



**Trinidad and Tobago
Registered Nurses Association**
- Central Executive -
Established in 1930
Incorporated in Parliament by Act No. 30 of 1980
Trade Union *Established in July 2014*

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MEMORANDUM

FROM: President TTRNA
TO: ALL NURSING PERSONNEL
RE: Casual Leave and Late Coming
Dated: 26th March 2018

The Trinidad and Tobago Registered Nurses' Association (TTRNA) has been in receipt of several complaints from our members with regards to issues centered around hours of work and casual leave entitlements. While the TTRNA continues to treat with these member grievances individually, the Union finds it prudent to educate all on some of the relevant policies/laws that are applicable.

Concern #1

Nursing Management instructing nursing personnel to sign a **late book** if they arrive after 20 minutes into the shift.

Fact

False. Nursing staff are only required to sign an Attendance Register on their arrival to work.

Concern #2

Officers' late minutes will be totalled, converted to days, and taken out of their salary or vacation days.

Fact

False. There are neither any known policies of the Ministry of Health or RHA nor laws authorizing that officers' late minutes be converted to days and deducted from their salaries or vacation leave eligibility.

Concern #3

Nurses are not compensated for extra time worked past their shift.

Fact

False. Nursing personnel are entitled to Overtime allowance or Compensatory time when working extra hours. Also, do not allow the administration to offer you 'Pool rates' instead of 'overtime rates'. **Know your worth.**

Concern #4

Failing to work a *single* 12-hour night shift, will result in 1.5 days being deducted from your annual sick leave eligibility.

Fact

False. There is no known policy of the Ministry of Health or RHA authorizing such action against nursing personnel.

Concern #5

Management 'demanding' that nursing personnel take vacation leave instead of casual leave.

Fact

For: ENA / PCA

True. This requires the ENA, who is at range 22, to take a **minimum** of 7 days' vacation leave each year.

For: RN / RMN / MIDWIFE

True. This requires the RN/RMN, who is at range 32, to take a **minimum** of 14 days' vacation leave each year.

Below are the detailed Policies, Laws and Terms & Conditions of employment for further clarity.

Concern #1

Nursing Supervisor/Administrator instructing nursing personnel to sign a late book if they arrive after 20 minutes into the shift.

Policy:

1. Regional Health Authorities Policies and Guidelines for Salaried Employees (2004) section 3.5

*"Each employee shall correctly and promptly enter his time of arrival and departure in the **Attendance Register**, Time Card, Computerized System or official personal diary as relevant and appropriate and as provided for by the respective Authority."*

Law:

2. Civil Service Act 23:01 Act 29 of 1965, Chapter VII section 65

*1) Officers shall be regular and punctual in their attendance. In each Government Office an **Attendance Register** shall be kept in which each officer shall record daily the hour of his arrival at and departure from the office and sign the entry.*

Nursing staff are only required to sign an Attendance Register on their arrival to and departure from work.

Concern #2

Officers' late minutes will be totalled, converted to days, and taken out of their salary or vacation days.

Policy:

1. Regional Health Authorities Policies and Guidelines for Salaried Employees (2004) section 3.7

*"Employees who are persistently tardy, absent or who leave work without excuse **may be guilty of misconduct.**"*

Law:

2. Civil Service Act 23:01 Act 29 of 1965, Chapter VII section 65

2) The Attendance Register shall be examined at least once a month by a designated senior officer, and officers shall be warned in writing of cases of late coming or irregular attendance. Working of hours less than the minimum laid down or irregular attendance may form the basis of disciplinary charges."

3. Civil Service Act 23:01 Act 29 of 1965, Chapter XI section 149

2) Without prejudice to the generality of sub-regulation (1), an officer who -
*a) is absent from office or official duties without leave or valid excuse, or is **habitually irregular in the time of arrival or departure** from the place of employment;*
commits an act of misconduct.

