

# Seniority and Sick Leave Porting Guide

## ❖ Overview

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The Provincial Collective Agreement (PCA) defines teachers' rights to port seniority and sick leave from one school district to another. This guide is intended to be a concise reference for districts on:

- the distinction between seniority and experience credit
- the process for porting seniority and sick leave, and
- how these provisions related to other collective agreement rights.

This guide is intended to supplement — and should be read together with — the detailed guidance on porting seniority and sick leave in the BCPSEA [Teacher Collective Agreement Administration Manual](#) (TCAAM).

## ❖ What Are We Talking About?

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Terms such as seniority and experience, or porting and transfer, may appear intuitively similar but have distinct meanings under the collective agreement and different procedures apply to them.

### Seniority

Seniority rewards longevity of service and links increasing job security and potential for advancement with longer service. Seniority typically applies in the context of posting and filling, layoff and recall. Seniority is defined in Article C.2 of the PCA as:

*aggregate length of service with the employer as determined in accordance with the Collective Agreement.*

The PCA determines:

- How seniority may be ported between districts;
- How TTOCs accrue seniority;
- How TTOCs accrue and transfer experience credit.

The PCA does **not** determine how seniority is applied within a district. Your district's local working document determines how seniority applies to teachers' rights upon layoff, recall, and in the post and fill process; and how breaks in service may affect seniority accrual and recognition within the district.

## Porting of Seniority and Sick Leave

Teachers have the right to move or “port” a certain amount of accumulated seniority and sick leave with them when they move **between** districts, as set out in the PCA.

## Experience Recognition

Experience is a distinct concept from seniority and is not specifically addressed in the PCA. Experience credits determine teachers’ step placement on the local salary grid and their progression to higher steps on the grid. Teachers accrue experience credits for days worked as a teacher in a continuing or temporary assignment and may be able to have that experience recognized at a new district provided the local collective agreement language of the new district allows for the recognition. They may also be credited with experience outside of BC public school districts depending on local collective agreement language.

TTOCs accrue experience separately from experience worked in a temporary or continuing assignment, meaning a teacher who holds a 0.4 FTE continuing contract and also works as a TTOC will have two separate experience credit banks. TTOC experience credit can be moved to the temporary or continuing experience credit bank as set out below.

## Transfer of Experience Credits

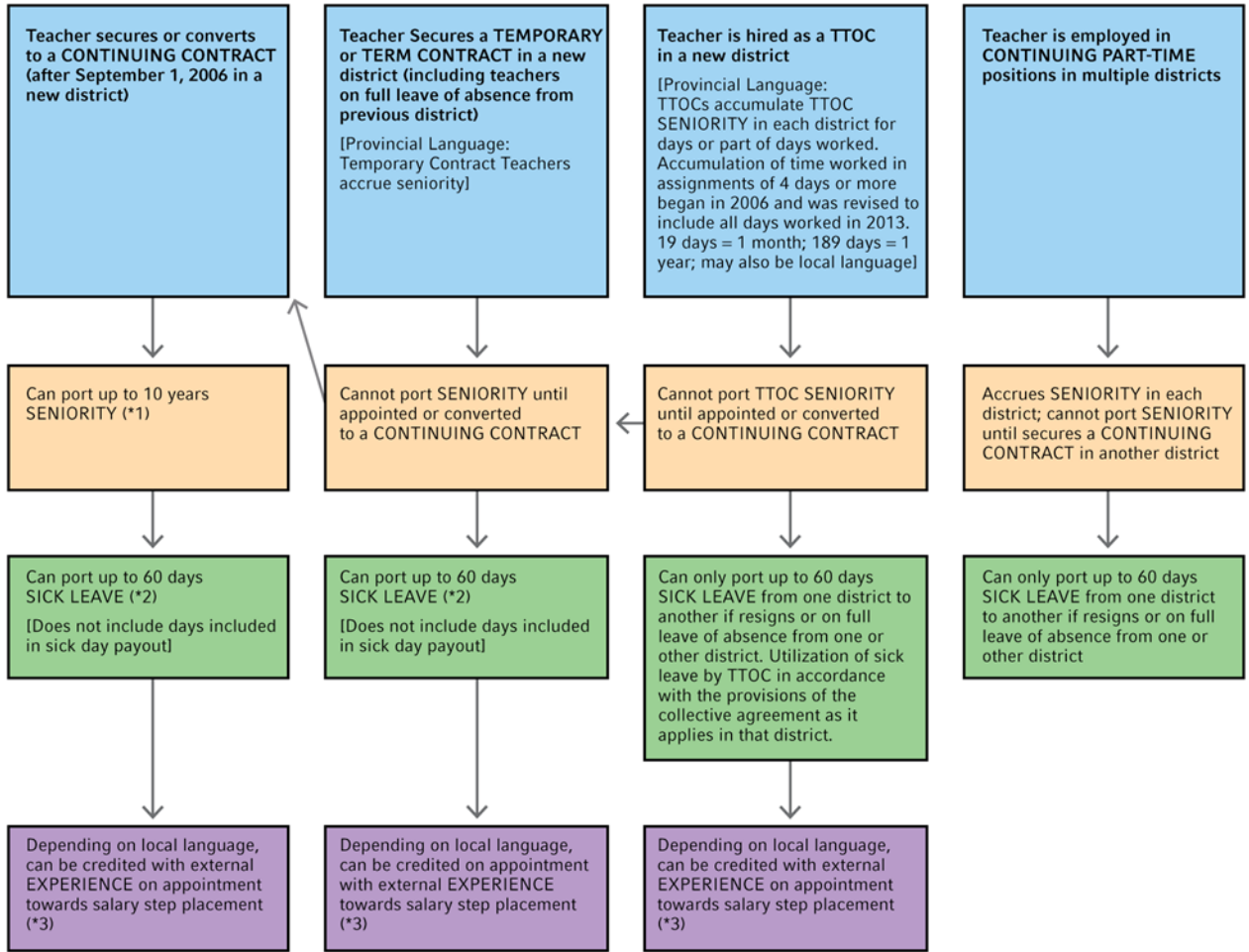
Under the PCA, teachers have the right to move or transfer experience credits accrued as a TTOC to their temporary or continuing experience bank for the purposes of salary increments **within** a district in accordance with Article C.4 and [LoU No. 16\(c\)](#).

