

Guidelines for Hiring Temporary and Casual Employees

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Guidelines for Hiring Temporary and Casual Employees

1. INTRODUCTION: GUIDELINES FOR HIRING TEMPORARY AND CASUAL EMPLOYEES

These guidelines have been created to provide hiring managers with the information they need to properly hire Temporary and Casual Employees.

You will find enclosed:

- **Definitions and examples:** of Temporary, Casual and Student employees; the type of employee you plan to hire will determine the hiring process and documentation to be used;
- **Roles and Responsibilities:** a step-by-step reference for the Hiring Manager and Human Resource Services, with an overview of the required documentation;
- **Temporary and Casual Pay Guide:** to be used when hiring Temporary and Casual employees;
- **Template Offer Letters:** to be used when hiring Temporary and Casual employees; and
- **Employment Standards Act overview:** as it relates to the terms and conditions of employment for Temporary and Casual employees including Minimum Wage, Hours of Work, Overtime, Statutory Holidays, Vacation, Leave of Absence and Termination.

If you have any questions regarding these hiring guidelines please do not hesitate to contact your Human Resources representative as follows:

Faculty of Health Sciences Human Resources

Telephone: 22207

Fax: (905) 526-6623

Email: hrlink@mcmaster.ca

HR Services for All Other Faculties/Departments
(Excluding FHS)

Telephone: 222-HR (22247)

Fax: (905) 525-8410

Email: working@mcmaster.ca

2. DEFINING THE EMPLOYEE CATEGORIES

Student Employees

Student employees are those employees enrolled in a degree program maintaining at least 60% of a full course load each term (or 40% for students with disabilities).

Student employees are typically hired under a specific work program such as the McWork Program, Ontario-Work Study Program or International Students' Work Program and must meet the defined criteria of the program to be hired. "Students", as an employee group, are not necessarily excluded from the application of collective agreements. Check the Recognition and Exclusion provision(s) of the applicable collective agreement. If a student is covered by a collective agreement, rates of pay *etc*, will be determined by the collective agreement provisions.

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Casual Employees

Casual employees work in a position having no specified schedule and that may be of indefinite duration. They have neither guaranteed hours per day or days of work per week; rather, they are contacted when work is available at which time they may elect to accept or decline the work opportunity.

Note: given the nature of employment of Casual employees, it is important that their employment letters are clearly written and that their time with McMaster University is accurately monitored (see the Casual hire template letter).

Temporary Employees

Temporary employees work in a position with a duration of less than 12 months. Temporary employees are typically hired to cover for short-term leaves of absence, special projects and assistance during peak periods.

Note re Temporary employees- job posting requirements:

Temporary positions greater than 6 months will normally be posted. If posted, a temporary position will be available to eligible bargaining unit members of CAW Local 555 Unit 1 and denoted as a “Career Growth Opportunity”, unless specifically stated otherwise. The rules governing Career Growth Opportunities are set out in Article 19 of the CAW Local 555 Unit 1 collective agreement. A member of the CAW Local 555 Unit 1 bargaining unit who is appointed to a Career Growth Opportunity is entitled to benefits associated with his/her current (“home”) position and entitled to return to his/her home position upon completion of the Career Growth Opportunity, unless the home position had been eliminated.

3. THE HIRING PROCESS AND RATE OF PAY

- 3.1 The Hiring Process
(Including Contract Extensions and End of Contract)
- 3.2 Temporary and Casual Pay Guide
- 3.3 Required Documents & Responsibility
- 3.4 Exemptions

3.1 The Hiring Process

Note: Additional information regarding required documents and responsibility is outlined in section 3.3.

1. Determine the employment category for the position you are hiring. If you are not certain, contact your HR representative.
2. Refer to the Temporary and Casual Pay Guide (attached) and determine which job summary best describes the job you will be filling. If you need additional details about a particular job description, refer to the website at:
www.workingatmcmaster.ca/public-services-act-2010/temp-jds

