

Leave Planning/Approval Procedures

RULES

Entitlement to Leave/Vacation – Article 53 WR

- Employees are entitled to accrue and use leave for vacation, personal and emergency purposes
- Leave is earned as of January 1st, except when employment begins during the first semester of the calendar year
- Entitlement to leave is undeniable and the actual use of leave cannot be substituted by any compensation, monetary or otherwise, even with employee's consent

Scheduling of Vacation – Article 54 WR

- Vacation period should be scheduled by mutual agreement between employer and employee
- If there is no agreement, employer shall prepare the vacation schedule after advising the Committee of Employee's Representatives (CRT – Portuguese acronym)
 - o Since no CRT is established, employer must advise CPO
 - o Employer can only schedule the employee's vacation period between May 1 and October
- Final vacation schedule shall be completed and posted in all work areas no later than 15 Apr of each year (this year, the deadline is 31 March)
- Employees belonging to the same household shall have the option of taking their yearly vacation period at the same time
 - o Unless a determination is made that priority job requirements exist

Accumulation of Vacation – Article 56 WR

- Vacation should be used during the course of the calendar year in which it is earned
- As an exception, if important personal or family reasons are involved, employees may request their vacation period be carried over for accumulation in order to take it with the vacation period the following year
- The maximum amount of vacation period that may be carried forward from one calendar year to another is 24 work days (192 hrs)
- Any days to the employee's credit which at the end of the calendar year would exceed 24 work days, must be taken prior to the end of the calendar year or it will be lost

Postponement or Interruption of Scheduled Leave – Article 59 WR

- Whenever an employee's scheduled use of the major portion of his leave must be postponed or interrupted due to imperative operational requirements
 - o Employee may be entitled to compensation:
 - In the event employee sustains direct monetary loss as result of the interruption of his leave
 - Employee is responsible for verifying the amount of direct monetary loss and the compensation will be limited to that amount
- When major portion of schedule leave is interrupted :
 - o Employee is entitled to one-half of that leave period to be taken without interruption
- When employee is temporarily unable to begin his scheduled leave due to reasons beyond his control, the vacation period must be rescheduled
- Any postponed leave will be rescheduled for a time acceptable to the employer and employee.
 - o If an employee's leave is rescheduled into a subsequent year, he shall not be subject to the limitations of Article 56

Suspension of Vacation Rights – Article 60

- Cases where scheduled leave has to be denied due to military emergency, leave in excess of 24 days may be carried over for use the following year
- In other situations, if the employer denies the employer the use of his leave:
 - o Employee will receive 3 times the remuneration equivalent to the vacation denied
 - o Denied vacation must be taken during the 1st semester of the next calendar year

Per ABW policy letter dated 20 Nov 2009

- No later than 31 Mar 2010, leave schedule needs to be established
- Beginning 31 Dec 2010, automatic leave carryover will no longer be authorized
- Any days remaining after 31 Dec 2010 will be forfeited, except if accumulation of leave is approved

Leave plan/approval procedures

- Request employees schedule their leave for 2010
- Review schedules and make a determination
 - o If no leave conflict and leave plan can be supported – approve plan, inform workers and post in break room/mtg room/etc
 - o If leave conflict, recommend you give employees an opportunity to resolve among themselves; give them a timeline
 - **If no agreement reached, then apply article 54 – employer schedules leave between May 1st and October**
 - o **If management cannot accommodate employees' request, please contact CPO immediately, before 31st March**
- If later on leave needs to be postponed/interrupted due to imperative mission requirements, apply article 59
- **If leave is denied for any reason that is not a military emergency**, employee will be entitled to triple pay of the amount of leave denied and is also entitled to schedule leave period denied to be used within the 1st semester of the next calendar year
 - o **Contact the CPO prior to denying ANY LEAVE to ensure you are in compliance with the WR!!**