



Nurses entitled to premium pay when employer changes posted schedule

Region 1 Hospital

ONA has won an important decision clarifying when premium pay is owed for working on a day off.

In this case, nurses worked a two-day, two-night rotation. The schedule was posted, but the employer changed it, requiring the affected nurses to work on days that were originally scheduled as their days off.

In all instances, the employer gave more than 48 hours' notice of the change, and sometimes several weeks. ONA claimed premium pay under the clarity note in Article 14.01 (a) because the nurses were required to work on their scheduled days off.

The issue before the arbitrator was whether premium was payable when an employer makes changes to the posted schedule with more than 48 hours' notice.

The employer argued that it was entitled to change the schedule at any time and that premium was only payable when the change was made with less than 48 hours' notice. ONA argued that the purpose of the clarity note in Article 14.01(a) was to safeguard a nurse's schedule and to provide a financial disincentive against the employer making changes to the schedule once it is posted.

Arbitrator Stephens accepted ONA's arguments and agreed that the parties intended for a "scheduled day off" to refer to a day on which the employee is not scheduled to work on the originally posted schedule. The members were entitled to premium pay under Article 14.01(a).

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