

2014-01

January 30, 2014

By E-mail: One Page plus attachment

Employer Policy Grievance: Article G.6

BCTF/BCPSEA

Issue: As school districts are aware, BCPSEA filed an employer policy grievance with respect to Article G.6 and what costs the union was responsible for reimbursing when a teacher teaching on call (TTOC) replaces a union member on union leave. The BC Teachers' Federation (BCTF) was of the view that only salary is covered; the BCPSEA view was that salary-related costs such as CPP, TPP, EI and the \$3 in lieu of benefits should also be included.

Decision: The matter was heard by Arbitrator Irene Holden who issued a decision on January 29, 2014. The arbitrator accepted the BCTF interpretation of the language and found that the union's obligation is to reimburse only salary costs. She concludes as follows at page 19:

"I therefore accept the Union's interpretation of the language. The Employer grievance is dismissed. If the Union has overpaid any school district based on this interpretation, the Employer is obligated to reimburse the Union for the overpayment. The Employer has proposed new language for Article G.6 in the current set of bargaining. This is where the issue should be dealt with — at the bargaining table. "

Arbitrator Holden has remained seized of any issues arising from the award, including the calculation of any monetary obligations related to overpayments or underpayments of reimbursement costs.

Districts are advised to now assess the status of any payments or outstanding invoices made pursuant to article G.6 and adjust the payment or invoices to be in compliance with this decision.

Questions

If you have any questions please contact your BCPSEA district liaison.