

Overtime and Hours of Work

Overtime and Hours of Work are dealt with in Article 46 of the Collective Agreement. Hours of Work for full time employees are 36.25 hours per week. As a full-time Ontario French Language Services Commissioner (OFLSC) employee, overtime provisions entitle you to receive:

- **Compensating leave of 1 hour** for each hour worked between 36.25 hours and 44 hours per work week;
- **Compensating leave of 1.5 hours** for each hour worked in excess of 44 hours per work week; and
- **Compensating leave of 1.5 hours** for each hour worked on your regularly scheduled day off.

If you work excess (overtime) hours, you have the option of accumulating compensating leave for all hours worked as outlined above OR you can request to receive pay-in-lieu of compensating leave. However, you must make a request for compensating leave at the time the overtime is worked. Payment shall be made within two months of the pay period within which the excess hours were worked.

Important Note: All excess (overtime) hours worked must be authorized by your manager. While there is no requirement to seek pre-approval to work excess (overtime) hours, it is a best practice to seek your manager's approval prior to you working any overtime.

If you are a part-time (an employee regularly scheduled to work less than 36.25 hours per week) or fixed term employee scheduled to work less than 36.25 hours per week, and work in excess of your scheduled number of hours, you will be compensated at your normal rate for any hours worked up until 36.25 hours per week. After that, you will be paid overtime per the provisions set out above (see Section 46.2.1). You will not, however, receive 1.5 hours for each hour worked on your regularly scheduled day off unless that day is a Saturday or Sunday.

Taking the Accumulated Compensating Leave

Should you accumulate compensating leave due to working overtime, your leave can be taken at a time mutually agreed upon between you and your manager. Your manager cannot unreasonably withhold such agreement.

Should you have remaining accumulated leave owing to you at the end of the calendar year, you and your manager must try to agree on the scheduling of your

compensating leave in an effort to use the compensating leave before June 30. However, failing agreement, your manager can determine the time of the compensating leave.

Any remaining compensating leave that you have accumulated in a calendar year that is not taken before June 30 of the following year, will be paid to you as a lump sum based on your salary rate at the time it was earned.

Frequently Asked Questions

Can my manager ask me to work overtime without compensation?

No, your manager cannot, and should never, request or permit you to work overtime without compensation where that work would otherwise be compensated.

Is the amount of compensating leave I've earned equal to the number of authorized overtime hours I've worked?

Not in all instances. If you work in excess of 7.25 hours on a regularly scheduled work day and the total hours worked in the week are between 36.25 and 44 hours, you would receive compensating leave equal to the number of authorized hours worked.

However, if you work in excess of 7.25 hours on a regularly scheduled work day and the total hours worked in a week are above 44 hours, you would receive one and one-half (1.5) hours of compensating leave for each hour worked.

Also, if you are authorized to work your normal day off, you would receive one and one-half hours (1.5) of compensating leave for each hour worked.

If I'm temporarily assigned to a non-bargaining unit position, am I entitled to earn compensating time off under the AMAPCEO Collective Agreement?

No. If you are temporarily assigned to a non-bargaining unit position, your "hours of work" are determined in accordance with the terms and conditions of the non-bargaining unit group (see Article 11.3).

Is travel time outside of my regular hours of work compensated under Article 46?

Yes, but only when the travel is required or directly related to your work. For clarity, time traveled to and from your residence to your regular work site is not included, and cannot be claimed as overtime.

Note: Your time spent in a hotel room after you have travelled to your destination would not be compensated, unless you can prove that you were actually working for some of

this time. Nor would the time you spend travelling from your hotel room to your business meeting or conference be compensated.

If I am required to carry a pager, computer, cell phone or smart phone, can I submit a claim for overtime?

Maybe. You shall not be considered to be working overtime merely because you are carrying a pager, computer, cell phone, or smart phone. However, once you respond to a page, email or phone call on such a device outside of your normal work hours, and there is an expectation from your manager that you should be responding, then you may be able to claim that you have been authorized to work overtime.

Questions?

Please direct any questions to an AMAPCEO OFLSC [Workplace Representative](#). A complete list of Workplace Representatives can be found on the AMAPCEO website at www.amapceo.on.ca