

Temporary Retention Incentive for Nurses

(FAQ Companion to Implementation Guide)

Ministry of Health

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Temporary Nursing Retention Incentive Questions and Answers

Contents

1.	Who is eligible to receive the retention incentive?	3
2.	What is the eligibility period for the program?	3
3.	So, what types of settings does the program include?	4
4.	How would a nurse in management/supervisory roles qualify for the incentive?	4
5.	Are retired nurses eligible for the retention incentive?	4
6.	If you are a full-time nurse, it sounds as if you will get the full payment?	5
7.	What if you joined the workforce as a full-time nurse on April 23, 2022, and you are still employed on September 1, 2022?	5
8.	How will part-time and casual nurses be paid?.....	5
9.	How is the incentive prorated for casual/part-time staff? What do we mean by hours worked?.....	6
10.	How is the incentive paid if a nurse works part-time for multiple employers?.....	6
11.	Each employer is responsible for paying out only the applicable incentive worked by any nurse in their employ. If a nurse works 15 hours a week at 3 employers, that's 45 hours. How would you prevent the nurse getting paid for the extra 7.5 hours?	7
12.	What if a nurse is on maternity or other employer supported leaves during the eligibility period?	7
13.	What about nurses on other types of paid an unpaid leave?.....	8
14.	For nurses on other types of leave such as long-term disability, or unpaid leave, does it matter how long they have been off of work, and must they have a return date identified in order to be eligible?	8
15.	What about payments to nurses who do union work?.....	9
16.	What about payments to redeployed nurses?.....	9
17.	What about nurses who were assigned shifts they were ultimately unable to work? .	9
18.	What about nurses who change employers in the middle of the eligibility period, but still work for an eligible employer?.....	10
19.	What about employer deductions and statutory entitlements, do these apply?	11

Temporary Nursing Retention Incentive Questions and Answers

Eligibility

1. Who is eligible to receive the retention incentive?

- The incentive is open to all those **employed as practising nurses** working within the eligibility period except:
 - Private duty nurses (e.g. employed directly by members of the public)
 - Nurses directly employed by schools / school boards
 - Nurses employed by postsecondary institutions
 - Nursing executives (e.g., Chief Nursing Executive at a hospital)
- Part-time/casual hours worked in any of the "exempted" sectors can't be counted as part of prorating a payment for part-time or casual staff, nor can hours worked for Temporary Staffing Agencies count as part of any proration.
- NOTE: Any nurse in a management or supervisory role who was redeployed to a direct patient care role or who otherwise provided direct patient/resident care during the eligibility period is eligible to receive the incentive for hours worked providing patient care.

2. What is the eligibility period for the program?

- The eligibility period is from February 13 to April 22, 2022. All nurses must have worked during this period, and:
 - To receive the first payment, nurses must be employed as of March 31.
 - To receive the second, nurses must be employed on September 1.
- You are not eligible to receive the any payment if you retire or leave employment prior to March 31, 2022.
- You are only eligible to receive one payment if you retire or leave employment as a nurse prior to September 1, 2022.

Temporary Nursing Retention Incentive Questions and Answers

3. So, what types of settings does the program include?

- For example:
 - Nurses in all publicly funded services such as, hospitals, home and community care, long-term care, public health, other community services, corrections, labs / diagnostics, telehealth/tele advisory are eligible.
 - Nurses employed in registered retirement homes are eligible

4. How would a nurse in management/supervisory roles qualify for the incentive?

- **Nurses in a management or supervisory role who also who carry a patient caseload** will qualify for the retention incentive.
- **Any nurse in a management or supervisory role who was redeployed** to a direct patient care role or who otherwise provided patient/resident care during the eligibility period will qualify for the retention incentive.
- **Nursing executives such as Chief Nursing Officers** are not eligible for the retention incentive
- Payments to this group will be pro-rated based on hours worked providing patient care.

5. Are retired nurses eligible for the retention incentive?

- **A nurse that retires or leaves the workforce prior to March 31, 2022, cannot receive a payment**, as a nurse must be in employment at that time to receive the first of the two payments.
- **A nurse that retires or leaves the workforce prior to September 1, 2022, can only receive one payment** as a nurse must be in employment at this time to receive the second payment.

Temporary Nursing Retention Incentive Questions and Answers

- This applies regardless of whether the nurse in question worked any part of the period between February 13 and April 22, 2022.

