

Manager Job Aid

Temporary Substitution (Out-of-Scope)

Temporary Performance of Higher Duties (CUPE)

Last revised: September 2020
Last reviewed: September 2020
Next review: September 2021

Public Service Commission

This document provides information to managers on TAHD Less Than 90 Days for CUPE Temporary Performance of Higher Duties and Out-of-Scope Temporary Substitution.

Criminal Record Check Considerations

The Criminal Record Check policy applies to changes in job assignment. If the CRC criteria in the new assignment are different from the previous assignment, such that there may be significant risk for the duration of the assignment, the manager will need to submit the CRC Status Confirmation Form and await results prior to assigning the new duties. For very short assignments, depending on the nature of the risk, this may not be necessary, provided the risk is mitigated. Consult with your Human Resource Business Partner for advice and guidance on making a determination. Information about Criminal Record Checks, the criteria, and the [CRC Status Confirmation Form](#) can be located on Taskroom.

Out-of-Scope to Out-of-Scope (Temporary Substitution)

Where an employee is assigned duties of a higher level position for a temporary period, the employee is entitled to a temporary substitution amount.

Out-of-Scope employees with monthly hours of work equal to 165.333 (MCP) are eligible for Temporary Substitution premium after an assignment greater than 15 consecutive working days; in such cases, the premium is retroactive to the first day of the temporary substitution. The temporary substitution assignment must be less than 2 years.

Out-of-scope employees with monthly hours of work equal to 156 (MSG) are eligible for Temporary Substitution premium after completing 5 or more consecutive working days, after which time it is retroactive to the first day of the temporary substitution. The temporary substitution assignment must be less than 2 years.

Temporary Substitution premium will be paid at 8% of the employee's home position salary, subject to the minimum and the maximum of the temporary assignment's salary range).

Out-of-Scope temporary substitution for time spent on vacation leave/scheduled days off/sick leave is typically not eligible for the higher rate of pay. Ministries have discretionary power of approval for the payment of the temporary substitution premium for incidental days taken during the temporary substitution. The incidental days may include vacation days, scheduled days off and sick leave. If the temporary substitution request form has been approved by management, submit for payment.

CUPE (Temporary Performance of Higher Duties) (TPHD) Article 22

CUPE employees can be assigned by management to perform the duties of a position within a class having a higher maximum hourly rate of pay for a period up to and including 90 continuous calendar days.

If the temporary assignment continues for more than 90 continuous calendar days, the assignment may be extended for not more than 30 days, or the employee's position may be reclassified.

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In-Scope to In-Scope TPHD

If the temporary assignment of higher duties to an in-scope position, employees shall assume the hours of work as soon as they are assigned and will have to finish their EDO cycle if they are taking on a new EDO cycle.

Overtime entitlement will be subject to the overtime rules pertaining to the temporary assignment Hours of Work designation.

In-Scope to Out-of-Scope TPHD

If the temporary assignment of higher duties to an out-of-scope position, employee will assume the hours of work immediately and can no longer earn EDO's for the length of their temporary assignment after they complete their EDO cycle. Employees will start earning SDO's after they have worked 7 consecutive working days, retroactively to the first day of the assignment or the first day of the assignment after the EDO cycle, whichever is later.

Any SDOs that an employee earns during the temporary assignment to an out-of-scope position must be taken prior to the employee returning to their home assignment. If the earned SDO time is not taken during the temporary assignment, the remaining SDO balance will be paid out to the employee when they return to their home assignment.

There is no daily overtime provision during the temporary assignment to an out-of-scope position.