a.) eighty (80) hours in a pay period for employees working eight (8) hour shifts;
- b.) eighty (80) hours in a pay period for employees working ten (10) hour shifts;
- c.) seventy-two (72) hours in a pay period for employees working twelve (12) hour shifts;
- d.) seventy-two (72) hours in a pay period for employees who are regularly scheduled for eight-hour shifts equal to seventy-two (72) hours in a pay period prior to 1/1/01;
- e.) sixty seven and one-half (67-1/2) hours or more in a pay period for Extended Role Nurses;
- f.) eighty hours per pay period for employees working six (6) 12 hour shifts and one (1) eight (8) hour shift;
- g.) seventy-Two (72) hours in a pay period who work four (4) ten (10) hour shifts and four (4) eight (8) hour shifts;
- h.) seventy-five (75) hours in a pay period for employees working ten (10) seven and one-half (7 ½) hour shifts;

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- i.) employees who work sixty seven and one half (67 ½) hours or more in a pay period in any combination of hours.

Section 2. In the LPN unit a full time employee is defined as one who is regularly scheduled to work:

- a.) seventy five (75) hours in a pay period for employees working seven and one-half (7 ½) hour shifts;
- b.) seventy six (76) hours in a pay period for employees working nine and one-half (9 ½) hour shifts;
- c.) sixty-nine (69) hours in a pay period for employees working eleven and one-half (11 ½) hour shifts;
- d.) seventy two (72) hours in a pay period for employees in the NICU working twelve (12) hour shifts.

Section 3. A part-time employee is defined as one who is regularly scheduled to work at least thirty six (36) hours in a pay period in any combination of hours.

FOR OCH NURSE PRACTITIONER BARGAINING UNIT:

Section 1. In the Nurse Practitioner unit a full-time employee is defined as one who is regularly scheduled to work:

- a.) eighty (80) hours in a pay period for employees working eight (8) hour shifts;
- b.) eighty (80) hours in a pay period for employees working ten (10) hour shifts;
- c.) eighty (80) hours in a pay period for employees working variable shifts;
- d.) seventy-two (72) hours in a pay period for employees working twelve (12) hour shifts;
- e.) seventy-five (75) hours in a pay period for employees working 7.5 hour shifts.

Section 2. A part-time employee is defined as one who is regularly scheduled to work at least thirty-six (36) hours in a pay period,

Section 3. ICN Nurse Practitioners currently working eighty (80) hours per pay period will continue to work eighty (80) hours per pay period.

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FOR OCH PROFESSIONAL BARGAINING UNIT:

Section 1. In the Professional unit a full-time employee is defined as one who is regularly scheduled to work:

- a.) seventy-five (75) hours in a pay period for employees working seven and one half (7.5) hour shifts and variable shifts;
- b.) seventy-five (75) hours in a pay period for employees working ten (10) hour shifts and variable shifts;
- c.) seventy-five (75) hours in a pay period for employees working twelve and one-half (12.5) hour shifts and variable shifts.
- d.) seventy-two (72) hours in a pay period for employees working twelve (12) hour shifts;
- e.) seventy (70) hours in a pay period for employees who work seven (7) consecutive ten (10) hour shifts or variable shifts in a work week;
- f.) sixty-seven and one-half (67 1/2) hours or more in a pay period including but not limited to School Health Services Employees;
- g.) Physician Assistants in the ICN/NICU who work eighty (80) hours per pay period.

Section 2. A part-time employee is defined as one who is regularly scheduled to work at least thirty-seven and one-half (37.5) hours in a pay period but less than seventy-five (75) hours.

FOR OCH TECHNICAL BARGAINING UNIT:

Section 1. A full-time employee is defined as an employee who is regularly scheduled to work:

- a.) forty (40) hours in a work week (or eighty (80) hours in a pay period) for employees working eight and one-half (8.5) hour shifts;
- b.) thirty-nine (39) hours in a work week (or seventy-eight (78) hours in a pay period) for employees working thirteen and one-half (13.5) hour shifts;
- c.) thirty-seven and one-half (37.5) hours in a work week (or seventy-five (75) hours in a pay period) for employees working seven and one-half (7.5) hour shifts;
- d.) forty (40) hours in a work week (or eighty (80) hours in a pay period) for

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employees working ten (10) hour shifts;

- e.) thirty-seven and one-half (37.5) hours in a work week (forty (40) hours scheduled in a single weekend);
- f.) thirty-six (36) hours in a work week (or seventy-two (72) hours in a pay period) for employees working twelve and one-half (12.5) hour shifts;
- g.) up to thirty-seven and one-half (37.5) hours in a work week to equal sixty-seven and one-half (67.5) hours in a pay period;
- h.) thirty-four (34) hours in a work week (or sixty-nine (69) hours in a pay period) for employees working twelve (12) hour shifts.

Section 2. A part-time employee is defined as one who is regularly scheduled to work at least thirty-seven and one-half (37-1/2) hours but eighteen and three quarter hours (18 ¾) or more in a work week {or thirty-seven and one-half (37 ½) hours in a pay period}.