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3. Once you have selected the appropriate job classification, please refer to the Temporary and Casual Pay Guide to determine the appropriate pay range. The specific hourly rate of pay within this range should be determined based on the skills and experience the incumbent brings to the job.
4. In addition to the hourly rate of pay, you should budget for vacation pay, CPP, EI, etc. Please refer to Appendix D of the Budget Guidelines produced by Budgeting Services at: www.mcmaster.ca/bms/pdf/ancilguide11.pdf
5. You may wish to print the full job description from the Working as McMaster website at: www.workingatmcmaster.ca/public-services-act-2010/temp-jds. The full job description can also be provided to the candidate so they are aware of the job functions they are expected to perform.
6. Conduct interviews with potential candidates and check references. Interview notes should be kept on file for a minimum of 24 months.
7. Prepare the offer letter, using the appropriate template (see Section 5). The initial hourly rate of pay will apply for the duration of the contract; the employee is not eligible for any rate of pay increase.
8. Forward the offer letter to the candidate with the TD1 forms and the Employee Contact & Deposit Information Form to be completed and returned.
9. Complete the Candidate Hiring Application (CHA) Electronic Form or, if the temporary position is greater than 6 months, but less than 12 months, the Recruit and Position Form and Budget Form.
10. Forward the original copy of the offer letter, signed by the employee, with the following to Human Resources Services:
 - Completed TD1 forms (Ontario and Federal)
 - Employee Contact and Deposit Form
 - VOID Cheque
 - Work Authorization (if applicable)
11. Coordinate essentials for the role (i.e. email, system access, etc).

Extension of Contracts

Note: If a temporary contract is extended for a total period of 12 months or more calculated from the start date of the original contract, the consent of the CAW Local 555 is required. No consent is required where the total period is less than 12 months.

If the extension itself is 12 months or more, the position falls within the CAW Local 555 Unit 1 bargaining unit and should be posted in accordance with Article 18 of the CAW Local 555 Unit 1 collective agreement. The successful candidate's terms and conditions of employment are then governed by the collective agreement.

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Extension of Contracts (continued)

1. If not completed for the initial contract, please refer to the Temporary and Casual Pay Guide (attached) and determine which job summary best describes the position. If you need additional details about a particular job description, refer to the website at: www.workingatmcmaster.ca/public-services-act-2010/temp-jds. Once you have selected the appropriate job description, refer to the Temporary and Casual Pay Guide to determine the appropriate pay range.
2. Complete and submit the Assignment Change/Termination Form (and Budget Form, if applicable) when extending an employee's assignment to Budgeting Services.
3. Prepare the extension letter, using the appropriate template (see Section 5) and forward it to Human Resources Services. Where a temporary contract is extended for a total period of 12 months or more calculated from the start date of the original contract, please contact Human Resources Services before extending the contract.

End of Contract

1. Prior to the end of an employee's temporary position as specified in the employee's contract (the "End Date"), you should provide the employee with a letter confirming his/her End Date (see Section 5 for a template). It is your responsibility to keep track of the End Date for each of your Temporary employees, and to generate the letters accordingly. A copy of these letters must be forwarded to Human Resources Services.
2. Prior to the employee's End Date, complete and send an Assignment Change/Termination Form to Human Resources Services for processing of the termination. Terminations will not be completed in the HRIS without this form.
3. If the employee has resigned, please forward the resignation letter to Human Resources Services with the Assignment Change/Termination Form for processing of the termination.

Please contact Human Resources Services if you are contemplating ending a Temporary employee's employment prior to the End Date.

3.2 Temporary and Casual Pay Guide

The attached Temporary and Casual Pay Guide outlines the Temporary and Casual job classifications as well as the appropriate pay range. The specific hourly rate of pay within this range should be determined based on the skills and experience the incumbent brings to the job.

Temporary and Casual employees will not be hired unless the hiring Manager selects both a position and an hourly rate of pay within a pay range.

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3.3 Required Documents and Responsibility

The following table sets out the documents to be completed by the hiring manager when hiring a Student employee, Casual employee and Temporary employee.

Document	Employee Category			
	Student	Casual	Temporary Less than 6 months	Temporary 6 months but less than 12 months
Job Description	Not required	Hiring Manager	Hiring Manager	Hiring Manager
Budget Form	Not required	Not required	Not required	Hiring Manager
Recruit and Position Form	Not required	Not required	Not required	Hiring Manager
Job Posting (MacTrac)	Not required	Not required	Refer to Section 2	Refer to Section 2
Employment Offer Letter	Hiring Manager	Hiring Manager (Casual Template)	Hiring Manager (Temporary Template)	Hiring Manager (Temporary Template)
CHA	Hiring Manager	Hiring Manager	Hiring Manager	Not Applicable
Employee Forms- Refer to Section 3.1(10)	Hiring Manager	Hiring Manager	Hiring Manager	Hiring Manager
Assignment Change Form (if applicable)	Hiring Manager	Hiring Manager	Hiring Manager	Hiring Manager
Extension Letter (If applicable)	Hiring Manager	Hiring Manager	Hiring Manager	Hiring Manager
Termination Form	Hiring Manager	Hiring Manager	Hiring Manager	Hiring Manager
Termination Letter	Hiring Manager	Hiring Manager	Hiring Manager	Hiring Manager

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3.4 Exemptions

Exemptions from the hiring guidelines outlined above:

- Affiliates
- Clinical Faculty
- Clinical Scholars and Clinical Fellows
- Conversational Assistants
- Employees included in a bargaining unit or represented by McMaster University Faculty Association
- Hospitality “Appendix G” Casuals
- Part Time Academic (including unpaid faculty)
- Postdoctoral Fellows
- Research and Teaching Fellows
- Research Associates (Academic)
- Student Hires
- Independent Contractors with an approved ICQ
- Visiting Scientists, Scholars, and Professors

4. LETTER TEMPLATES

Once your hiring selection has been made, a written offer letter must be prepared and signed by the hiring manager.

