

# FSA GUIDE TO OVERTIME & COMPENSATION

This is a guide to help FSA members navigate excess work and its remuneration. In brief, we ask that members not volunteer to work excessive hours on a voluntary basis without compensation. Instead, we ask that members insist on being compensated, or—in rare cases and only after consulting with the FSA—refuse to do the work unless ordered by their manager.

This material is not meant to capture the small variations and fluctuations that occur in an environment of collegial governance—the usual give and take many Departments and work units have with their managers and colleagues. Our concern is with excessive volumes of work that exceed the Collective Agreement's restrictions, in particular with workloads that increase and do not subsequently decrease in a reasonable period of time.

The materials provided in this guide are for general labour relations information purposes only. These materials do not constitute legal advice. For clarification regarding the answers provided below, advice about a specific labour-relations case, or for any other questions, please do not hesitate to [contact us!](#)

## Regular Teaching Faculty members

(Part-Time and Full-Time but not Part-Time Studies)

### EXCESS WORKLOAD

If you experience excess workload, the best practice is to meet as a Department to ensure work is fairly distributed under Articles 14 and 8 of the [Collective Agreement](#). If your Department has delegated that work to a manager, discuss the issue with that manager.

Extra accommodation efforts may be necessary. For example, instructors who receive a new course they have never taught before can be credited with an extra teaching hour for that course. Alternatively, they may be relieved of other work in order to accommodate extra effort. These types of practices can be used to allocate excessive workload.

The [Collective Agreement](#) also says that a Department's mean – i.e. average – of student contact hours shall not exceed 20 hours per week in any term. This is calculated by subtracting any hours taught by your manager. Keep an eye on this average over the term and let your Department, your manager, and [BCIT Human Resources](#) know if it is exceeding the threshold. If this is not resolved, [contact the FSA](#).

Please [contact the FSA](#) if either situation is not resolved quickly.

### EXCESS CONTACT AND NON-CONTACT HOURS

The FSA's [Collective Agreement](#) divides a regular teaching faculty member's work into two categories. The first is contact hours; the second is non-contact hours.

The [Collective Agreement](#) permits an individual's contact hours to go as high as 22 hours per week. One would subtract the five (5) hours of office hours, leaving 17 instructional contact hours per week. Beyond this point, overtime is payable. Going beyond the 22 hours per week (17+5 office hours) of contact hours, the [Collective Agreement](#) requires approval of the FSA (the union), BCIT, and the Department. If your contact hours have surpassed 22 hours in a week, you should speak with your Department or manager, wherever workload is delegated, and [BCIT Human Resources](#). Indicate this workload is in excess of what is permitted under the [Collective Agreement](#).

The [Collective Agreement](#) is clear that traditional levels of non-contact hours cannot increase. Of course, this type of work fluctuates somewhat through a school year. The FSA's concern, however, is when it elevates and remains elevated for a significant period of time. Surpassing traditional non-contact hour levels should only happen via approval of the employee in question, their Manager, their Dean, and the FSA. You should speak with your Department, your manager, or BCIT Human Resources and indicate to them that the levels of non-contact hours have increased and therefore violates the [Collective Agreement](#).

## **DIRECTION TO EXCEED NON-CONTACT HOUR LIMITS**

If you are being directed by a manager to exceed traditional non-contact hour levels without the aforementioned permissions, first, make sure that this is coming from a manager, and not a Program Head, Coordinator, or anyone in the FSA bargaining unit. Only a manager, such as an Associate Dean, Dean, or Director, can order you to work.

Second, ask for clarity from the manager that this is an order, such that if it is refused you may face discipline. A strongly worded suggestion is not an order, for example. The FSA highly recommends that, where possible, an order to work excessive hours is placed in writing, such as an email. However, orders delivered verbally are also valid.

Once you receive an order to work excessive hours, quickly [inform the FSA](#); we will review the situation and may grieve on your behalf to obtain compensation or to have the extra work stopped.

We generally recommend that you follow orders to work. Failing to do so can lead to discipline for insubordination, up to and including termination of your employment. There is an exception to this rule: if you believe an order to work would jeopardize your health, we recommend you exercise [your right to refuse unsafe work](#).

## **IN CONCLUSION**

Members should not be volunteering to work extra hours, but when asked or encouraged, you should insist on either being compensated or being ordered to do the work. Of course, there is the usual fluctuation—give and take—experienced by all faculty in an environment of collegial governance. We are concerned with significant increases that violate the [Collective Agreement](#).

By volunteering without being ordered, you may possibly give up your rights and negatively impact your fellow members in the FSA. Once you receive an order to work excessive hours, we may grieve on your behalf to obtain compensation or have the excess work stopped.

## **Specialized Faculty, Assistant Instructors, and Technical Staff**

(Part-Time and Full-Time)

### **OVERTIME: THE BASICS**

For Specialized Faculty, Assistant Instructors, and Technical Staff, full and part-time, work over 35-hours-per-week will be paid at time-and-a-half. Additionally, if you are required to work on a day of rest or a holiday, double time will be paid. There is no requirement to work more than an average of 10 hours-per-week of overtime in any given term.

Additionally, members earn overtime on the portal-to-portal time it takes to go from their home to the Institute. If you are required to travel to the institute for assigned overtime, the time it takes for you to drive from your home to the institute is included in your overtime accrual.

In a normal situation, you may refuse overtime, if the communication comes as a request and not an order, without fear of reprisal. However, in an emergency situation, overtime cannot be refused if your manager assigns it to you.

### **DIRECTION TO WORK OVERTIME**

If you think that you're going to exceed an average of 10 hours of OT per week over the term, first, speak to your manager and [BCIT Human Resources](#) and alert them that the [Collective Agreement](#) limits may be violated.

If you believe you are being ordered to do this excessive work, make sure that this is coming directly from your manager, not a Program Head, Coordinator or anyone in the FSA bargaining unit. Only a manager, such as an Associate Dean, Dean, or Director can order you to work. Second, get clarity that this is an order, such that if you refused you may face discipline. A strongly worded suggestion is not an order. We recommend that, where possible, an order to work is placed in writing, such as in an email. However, orders delivered face-to-face are also valid.

We generally recommend that you follow orders to work. Failing to do so can lead to discipline for insubordination, up to and including termination of your employment. There is an exception to this rule: if you believe an order to work would jeopardize your health, we recommend you exercise [your right to refuse unsafe work](#).

## COMPENSATION

Article 8.5.8 of the [Collective Agreement](#) states that overtime will be paid as a lump sum or as equivalent time off at the option of the employee. If you elect to take time off, the time off must be scheduled by mutual agreement with the employer. The time off must be scheduled in the fiscal year in which it is earned. If the time off cannot be scheduled within the fiscal year, the overtime will be paid out no later than the pay period that encompasses March 31.

## IN CONCLUSION

Members should not be volunteering to work extra hours but when asked or encouraged should insist on either being compensated or being ordered to do the work. Of course, there is the usual fluctuation—give and take—experienced by all members in an environment of collegial governance.

By volunteering without being ordered, you may possibly give up your rights and negatively impact your fellow members in the FSA. Once you receive an order to work excessive hours, we may grieve on your behalf to obtain compensation or have the excess work stopped.