

JOINT COMMUNICATION

Multi-Employer/UNA Collective Agreement Guidelines Regarding Closing Dates on Unfilled Postings for Vacancies **July 2, 2008**

Background

The Multi-Employer/UNA Collective Agreement Article 14.01(a) requires that notices of vacancies be posted for not less than 10 calendar days before making an appointment. Article 14.01(e) requires that all postings have a closing time and date. However, in the current labour market, many posted vacancies remain unfilled after the initial posting period.

When vacancies remain unfilled after the initial posting, Employers end up re-posting the same notice of vacancy, in some cases, multiple times. Employers have expressed concerns related to the administrative burden and potential delays caused by re-posting the same notice(s) of vacancy with a new posting end date. In some cases, Employers have sought to keep postings open without specific closing dates and times, listing the notice as open until such time as a suitable applicant or candidate is found.

The Union and Employees applying on vacancies have expressed concerns that, in the absence of a known closing date, there is a risk of unfairness in the application process; applicants do not know when or whether the competition is open or when or if their applications will be considered on the posting. In the absence of an announcement respecting a successful candidate, unsuccessful applicants who are considered unsuitable for the posting are not notified and are not necessarily aware of the status of their applications.

The parties agree that there is value and purpose in defining the application period and providing a known closing date for consideration of applications received in the application period. The parties acknowledge and agree as well that there are administrative difficulties in successive re-postings of the same vacancy or vacancies, which may delay the process.

As a result of discussions of the Multi-Employer/UNA Joint Committee, the Joint Committee recommends the following Guidelines for re-posting notices of vacancy where there are no applicants, or no qualified applicants, for the initial posting.

Guidelines

Nothing in these Guidelines is intended to affect the initial posting of a notice of vacancy. The initial posting of a notice of vacancy must be posted pursuant to Article 14.01 for not less than 10 calendar days and must include a closing time and date.

If the posting remains unfilled after the initial posting period, either because there are no applicants or because none of the applicants were suitable for the position, the vacancy can be reposted as follows:

Subsequent Re-Posting:

- ▶ On a re-posting of an unfilled vacancy, the Employer may re-post the Notice of Vacancy with a notation that the vacancy will remain open until a “Successful Applicant” is found.
- ▶ In such cases, however, the Employer must list a series of application periods of not less than 10 calendar dates and applicable corresponding closing dates for each successive application (posting) period.
- ▶ For example, if the Employer wanted to keep a posting open until a “Successful Applicant” is found and did not want to continually re-post the Notice of Vacancy, the Employer could list out a successive series of application (posting) periods and corresponding closing dates. For example:
 - Closing Date: The following application (posting) periods and closing dates and times will apply in succession until such time as a Successful Applicant is found:
 1. July 8 to July 21, closing at 4:00 p.m. on July 21
 2. July 22 to August 5, closing at 4:00 p.m. on August 5
 3. August 6 to August 19, closing at 4:00 p.m. on August 19
- ▶ The Employer may list as many successive application (posting) periods as necessary or desirable within the same re-posted Notice of Vacancy. However, the Employer must re-post again if the vacancy remains unfilled at the end of the last application (posting) period and closing date listed on the re-posting.
- ▶ Only applications received by the Employer during each application (posting) period as noted on the re-posted Notice of Vacancy shall be considered by the Employer for that application (posting) period. The Employer cannot consider applications received after the closing date and time for each application (posting)

period for the application (posting) period that has closed. If there are no successful applicants, the Employer may consider applications received after the closing date of the last application (posting) period for the next application (posting) period.

- ▶ If an Employee has applied for the position during any of the listed posting periods, but is considered not suitable for the position by the Employer, and where the position remains posted or is re-posted as a result, the Employer shall notify the Employee as soon as possible that they are not suitable for the position. This notification shall not be delayed until future posting periods are completed. In these cases, it is recommended that the Employer utilize this as an opportunity for coaching and development and explain to the Employee why they were considered not suitable for the position.
- ▶ It is recommended that Employers record the date and time of applications received on a re-posting with successive closing dates.
- ▶ Employers must ensure that all postings are removed promptly when the vacancy is filled by the Employer to avoid undue confusion.

The requirement under Article 14.01(c) for vacancies to be filled from within the bargaining unit whenever possible continues to apply.

If you have any questions regarding these Guidelines, please contact:

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