Payments

6. If you are a full-time nurse, it sounds as if you will get the full payment?

- A full-time nurse employed in an eligible sector on September 1, 2022, that worked during any part of the February 13 and April 22, 2022, will get the full \$5,000.

7. What if you joined the workforce as a full-time nurse on April 23, 2022, and you are still employed on September 1, 2022?

- A nurse in this instance will not receive the incentive as they did not work for any part of the period of February 13 to April 22, 2022.

8. How will part-time and casual nurses be paid?

- The incentive will be applied as a supplementary hourly rate of \$13.56 per hour, for all hours worked to a maximum of 375 hours from February 13 to April 22
- First payment:
 - Employees will receive a payment of up to \$2500 provided they continue to be in employment as of March 31, 2022.
 - The payment period will relate to the hours worked between February 13, 2022, and March 19, 2022, to a maximum of 187.5 hours.
- Second Payment:
 - Employees will receive a payment of up to \$2500 provided they continue to be in employment as of September 1, 2022.
 - The payment period will relate to the hours worked between March 20 and April 22, to a maximum of 187.5 hours.
- Proration will not apply to any hours worked under areas outlined above.

Temporary Nursing Retention Incentive Questions and Answers

- This method of proration will allow for multiple employers of a single nurse to calculate and pay out the incentive to nurses more easily.

9. How is the incentive prorated for casual/part-time staff? What do we mean by hours worked?

- The incentive should be applied as a supplementary rate of \$13.56 / hour for all hours worked to a maximum of 375 hours during the eligibility period of February 13 to April 22, 2022.
- This method of proration will allow for multiple employers of a single nurse to calculate and pay out the incentive to nurses.

10. How is the incentive paid if a nurse works part-time for multiple employers?

- When an Eligible Worker delivers services with multiple employers (eligible workplaces), the nurse should:
 - claim the eligible hours through each employer/organization for whom they were working when they delivered a given service; and
 - Provide an attestation from employers/organizations to whom they delivered services as Eligible Workers in Eligible Workplaces setting out the number of hours worked and for which they intend to claim the incentive
 - Hours should not exceed the 187.5 hours in either 5-week period for a maximum total of 375 hours worked across the full 10-week period.
 - As nurses may not claim more than the 187.5 hours / \$2500 for each payment period, they will be required to indicate the employer from whom they will claim the incentive.

Temporary Nursing Retention Incentive Questions and Answers

11. Each employer is responsible for paying out only the applicable incentive worked by any nurse in their employ. If a nurse works 15 hours a week at 3 employers, that's 45 hours. How would you prevent the nurse getting paid for the extra 7.5 hours?

- Nurses with multiple employers are required to complete an attestation form stating hours worked with each of their employers and provide this attestation to all employers.
- Each respective employer will pay the nurse for hours worked.
- The maximum amount a nurse can claim is hours amounting to no more than \$2500 for each pay period. Any hours worked in excess of this amount should not be claimed and would be indicated in the attestation.
- For example, a nurse who worked a total of 190 hours over one pay period between multiple employers must only claim 187.5 hours and would indicate on the attestation which employer those excess hours will not be claimed with (e.g., only 7.5 hours out of a 10-hour shift).

12. What if a nurse is on maternity or other employer supported leaves during the eligibility period?

- Full-time workers who are on employer supported leaves such as pregnancy / maternity / parental / sick / bereavement leaves or other protected leaves under the *Employment Standards Act, 2000* and have a planned return date are eligible.
- For part-time and casual workers, who are on employer supported leaves such as pregnancy / maternity / parental / sick / bereavement leaves or other protected leaves under the *Employment Standards Act, 2000*, how the incentive is applied will depend on the entitlement under the collective bargaining agreement and how other bonuses may be treated.

Temporary Nursing Retention Incentive Questions and Answers

- The incentive may be paid upon the nurses' return from the employer approved leave of absence, so as not to affect any other entitlements they are eligible to receive while on leave.