Below are links to the template letters to use for offering employment to Casual and Temporary candidates. Please contact Human Resources Services for guidance and advice if you would like to modify these templates.

Please email, mail, or fax a copy of the completed letter to your Human Resources Department once your candidate has returned a signed acceptance of the offer.

Offer Letter- Casual

<http://www.workingatmcmaster.ca/med/document/Offer-Letter---Casual-Employee-1-49.doc>

Offer Letter- Temporary

<http://www.workingatmcmaster.ca/med/document/Offer-Letter---Transitional-1-49.doc>

End of Temporary Assignment Letter

<http://www.workingatmcmaster.ca/med/document/End-of-Temp-Assignment-1-49.doc>

Extension Letter- Temporary

<http://www.workingatmcmaster.ca/med/document/temporaryextensionltrdec1107-1-49.doc>

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5. MULTIPLE APPOINTMENT GUIDELINES

Temporary and Casual employees at McMaster University are permitted to hold more than one position provided the aggregate number of hours of all positions does not exceed the overtime threshold per workday or workweek.

In this circumstance, employees are required to advise their manager and are responsible for following the McMaster University Multiple Employment Guidelines, which can be accessed at: www.workingatmcmaster.ca/link/php?link=policy:hqs-pol-multipleapp

6. EMPLOYMENT STANDARDS ACT OVERVIEW

- 6.1 Minimum Wage
- 6.2 Hours of Work and Overtime
- 6.3 Statutory Holidays
- 6.4 Vacation
- 6.5 Leaves of Absence
- 6.6 Termination

With respect to employees who are not represented by a Union and whose employment is for a duration of less than one year, an overview of some of the Employment Standards Act (“ESA”) minimum obligations may be helpful in managing the University’s employment relationship with these employees. In general, where the employment contract between the employee and the University provides less than the ESA or does not address a topic covered in the ESA, the ESA applies.

Any questions or clarification regarding the ESA guidelines should be directed to Human Resources Services.

In general, the Employment Standards Act provides:

6.1 Minimum Wage

Minimum Wage - As of March 31, 2010, the minimum wage is \$10.25 an hour. However, the minimum wage is \$9.60 an hour for students who are under the age of 18. Note: the ESA minimum wage applies to Student employees only; the Temporary and Casual Pay Guide provides pay ranges for Temporary and Casual employees in excess of the ESA minimum wage.

6.2 Hours of Work and Overtime

Permitted Hours of Work - In general, a supervisor may not permit an employee to work above his/her regular workday hours (8 hours if a regular work day does not exist) nor to work more than 48 hours in a workweek. An employee may agree in writing to work more hours in a workday.

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Time off - An employee must have at least 11 consecutive hours free from performing work in each day (unless the employee is on call). An employee must have 8 hours free from the performance of work between shifts (unless the combined shifts are 13 hours or less, or the employee agrees in writing otherwise). An employee must have 24 consecutive hours off in every workweek or 48 consecutive hours off every 2-work weeks.

Overtime - In general, employees must be paid one and one-half times their regular rate for each hour of work in excess of 44 hours per week. However, the employee and the supervisor can agree in writing that these overtime hours be taken as time off in lieu, provided the time off is taken within 12 months of when the overtime was earned. Time off in lieu is at the rate of one and one-half hours of paid time off work for each hour of overtime earned.

Eating Period – An employee must not work more than 5 consecutive hours without having a 30-minute eating period. However, subject to the employees’ agreement, the 30-minute eating period may be divided into 2 periods. The eating period(s) may be unpaid.

6.3 Statutory Holidays

Statutory Holidays - The nine statutory holidays are New Years Day, Family Day, Good Friday, Victoria Day, Canada Day, Labour Day, Thanksgiving Day, Christmas Day and Boxing Day.

Time Off & Pay - Unless an exemption applies, all employees are entitled to take statutory holidays off work and to be paid “public holiday pay” for that day. See “Exemptions re: Statutory Holiday Provisions” for information with respect to the exclusion of Casual employees.

