

Alternative Hours of Work

Hours of Work Averaging Arrangement and Flexible Hours Arrangement

Overview

Previously known as an Hours of Work Averaging Agreement, the Hours of Work Averaging Arrangement (HWAA) enables a modified work schedule for an employee or a group of employees. Under an HWAA, departments and employees can enter into an agreement to schedule longer hours of work per day and typically fewer days of work per averaging period.

An HWAA or FHA is an arrangement between a department and an employee (or group of employees). The approval of HWAA's and FHAs are subject to operational requirements.

FHAs

A Flexible Hours Arrangement (FHA) is between the employer and an individual employee, and can only be initiated at the employee's request (voluntary participation). This arrangement allows employees a maximum 15 hour carry over and regular salary shall be paid. The flex day is taken from this bank upon mutual agreement.

Employees cannot bank more than 15 hours in this arrangement, nor have any deficits.

Previous agreements

As a result of Bill 32 - Restoring Balance in Alberta's Workplaces Act 2020 passed in July 2020, changes to Averaging Agreements have taken effect. As per Employment Standards regulation, as of the date after ratification of a new Collective Agreement, all previous agreements are considered to be expired. If the employing department and/or employee desire to use either an HWAA or a FHA, then a new form must be completed and signed off.

Management employees

No new HWAA's or FHAs should be entered into for management.

Wage employees

For hour (wage) and contingent employees, this program is incompatible with the principles of their employment, that they work and are paid according to when they are scheduled and work. These employees may not have regular or standard schedules.

Scheduling options

Some examples of HWAA's include:

- One day off each week (a 4-day week) - a one week averaging period
- One day off every 2 weeks (a 4/5-day week) - a two week averaging period
- One day off every 3 weeks (a 4/5/5-day week) - a three week averaging period
- One day off every 4 weeks (a 4/5/5/5-day week) - a four week averaging period

Any other combination up to a maximum of 52 week averaging period require Public Service Commissioner, or delegate, approval. Please contact your Human Resources Business Partner for more information.

Choosing an arrangement

Choosing between the two options for arrangements depends on how much flexibility you need and what the work area needs for consistency of start and end times.

If you prefer a set schedule that ensures your daily hours of work stay the same and the additional day of rest occurs on the same day each averaging period, an HWAA may be right for you.

- For example, if it is agreed it is important to arrive and leave work every day at the same time and your day off needs to be on a Friday; a one week averaging cycle with a four day work week (Monday – Thursday) could be the right option.

If committing to a set schedule each day is not ideal for you or your work area, an FHA may be a better choice.

- For example, your normal hours of work are considered to be 8:15 am to 4:30 pm (7.25 hours/day) and some days you are able to work an extra 15 minutes while other days you only want to take a 30 minutes lunch break. Once you have banked 7.25 hours, you can then schedule with your supervisor an appropriate day off, keeping in mind current operational requirements. This arrangement is also best if an area or employee want a specific day off each month - for instance the 18th of each month. This option has more flexibility in earning the time and taking it, so tracking your time and regular communication with your supervisor is necessary.

Benefits

This change will ensure employees have an equal opportunity to discuss Alternative Hours of Work Arrangement options with their supervisor. A consistent approach supports and promotes a healthy work life balance across the APS and ensures our organization's policies and practices are compliant with the [Alberta Employment Standards Code](#) and [Regulation](#) and in compliance to our [Collective Agreement](#).

Adjusting start and end times

Subject to operational requirements with management approval, start and end times can be adjusted within the flexible hours periods. This can be agreed in combination with or without a HWAA or FHA.

Overtime

Overtime provisions apply when employees are required and authorized to work overtime hours in excess of daily scheduled hours.

For bargaining unit employees, overtime rates are determined by the Master Agreement and relevant Subsidiary Agreement. For opted out and excluded employees, overtime rates are determined by the Overtime Directive.

Calculating HWAA or FHA hours using Casual Illness or Vacation time

Employees on an HWAA will have their benefits and entitlements expressed in daily or weekly

entitlements, converted to give the same hours of benefits as if the hours of work had not been modified.