FOR OCH SERVICE AND MAINTENANCE BARGAINING UNIT:

Section 1. A full-time employee is defined as an employee who is regularly scheduled to work:

- a.) thirty-seven and one-half (37.5) hours in a work week (or seventy-five (75) hours in a pay period) for employees working eight (8) hour shifts;
- b.) thirty-four and one-half (34.5) hours in a work week (or sixty-nine (69) hours in a pay period) for employees working eleven and one-half (11.5) hour shifts;
- c.) thirty-eight (38) hours in a work week (or seventy-six (76) hours in a pay period) for employees working nine and one-half (9.5) hour shifts;
- d.) full-time Stationary Engineers shall work forty (40) hours in a work week inclusive of a paid half hour lunch period;
- e.) sixty-seven and one-half (67 ½) hour or more in a pay period.

Section 2. A part-time employee is defined as one who is regularly scheduled to work at least thirty-seven and one-half (37 ½) hours in a pay period but less than seventy-five (75) in a pay period.

FOR KALEIDA HEALTH BUSINESS OFFICE CLERICAL BARGAINING UNIT:

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Section 1. A full-time employee is defined as an employee who is regularly scheduled to work thirty-seven and one-half (37.5) hours in a work week (or seventy-five (75) hours in a pay period) working eight (8), ten (10), twelve (12) or a combination of shifts.

Section 2. A part-time employee is defined as one who is regularly scheduled to work at least thirty-seven and one-half (37.5) hours but less than seventy-five (75) hours in a pay period.

FOR OCH CLERICAL BARGAINING UNIT:

Section 1. A full-time employee is defined as an employee who is regularly scheduled to work:

- a.) thirty-seven and one-half (37.5) hours in a work week (or seventy-five (75) hours in a pay period) for employees working eight (8) hour shifts;
- b.) thirty-four and one-half (34.5) hours in a work week (or sixty-nine (69) hours in a pay period) for employees working twelve (12) hour shifts;

Section 2. A part-time employee is defined as one who is regularly scheduled to work at least thirty-seven and one-half (37.5) hours in a pay period but less than seventy-five (75) in a pay period.

FOR BGMC SERVICE BARGAINING UNIT:

Section 1.

- a.) A full-time employee is defined as an employee who is regularly scheduled to work thirty-seven and one-half (37.5) hours in a work week (or seventy-five (75) hours in a pay period) for employees working eight (8) hour shifts;
- b.) **thirty-eight (38) hours in a work week (or seventy-six (76) hours in a pay period) for employees working nine and one-half (9.5) hour shifts (see MOU #__, entitled Categories of Employees in BGMC Dietary Department);**
- c.) thirty-four and one-half (34 ½) hours in a work week (or sixty-nine (69) hours in a pay period) for employees working twelve (12) hour shifts.

Section 2. A part-time employee is defined as one who is regularly scheduled to work at least thirty-seven and one-half (37.5) hours but less than seventy-five (75) in a pay period.

FOR MFSH SERVICE AND MAINTENANCE BARGAINING UNIT:

Section 1. A full-time employee is defined as an employee who is regularly scheduled to work:

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- a.) thirty-seven and one-half (37.5) hours in a work week (or seventy-five (75) hours in a pay period) for employees working eight (8) hour shifts;
- b.) thirty-seven and one-half (37.5) hours in a work week (or seventy-five (75) hours in a pay period) for employees working thirteen (13) hour shifts,
- c.) thirty-six (36) hours in a work week (or seventy-two (72) hours in a pay period) for employees working twelve and one-half (12 1/2) hour shifts;
- d.) thirty-four and one-half (34 ½) hours in a work week (or sixty-nine (69) hours in a pay period) for employees working twelve (12) hour shifts;
- e.) full-time Shift Engineers shall work forty (40) hours in a work week inclusive of a paid half hour lunch period.
- f.) **forty (40) hours in a work week (or eighty (80) hours in a pay period) for employees working eight and one-half (8.5) hour shifts.**

Section 2.

- a.) A part-time employee is defined as one who is regularly scheduled to work at least thirty-seven and one-half (37.5) hours but less than seventy-five (75) in a pay period
- b.) In the Dietary Department only, a part-time employee is defined as one who is regularly scheduled to work at least twenty-four (24) but less than seventy-five (75) hours per pay period. The Employer agrees that part time positions where employees are working thirty-seven and one-half (37.5) hours per pay period will not be eliminated in favor of part-time positions where employees are working twenty-four (24) hours per pay period. Further, it is understood that should a twenty-four (24) hour per pay period position become vacant it shall be replaced by a similar position.

~~FOR IUOE MAINTENANCE BARGAINING UNIT:~~

~~Section 1. A full-time employee is defined as one who is regularly scheduled to work thirty-seven and one-half (37.5) hours in a work week (or seventy-five hours in a pay period). A full-time employee in the job title of Stationary Engineer shall work and be paid eight (8) hours per shift (eighty (80) hours per pay period).~~

~~Section 2. A part-time employee is defined as one who is regularly scheduled to work less than thirty-seven and one-half (37.5) hours but fifteen (15) or more hours in a work week (or thirty (30) hours in a pay period).~~

FOR ALL BARGAINING UNITS:

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Section 1. A flexible employee is defined as one who is scheduled as per Article 11, of this Agreement, Flexible Employees.

Section 2. A per diem employee is defined as one who is scheduled as per Article 12 of this Agreement, Per Diem Employees.

Section 3. A temporary employee is defined as one who is scheduled as per Article 13 of this Agreement, Temporary Employees.

Section 4. A weekend employee is defined as one who is scheduled as per Article 14 of this Agreement, Weekend Employees.

Section 5. A seasonal employee is defined as one who is scheduled as per MOU # 8 of this Agreement, Seasonal Employee.

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