

BCTF/School District No. 43 (Coquitlam): Adult Education Teacher Inclusion Bargain

Adult education (AE) teachers were varied into the bargaining unit in April 2001. Subsequent inclusion bargaining resolved most provisions regarding terms and conditions of employment. Outstanding provisions were placed before Arbitrator John Hall, who awarded as follows:

- Certified ESL teachers will be placed on the salary grid according to their education and experience. The rate for ELSA (English language service for adults) teachers will be determined following a "debrief session" with the government as to why the district was not awarded a new contract.
- Certified and non-certified AE teachers will be granted recognition for AE teaching experience in the Coquitlam school district only.
- One thousand hours of AE teaching will equal one year's experience recognition, with the exception that only once during a teacher's career, 800 hours will equal one year of experience.
- Benefits for part-time AE teachers will be pro-rated and phased in over three years.
- AE teachers will be eligible for the pro-rated retirement allowance.

BCPSEA Reference No. A-01-2005.pdf

Richard Tessler/BCTF/BCPSEA: Essential Services / BCTF Disciplinary Action

In January 2002, Richard Tessler, a drama teacher, continued to conduct evening dress rehearsals and performances pursuant to the Labour Relations Board (LRB) Order (continuance of activities that are a required component of a curriculum for which marks are provided or credit is given), but contrary to a BCTF directive. In November 2002, the BCTF disciplined Mr. Tessler: a written reprimand; a one year suspension of the right to hold union office; a \$1,000 fine; and publication of the findings and penalties in *Teacher* magazine. Mr. Tessler appealed the BCTF decision. In June 2003, the BCTF issued a written reprimand and a fine of \$298.19. Mr. Tessler filed a complaint with the LRB. In responding to Mr. Tessler's complaint, the BCTF filed an unfair labour practice complaint alleging that BCPSEA and the School District encouraged Mr. Tessler's action as part of a strategy against the BCTF. Vice-Chair Bud Gallagher quashed the decision of the BCTF Hearing and Appeal Panel and concluded:

- Evening drama performances, which were assigned to students for marks, had to be continued under the LRB's essential service order.
- The BCTF was wrong in its assessment that teachers had to change curricular activities assigned outside of instructional hours.
- The BCTF is to issue a letter rescinding the June 2003 letter of reprimand.
- The BCTF is to publish in the next edition of *Teacher* a full retraction of all articles and comments published in relation to the internal complaint against Tessler.

- The BCTF's unfair labour practice complaint is dismissed on the basis that the complaint was not supported by any evidence.

BCPSEA Reference No. LB-01-2005.pdf

Questions

If you have any questions concerning these decisions, please contact your BCPSEA liaison. If you want a copy of the complete award, please contact Lynda Kuit at lyndak@bcpsea.bc.ca and identify the reference number found at the end of each summary.