

BCTF/ SD No. 8 (Kootenay Lake): Preparation Time

Issue: Must the employer make up preparation time lost due to statutory holidays, non-instructional days and other activities such as board-ordered school closures?

The collective agreement language with respect to preparation time reads as follows:

Teachers shall be assigned preparation time in their schools as part of their normal daily/weekly teaching schedules, as follows:

- a) Preparation time in elementary schools shall be one hundred (100) minutes per week.

Decision: Grievance Dismissed. Arbitrator Robert Pেকেles ruled that:

The employer has complied with the entirety of Article 23.01(a). It has assigned preparation time to teachers "as part of their normal daily/weekly teaching schedules." It has assigned the required 100 minutes per week on the normal Monday to Friday daily/weekly teaching schedules.

The employer is not required to schedule separate "abnormal" teaching schedules for weeks that, for example, contain a statutory holiday or a NID. What makes the schedule "normal" is that there is no day or block of time missing from the normal Monday to Friday schedule. What makes it "abnormal" is that a day or block of time is missing from the normal Monday to Friday schedule.

Arbitrator Pেকেles concluded that under the collective agreement language, there is no requirement to make up lost preparation time when an event such as a statutory holiday, non-instructional day or other school closure occurs. The requirement is to assign the required amount of preparation time "as part of their normal daily/weekly teaching schedules." Under this language, the employer is not required to **provide** the specified amount of preparation time, as was the case in both the Mission and Kamloops/Thompson arbitration decisions. The employer was also successful in the Nanaimo-Ladysmith arbitration decision, where past practice and bargaining history were found to support not making up lost preparation time.

BCPSEA Reference No. A-03-2008

BCTF/ BCPSEA: Implementation of April 1, 2006 Harmonization — School District No. 41 (Burnaby), Category 5+21 (SB1)

Issue: Is the School District No. 41 Category 5+21 (or SB 1 Classification as it has been historically known) an anomalous category pursuant to Vince Ready's June 2006 and February 2007 Harmonization decisions?

Background: School District No. 41 had, since 1961, assigned a category referred to as SB 1. Since that time, SB 1 had been paid at the same salary as Category 6, even though SB 1 required only 21 credits above those earned for Category 5 placement. During the harmonization process, SB 1 came to be known as Category 5+21.

The Harmonization process introduced the concept of anomalous categories, which were defined as any category other than the standard TQS categories of 4, 5 and 6, and the new provincial Category 5+ which is now administered by TQS. Mr. Ready ruled that anomalous categories were not to receive any adjustment from the Harmonization process, except in exceptional circumstances.

BCPSEA and the BCTF reached agreement on the post-harmonization salaries of every salary category, both standard and anomalous, with the exception of Category 5+21 in School District No. 41. The employer implemented Category 5+21 in accordance with the anomalous category principles. The BCTF then referred the dispute to Mr. Ready for decision, arguing that Category 5+21 is not an anomalous category and as such should continue to be paid the same salary as Category 6.

Decision: Grievance dismissed. Mr. Ready commented on the principles of harmonization of standardization of salary grids and consistency in categories across the province:

Four standard categories have been identified in the salary scale harmonization process: categories 4, 5, 5+ and 6. Standardized criteria have been established for placement in each of these categories. Consequently, if the Union's argument were to prevail and allow the SB 1 Classification to remain merely a simple provision of the Burnaby Collective Agreement, then the standardized criteria for placement in Category 5+ and 6 would again be jeopardized. A teacher in Burnaby would be able to receive a Category 6 rate of pay without having acquired a provincially established education level.

In conclusion, Mr. Ready ruled:

The SB 1 Classification in the Burnaby School District Collective Agreement is an anomalous category as it was characterized in the February 2007 award. The classification is to be paid as per the salary scales produced on page 10 of this award.

The salary scales produced on page 10 of the decision are the salary scales the employer implemented in accordance with the anomalous category principles of the February 2007 decision.

This decision from Mr. Ready concludes all of the outstanding implementation issues of the April 1, 2006 harmonization process.

BCPSEA Reference No. A-04/2008

Questions

If you have any questions concerning these decisions, please contact your BCPSEA labour relations liaison. If you want a copy of the complete award, please contact **Nancy Hill at nancyhi@bcpsea.bc.ca** and identify the reference number found at the end of the summary.