

# Overtime and Hours of Work

Overtime and Hours of Work are dealt with in Article 46 of the Office of the Provincial Advocate for Children and Youth (OPACY) AMAPCEO Collective Agreement.

The basic hours of work are 36.25 hours per week.

As a full-time OPACY employee, you are entitled 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 will accumulate compensating leave for all hours worked as outlined above.

If you are a part-time employee or an unclassified employee who is scheduled to work less than 36.25 hours per week, you will be compensated 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 46.5).

## 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 owed 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 March 31st of the following year. 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 March 31st 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 on a regularly scheduled work day, you work in excess of 7.25 hours and your total hours of work that week are between 36.25 and 44 hours, then you would receive compensating leave equal to the number of overtime hours worked.

However, if you work in excess of 7.25 hours and your total hours of work that week are above 44 hours, then you would receive 1.5 hours of compensating leave for each overtime hour worked.

Also, if you are authorized to work on your normal day off, you would receive 1.5 hours of compensating leave for each overtime 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. Per Article 11.3, if you are temporarily assigned to a non-bargaining unit position, your hours of work are set by the terms and conditions of the non-bargaining unit group. This means that the AMAPCEO overtime and hours of work provisions do not apply when you are in the non-bargaining unit position.

### **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 worked overtime.

## Questions?

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