



## Overtime Averaging Agreement

between

Employer: Community Living St.Marys & Area  
and

Employee: \_\_\_\_\_

According to the Employment Standards Act (s.22 (2)(a) and (3) an employer must have a written agreement with an employee to average hours of work.

Please see the attached copy of “Information for Employees about Hours of Work and Overtime Pay”, as well as the supplementary material around special rules/exemptions for those “working supervising and caring for children or persons with developmental disabilities in family-type residential homes and you live in the home during work periods.”

The employee understands that he/she has the right (under the Employment Standards Act 2000) to have his/her overtime pay calculated on a weekly basis and payable for all hours worked after 44 hours. The benefits of averaging hours of work include providing maximum flexibility of work time to both the employee and to the people the employee supports.

By signing this agreement, the employee agrees to have the employer calculate his/her hours of work averaged over a two-week period for the purpose of determining overtime. Any hours worked in excess of 88 over two weeks will be paid at time and a half of regular wages.

This agreement comes into effect May 2, 2018 and expires on May 2, 2020

This agreement cannot be revoked until the expiry date unless the employee and employer both agree in writing.

### Signatures

Employee: \_\_\_\_\_

Date: \_\_\_\_\_

Employer: \_\_\_\_\_

Date: \_\_\_\_\_

## Residential Care Workers-SPECIAL RULES

As taken from: <https://www.ontario.ca/document/industries-and-jobs-exemptions-or-special-rules/ems-healthcare-and-health-professionals#section-25>

If you work supervising and caring for children or persons with developmental disabilities in family-type residential homes and you live in the home during work periods, you are entitled to:

- Public holidays
- Notice of termination/termination pay
- Vacation with Pay
- Severance

### Special rules or exemptions

You are not entitled to:

- hours of work
- time off between shifts
- daily rest periods
- eating periods
- overtime **NOTE: CLSMA STILL PAYS OVERTIME AFTER 88 hrs of work over a two week pay period**
- be paid for time you spend at the workplace eating, sleeping, resting or attending to your own affairs, even if you are on call during that time the general minimum wage rate, instead, you are entitled to a regular rate of pay that equals at least the minimum wage rate for the lesser of the number of actual hours worked or 12 hours
- to the general weekly/bi-weekly rest period, instead, you are entitled to at least 36 hours free from work each week

You may be entitled to up to 15 hours of pay per day if you worked more than 12 hours in a day and:

- you have accurate records of the hours you worked
- you provide those records to your employer immediately after the pay day for the period in which the extra hours were worked, **and before the next pay period**

You may agree to take multiple rest periods instead of one rest period of 36 consecutive hours. If you agree to work during your rest period(s), your employer must:

- pay you at least one and one-half times your regular rate of pay for the hours you work, or
- add the hours you work to one of your next eight 36 hour rest periods.