4. Regional Health Authorities Act Chapter 29:05 (Conduct Regulations) section 19

*1) An employee may be found **guilty of misconduct** where he -*
*h) is inefficient, incompetent or **persistently unpunctual** for reasons which are within his own control;*

There are neither any known policies of the Ministry of Health or RHA nor laws authorizing that officers' late minutes be converted to days and deducted from their salaries or vacation leave eligibility.

Concern #3

Nurses are not compensated for extra time worked past their shift.

Policy

1. Terms and Conditions of Employment: Treatment of Time Worked in Excess of Normal Working Hours

- A. Grant of Time-off for Excess Hours Worked (based on PD Circular No.1 dated June 16, 1986)
- With effect from January 1, 1984, **work in excess of normal working hours shall continue to be compensated for by the grant of an equal amount of time off.***
 - Time worked in excess of normal working hours shall be compensated for in units of half an hour. Time worked in excess of **fifteen (15) minutes shall count as half an hour and that worked in excess of forty-five (45) minutes as an hour.***

B. Payment of Overtime for Excess Hours Worked

- iii. *On working days, overtime shall be paid at a rate of time and a half the basic hourly rate for the first eight (8) hours worked in excess of the normal working day, and thereafter, double the basic hourly rate. For work on off days, overtime shall be paid at the rate of time and a half for the first eight (8) hours and double the basic hourly rate thereafter.*

D. Overtime Continuing Beyond the End of the Normal Work Day (based on PD Circular No.4 dated June 2, 1978)

- iv. *Where overtime work is to continue beyond the end of the normal work day, an officer shall be allowed time off of half an hour during which time he/she may leave the premises immediately after the end of the normal work day which period shall be counted as actual overtime hours worked.*

2. ILO Nursing Personnel Convention (C149 of 1977) Article 6

Nursing Personnel shall enjoy conditions at least equivalent to those of other workers in the country concerned in the following fields:

- a) *hours of work, including regulation and compensation of overtime, inconvenient hours and shift work;*

3. P.D Circular No.3 of 2008. Payment of Overtime Allowance (3)(iii)(a)

The rate of overtime payment for excess hours worked shall be:

On working days – One and one-half times the officer's hourly rate of pay for the first four (4) hours and double time thereafter;

Do not allow the administration to offer you 'Pool rates' instead of 'overtime rates'. Know your worth.

Law

There are no known laws relating to nursing personnel that support not compensating officers for extra time worked passed their shift.

Concern #4

Failing to work a single 12-hour/10-hour night shift, will result in 1.5 days being deducted from your annual sick leave eligibility.

Policy

1. Terms and Conditions of Employment: Leave

C. Sick Leave

- i. *Eligibility for Sick Leave (based on PD Circular No.3 dated May 14, 1982)*
 - a) *An officer whether permanent or temporary shall be eligible for fourteen (14) working days sick leave per annum provided that he tenders a Medical Certificate from a registered Medical Practitioner.*
 - b) *Absences from work due to illness for a period **not exceeding two (2) days** need not normally be supported by a Medical Certificate but shall be debited against the officer's sick leave eligibility for the year.*

2. Regional Health Authorities Policies and Guidelines for Salaried Employees (2004) section 5.4

- i. *A full-time employee is eligible for fourteen (14) working days a year;*

Law

3. Civil Service Act Chapter 23:01 Act 29 of 1965, Chapter IX Part I section 85

- 1) *Every officer shall be entitled to 14 days sick leave a year provided that he tenders a Medical Certificate written under the hand of a registered Medical Practitioner.*
- 2) *An officer who is away from duty, due to illness, for a period **not exceeding two days** shall not normally be required to tender a Medical Certificate, but any leave taken under this provision shall count in calculating the total sick leave for the year.*

77. *Subject to regulation 78 **annual leave once earned shall not be forfeited.***

There are neither any known policies of the Ministry of Health or RHA authorizing such action against nursing personnel.

Concern #5

Management 'demanding' that nursing personnel take vacation leave instead of casual leave.