- This results in no loss or gain for the employee.
- This means employees use their entitlements according to their daily work schedule.
- This applies to Casual Illness, Minor Illness, Appointment, Special Illness and Vacation Leave.
- This is because a change of schedule was mutually agreed to, with the employee having a consistent, regular earned day off in each specified averaging period.
- This means if I am on an HWAA that is an EDO every second Friday, I will work and take entitlements according to my daily schedule (i.e. 8.06 hours), in order to regularly have every second Friday.

Employees on an FHA will continue to claim their benefits and entitlements based on the hours of work assigned to their classification as per the Master Agreements, Subsidiary Agreements and HR Directives.

Time can only be banked when the employees works more than normal daily hours **and** if they have actually worked the extra time.

- This means employees on FHAs will use entitlements according to their classification hours (i.e. 7.25 hours), and cannot use any entitlement to gain any banked time towards a flex day.
 - For example, if an Administration 1 normally works an extra 15 minutes at the end of their shift, but on Wednesday they leave at 3 pm for a medical appointment, they could only claim the time they were actually absent - in this case their day ends at 4:30 pm, so they would claim 1.5 hours for appointment and would not bank any time in their FHA. With prior approval, the employee could request on that Wednesday to work the extra 15 minutes at the beginning of the shift or shorten their lunch to 45 minutes and work the extra time then to bank it (*provided 30 minutes is always allotted for a lunch break).

HWAA holiday reconciliation

In reviewing these programs, it was recognized that there were inconsistent approaches to holiday reconciliation within differing branches, units and departments. So while it is not a change to the HWAA program, the requirement is to have employees make up the extra time when a statutory or civic holiday or Christmas closure days occur in the HR Directive. This ensures fairness to all employees; to maintain the principles of no loss or gain.

For holidays, all employees are paid or have leave entitlements for those days on the basis of their classification (i.e. 7.25 hours). Because the employee agrees and has approval to work a different schedule, there will be an amount of time for each holiday that will create a shortfall compared to an employee in the same classification working 5 X 7.25 hour days.

- Example - If an employee works a 5/4 schedule with daily hours of 8.06 instead of the regular 7.25 classification hours, they would need to make up the shortfall in hours if there is a holiday on one of their regular days of work. In this example, this shortfall would equate to 49 minutes for each holiday and December closure. There are typically 17 of these days yearly. That can add up to a fair amount of time. Doing this reconciliation maintains fairness and equity to all employees, while maintaining the regular day off for the employee on an HWAA.

Using other entitlements instead of working additional time

Employees can use time from their vacation or overtime bank to cover the holiday shortfall. It is recommended that any banked time used be tracked in the reconciliation tool. Other entitlements such

as casual illness and personal days cannot be used.

Deadline for HWAA holiday reconciliation

Employees participating in HWAA's are accountable to ensure the holiday reconciliation is completed:

- before the end of each calendar year
- upon cancellation of the HWAA
- upon resignation from the position
- upon transfer to a new position

Moving to another division or department

The arrangement will not continue with the employee if they move to another division or department. Arrangements are agreed to subject to operational requirements. Each area can have vastly different requirements. The current arrangement terminates with the employee's departure and if desirable, a new arrangement can be set up in the new area.

Group HWAAs

If the affected group of employees are bargaining unit, they would follow the Letter of Understanding (LOU process). If it is for a group of opted out or excluded employees, a group arrangement must be completed - contact your HR Portfolio team for more details.

A group HWAA occurs with consent to enter the agreement by majority support of the affected employees. If a group agreement is in place, any new employees hired into the workplace are deemed to consent and are bound by the agreement.

Ending an HWAA or FHA

An employee may opt for regular times of work by providing the department with 5 days' advance notice. The employer can provide 30 calendar days' notice that the agreement will be ended.

It is best practice and highly recommended to conduct a review of arrangements at least yearly to ensure it is still working for both parties.

More information

More information regarding the specifics of Hours of Work Averaging Arrangement (HWAA) and Flexible Hours Arrangement (FHA) can be found by visiting:

- MyAPS: <https://myaps.alberta.ca/Pages/My-HR/Collective-Agreement-and-HR-Directives.aspx>
- Employment Standards: <https://www.alberta.ca/averaging-agreements.aspx>