Agreement to Work - An employee may agree, in writing, to work on the holiday and if so:

- i) The employee gets a substitute day off and receives “public holiday pay” for that day off. The substitute day off must occur within 3 months (if the employee provides his/her written agreement, within 12 months); **or**
- ii) The employee agrees, in writing, to receive one and one-half times his/her regular rate for each worked hour plus “public holiday pay”.

Public Holiday Falls on a Day Off – Where the holiday falls on a day that isn’t ordinarily a working day for the employee, then the employee gets a substitute day off and receives “public holiday pay” for that day off. The substitute day off must occur within 3 months (if the employee provides his/her written agreement, within 12 months). Alternatively, with written agreement, he/she may receive “public holiday pay” for the holiday without another substitute day off.

“Public Holiday Pay” - “Public holiday pay” is based on all of the employee’s regular wages earned, plus any vacation pay payable, in the 4 work weeks before the work week with the public holiday (or substitute day off), divided by 20.

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Exemptions re: Statutory Holiday Provisions – Certain of the holiday provisions of the ESA do not apply in some situations, including:

- i) Where reasonable cause does not exist, an employee who fails to work his/her entire shift before or after the holiday **or** who fails to work the entire shift on the holiday after agreeing to do so, does not generally qualify for the holiday entitlements. However, the employee is entitled to receive one and one-half times his/her regular rate of pay for all hours worked on the holiday.
- ii) With respect to an employee employed under an arrangement whereby he/she may elect to work or not when requested to do so. However, this employee is still entitled to one and one-half times his/her regular rate for hours worked on the holiday.

6.4 Vacation

Vacation Pay – Vacation pay must be at least 4% of the employee's "gross" wages.

(Note: The HRIS system is programmed to add 4% pay to an employee's "gross" wages every pay period to fulfill this ESA vacation pay requirement. Vacation pay is reported as a separate payment over and above any wages owing.)

Vacation Time – Employees are entitled to a minimum of 2 weeks vacation time after each calendar year completed. With respect to employment in the first calendar year, vacation time is prorated based on the employee's start date in that year.

6.5 Leaves of Absence

Pregnancy & Parental Leave – Provided the employee has been hired at least 13 weeks before the baby's expected birth date or before the child comes into the care of the employee, the employee is entitled to an unpaid leave of absence. Pregnancy leave is up to 17 weeks. Parental leave is up to 37 weeks (35 weeks if the employee took pregnancy leave). The employee may qualify for Federal Employment Insurance Benefits.

Family Medical Leave – An employee is entitled to an unpaid leave of absence of up to 8 weeks to provide care or support to certain individuals if a qualified health practitioner issues a certificate stating that the individual has a serious medical condition with a significant risk of death occurring within a period of 26 weeks. The employer is entitled to ask the employee for a copy of this certificate. The weeks need not be consecutive. The leave is reduced by amount of leave another employee takes to care for or support the same individual.

Some of the individuals to whom the care or support may be given on this Leave include the employee's spouse, parent, child, sibling, grandparent, grandchild, some in-laws, etc. The individual may also be a person who considers the employee to be like a family member (in this situation, the employer may request a completed copy of the "Compassionate Care Benefits Attestation" form obtainable from Human Resources and Social Development Canada.).

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The employee may qualify for 6 weeks of “compassionate care benefits” under the Employment Insurance Act.

Emergency Leave – An employee is entitled to an unpaid leave of absence of up to 10 days in a calendar year for certain purposes (days need not be consecutive). The leave may be taken because of: a) Personal illness, injury or medical emergency; or b) Death, illness, injury, medical emergency or urgent matter relating to the employee’s spouse, parent, child, grandparent, grandchild, sibling, relative dependent on employee for care/assistance, etc. The employer may require the employee to provide evidence reasonable in the circumstances that the employee is entitled to the Leave. “Emergency Leave” is in addition to any entitlement to leave under “Family Medical Leave” and vice versa.

6.6 Termination

Notice – The Notice provisions of the ESA do **not** apply to Casual employees or Temporary employees except where the employee’s employment terminates **prior** to the expiry of his/her End Date.

If the employee qualifies for ESA Notice and is terminated, one week’s written Notice of termination (or 1 week’s pay) must be given to the employee who has been employed for less than one year (but employed at least 3 months).

If you have an employee that has been employed for 12 months or more, please call Employee / Labour Relations (ext. 23850) for assistance.

Severance Pay – The severance pay provisions do not apply to Casual employees. The severance pay provisions will only apply in respect of a Temporary employee if he/she has at least 5 years of total employment service at the University at the date of termination. This would mean that the Temporary employee has in excess of 4 years of *previous* service at the University.

Payment of Last Wages – Following termination, an employee must be paid any outstanding wages not later than the later of 7 days after employment ends and the day that would have been the employee’s next pay day.