Policy

1. Regional Health Authorities Policies and Guidelines for Salaried Employees section 5.2.2

Employees are required to proceed on not less than

- a) *fourteen (14) days vacation leave a year if he is receiving a salary of less than \$4,604.00 (2004) or more*
- b) *seven (7) days vacation leave a year if he is receiving a salary of less than \$4,604.00 (2004)*

Such leave shall be deducted from the employee's Annual Leave.

5.3 Casual Absences

- a) *A full-time employee becomes **eligible to be allowed casual absences from duty** only after he has completed twelve (12) months of continuous service;*
- d) *An employee may be allowed casual absences from work which shall be deducted from the employee's annual leave, to a maximum of:*
 - *fourteen (14) working days a year if the employee is entitled to twenty-eight (28) working days or more a year;*
 - *seven (7) working days if the employee is entitled to twenty-one (21) working days a year.*

2. Terms and Conditions of Employment: Leave

B. Casual Absences from Duty

- i. *An officer becomes **eligible to be allowed casual absences from duty** only after he has completed twelve (12) months of continuous service.*
- ii. *Casual absences from duty with the prior approval of the Permanent Secretary or Head of Department/Statutory Authority shall be recorded as annual leave and be deducted from the annual (vacation) leave eligibility of the officer.*

3. Devolved Functions

6. *When an officer, whose annual leave has been deferred, is allowed to proceed on leave he should be granted such an amount of leave so that he would not attain his maximum leave eligibility within one (1) year of his resumption of duty.*

7. In any event, the provisions of regulation 74 of the Civil Service Regulations should be invoked.

Law

4. Civil Service Act Chapter 23:01 Act 29 of 1965, Chapter IX Part I sections 74, 75, 76, 77 and 78

74. An officer shall not take less than -

- a) fourteen (14) days leave each year if he is in receipt of a salary equal to or greater than that of a maximum of Range 24
- b) seven (7) days leave each year if he is in receipt of a salary of less than that of the maximum Range 24

75. An officer who owing to the exigencies of the service is required to defer his annual leave, shall in the year following that in respect of which his annual leave was deferred, be granted such deferred leave together with the annual leave for that year.

76. An officer may be allowed **casual absences from work** which shall be deducted from the annual leave specified in regulation 72(1) for his grade in units of half days to a maximum of -

- a) fourteen (14) days if he is entitled to 28 days a year or more;
- b) seven (7) days if he is entitled to 21 days a year.

77. Subject to regulation 78 annual leave once earned shall not be forfeited.

78. (1) Annual leave may be accumulated to a maximum of -

- a) ninety (90) days in the case of an officer in receipt of a salary equal to or greater than that of the maximum of Range 24;
- b) sixty (60) days in the case of an officer in receipt of a salary of less than that of the maximum of Range 24

For: ENA / PCA

This requires the ENA, who is at range 22, to take a minimum of 7 days' vacation leave each year. **Unless** the RHA in writing, requires the employee to defer their leave to the following year.

The ENA, having taken their **minimum** vacation leave for the year, is still entitled to take up to 7 casual days for the year. Annual (Vacation) leave earned cannot be lost once you do not exceed 60 days.

Written notice from the CEO (not HR or Nursing Administration) of the inability to grant accumulated leave is required before accumulating leave more than 60 days.

For: RN / RMN / MIDWIFE

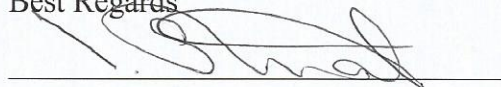
This requires the RN/RMN, who is at range 32, to take a minimum of 14 days' vacation each year. **Unless** the RHA in writing, requires the employee to defer their leave to the following year.

The RN/RMN, having taken their **minimum** vacation leave for the year, is still entitled to take up to 14 casual days for the year. Annual (Vacation) leave earned cannot be lost once you do not exceed 90 days.

Written notice from the CEO (not Human Resource or Nursing Administration) of the inability to grant accumulated leave is required before accumulating leave more than 90 days.

TTRNA asks all members to report any breaches in the above stated policies, so the Union can immediately intervene on their behalf.

Best Regards



Idi Stuart, TTRNA President 2016-2018