13. What about nurses on other types of paid an unpaid leave?

- Other types of paid leave may include suspension on full pay or others.
- Entitlements will depend on the leave and how the employee is categorized when on the leave in question.
- For Involuntary/Unpaid Leave (e.g., disciplinary leave, self-funded leave, long-term disability leave):
 - A nurse on non-voluntary or unpaid leave may not be ineligible to receive the incentive if the nurse did not work during the eligibility period or for any reason was not considered an employee on the eligibility dates (March 31 and September 1).
 - May be eligible for the incentive (prorated or otherwise) if the nurse worked a part of the eligibility period and was considered employed on the applicable eligibility dates
- If the employer has deemed the nurse eligible, the incentive may be paid upon the nurses' return from the employer approved leave of absence, so as not to affect any other entitlements they are eligible to receive while on leave.

14. For nurses on other types of leave such as long-term disability, or unpaid leave, does it matter how long they have been off of work, and must they have a return date identified in order to be eligible?

- If the nurse was on an employer support leave and the employer has deemed the nurse eligible, the nurse may be eligible provided there is an agreed upon return date, and the nurse worked during some portion of the eligibility period.

Temporary Nursing Retention Incentive Questions and Answers

- The employer may pay the nurse for those hours worked upon their return to work.

15. What about payments to nurses who do union work?

- Payments to nurses who undertake work directly for the union will receive the incentive as follows:
 - Full-time nurses will receive the incentive provided all other eligibility criteria are met as set out above
 - Part-time and casual nurses can count union work hours towards as part of pro-ration.

16. What about payments to redeployed nurses?

- For nurses who were redeployed from one eligible employer to another eligible employer during the eligibility period, the employer who continues to administer their regular pay will be responsible for administering the incentive.
- Full time nurses will be eligible for the full incentive and be paid by the employer which has been administering their regular compensation while deployed.
- Part-time and Casual nurses will:
 - Claim the eligible hours through the employer which has been administering their regular compensation while redeployed, regardless of where they delivered a given service pursuant to arrangements made by the employers at the time of redeployment.
 - Hours should not exceed the maximum of 187.5 hours in either period.

17. What about nurses who were assigned shifts they were ultimately unable to work?

- Payments to Nurses for Assigned Shifts Unable to be Worked
 - If a nurse was scheduled to work during the eligibility period could not fulfill the scheduled shift (i.e., life events, illness or contracting COVID-19).

Temporary Nursing Retention Incentive Questions and Answers

- Full-time Nurses are entitled to the full payment if they remain employed as of the required payment dates and was operating in accordance with any policies or the collective agreement.
- *Part-time and casual staff:*
 - Shifts missed for reasons such as illness, isolation requirements, caregiving responsibilities or other life events that are employer supported reasons, can be included as part of any prorated payment.
 - Refused shifts, shifts offered but not confirmed etc. cannot be included as part of any prorated payment.

18. What about nurses who change employers in the middle of the eligibility period, but still work for an eligible employer?

- If an individual continues to be employed as a nurse, they will continue to be eligible for the payments.
- In these cases, the nurse would be paid by the employer with which the hours were worked, facilitated by a proof of employment provided by the secondary Employer to the first employer.
- *Example: If a nurse worked for a retirement home during the period of February 13 – March 19, but started a new role at a hospital prior to March 31:*
 - *The retirement home would pay them out for the hours worked there.*
 - *The nurse confirms their continued eligibility by obtaining verification from their new employer of their continued employment as a nurse through an acknowledgement letter, email, or other documentation that that can be provided to their former employer*

Temporary Nursing Retention Incentive Questions and Answers

19. What about employer deductions and statutory entitlements, do these apply?

- For eligible nurses:
 - employed full time who receive the payment as a lump sum, **and**
 - employed on a part-time or casual basis who receive the payment as a prorated hourly rate, the Temporary Nursing Retention Incentive payments:
 - Are non-pensionable earnings (except for CPP contributions)
 - Are not part of an employee's base salary
 - Have no impact on benefits paid by employers
 - Are expected to be subject to statutory withholdings and remittances or employer costs associated with Canada Pension Plan (CPP), Employment Insurance (EI), Workplace Safety and Insurance Board (WSIB) premiums and Employer Health Tax (EHT) and income tax. The determination of income tax treatment, withholding and remittances, as well as treatment for CPP and EI is within the purview of the Canada Revenue Agency.
- Temporary Retention Incentives for eligible nurses employed on a part time or casual basis may also be subject to statutory **entitlements** as applicable.
- Please note that this should not be considered legal advice, each employer is responsible for determining and ensuring compliance with their legal obligations under applicable statutes and/or employment contracts including collective agreements and calculating their costs as per the ESA and/or the applicable contracts including collective agreement(s).