



HEALTH CARE UPDATE

CUPE STANDS FOR FAIRNESS

Taking Action on Payroll Overpayments and Underpayments

BACKGROUND

You may have seen recent news reports about payroll problems in health care. The stories raise issues that are not new to CUPE, and we wanted to take this opportunity to share with you some of the steps we are taking and that you can take to ensure any errors are properly addressed.

Your CUPE local is there to help you resolve payroll errors with your employer. As a member of CUPE, you are covered by a collective agreement, and you have certain rights and obligations when it comes to both overpayments and underpayments or other payroll errors. CUPE believes that all errors should be resolved in a reasonable way, whether employers owe employees pay or benefits, or employees owe employers.

When the employer accidentally pays you too much, it's an overpayment. When you should receive pay but do not, or receive too little, it's an underpayment. There are sometimes errors with overtime, statutory holidays, vacation banks or sick time/income protection banks, and other errors as well.

There have been problems with SAP, with overpayment requests from the WRHA reaching as far back as 2013, and underpayments or errors that have taken too long to fix or not been resolved. While errors do happen, CUPE has consistently raised concerns about the SAP payroll system implemented in 2012, and we have advocated for faster problem-solving and more personal service, so that you are not out of pocket. Situations are often resolved fairly and in accordance with the collective agreement, but when they are not, CUPE can help.

CUPE has asked the Winnipeg Regional Health Authority (WRHA) to stop requesting repayment outside of what the collective agreement allows. When overpayments occurred in 2013, CUPE filed numerous grievances. Our view was upheld in a 2015 arbitration ruling, and the WRHA was told to follow the collective agreement. More recently, we have once again filed numerous grievances for overpayments and underpayments, as well as quota bank errors. One of the overpayment grievances has been referred to arbitration, and we will continue to work for fairness.

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Know Your Rights

OVERPAYMENTS

Members who have received overpayment notices are covered by the Overpayments article of the Collective Agreement. These protections are in place to ensure that there is a fair and transparent process.

The employer has 12 months from the date the error occurred to initiate collection. If you have been notified by the employer within 12 months from the time of the error, you can work with your employer to arrange for repayment of the amount. If you have repaid an amount from more than 12 months ago, we can seek your reimbursement. If you have already opened a payroll support “ticket” with SAP, you can let them know that the request for repayment is outside of the 12-month timeline and you will not be paying it.

You are also entitled to a detailed breakdown of the error as soon as practicable, within 10 days of the discovery of the error. You are entitled to a fair and reasonable recovery method and timeline.

If you retire or stop being an employee for other reasons, the employer can recoup the overpayment, but must do so at the time of retirement or termination – not later.

For smaller amounts, the employer can provide a detailed breakdown and a proposed recovery schedule with the letter to you, asking for repayment.

For larger payments (over 10% of the employee’s normal biweekly earnings before deductions and over \$150) you are entitled to a meeting to discuss a proposed recovery schedule as soon as practicable.

If you disagree with the employer’s claim, you can let them know with the help of your union.

UNDERPAYMENT OR OTHER ERRORS

If you have received less pay than you should have, or notice other payroll errors, contact payroll (Human Resources Shared Services – HRSS) and report it, giving as much detail as possible and make sure to obtain an incident number. Let your local union know as well.

If you have been underpaid by at least (1) normal day’s pay in a pay period, the employer should pay you back within three (3) business days once you make the request. Some employers have asked that employees let them know by Wednesday of any errors in order to process a payroll correction by Friday, but this is not stated in collective agreements. You may ask at any time to be paid back within three (3) business days.

For more information, please consult your collective agreement (especially articles on “Salaries and Increments” and “Overpayments”) or contact your local union for support and assistance in dealing with payroll errors.

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