Experience credits are not transferred between districts and cannot be moved from a temporary/continuing bank to a TTOC bank within a district.

Consideration of TTOC experience for salary placement purposes, when a teacher transfers from one district to another, depends on local collective agreement language.

## ❖ What Happens When?

### Flowchart



## Procedures for Porting of Seniority and Sick Leave, and Experience Credit Verification

### Seniority

- \*1. New school district provides [SENIORITY verification form](#) to employee upon receiving continuing contract by appointment or conversion. New district should record the date the forms are provided to the teacher by having the employee sign the verification form and keeping a copy for the district's files.

Teacher provides form to former district within 90 days of receiving continuing contract.

Former district makes every reasonable effort to retrieve and verify seniority credits and returns form to employee or new district. Former district should record the date it receives the request and take all necessary steps to verify the information and return the form to the new district as soon as possible. If the request is received after 90 days, the district should indicate this on the appropriate place on the form and return the form without verification. Former district deducts ported seniority, except for: 1) teachers on full-time leave of absence for purpose of layoff only, and 2) teachers on recall for purpose of recall only.

### Sick Leave

- \*2. New school district provides [SICK LEAVE verification form](#) to employee upon confirmation of employment. New district should record the date the forms are provided to the teacher by having the employee sign the verification form and keeping a copy for the district's files.

Teacher provides form to former district within 90 days of commencing employment.

Former district makes every reasonable effort to retrieve and verify sick leave credits and returns form to employee or new district. Former district should record the date it receives the request and take all necessary steps to verify the information and return the form to the new district as soon as possible. If the request is received after 90 days, the district should indicate this on the appropriate place on the form and return the form without verification. Former district deducts ported sick leave, of which any unused leave may be reinstated if the teacher returns to the district from leave or accepts recall.

## Experience

- \*3. New school district provides EXPERIENCE CREDIT verification form to employee upon confirmation of employment.

Employee provides form to former district, independent school, or other relevant employer.

Former employer makes every reasonable effort to retrieve and verify experience credits and returns form to employee or new district.

## ❖ Frequently Asked Questions

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### Seniority

**1. *Who is eligible to port seniority?***

Any teacher who obtains a continuing appointment with a district after September 1, 2006 is eligible to port seniority under Article C.2. It does not matter how many years have elapsed since the teacher left the former district(s) or the circumstances under which he/she left the former district, a teacher may still port seniority.

**2. *When are they eligible to port?***

A teacher is eligible to port seniority at the point at which he/she receives a continuing contract, either through direct appointment or conversion provisions of the collective agreement. A teacher who was hired as a TTOC or on a temporary contract will be eligible to port at the point that he/she is granted continuing status.

**3. *What are they eligible to port?***

A teacher may port up to 10 years' seniority credits earned in any previous school district in BC.

Unlike the various provisions for determining experience credit, the seniority a teacher ports is determined by the rules in the teacher's previous district in which it was earned. It does not matter that he/she may have been given credit for time that would not attract seniority credits in the new district, nor if he/she is not provided credit which would have been earned under the local collective agreement language in the new district.

**4. How is the credit verified and ported?**

As set out in the Procedures above, the teacher bears the onus to initiate the request for verification. The new district must provide a [form for this purpose](#) and the previous district must make every reasonable effort to retrieve, verify and forward the information to the new district. Once a teacher requests to port seniority, the seniority transfer must be recorded to ensure that it is only transferred once.

**5. Can TTOC seniority be ported under Article C.2?**

Yes, to a new district if they achieve continuing status (see C.2-4, [TCAAM](#)).

**6. Can a teacher port seniority if he/she left their employment with a previous district many years ago?**

Yes, teachers can port seniority recognized by a previous district to a new district upon achieving continuing status, regardless of a break in service or the reason for the break (see C.2-3 – C.2-4, [TCAAM](#)).

**7. Can a teacher port seniority earned as an adult educator?**

Yes; the specific terms applicable to porting will depend on whether the previous district and new district have separate seniority lists for adult educators (see [LoU No. 6](#)).

**8. Can a laid off teacher on the recall list port seniority?**

Yes, a laid off teacher may port his/her seniority to a second district only upon obtaining a continuing appointment. Ported seniority is deducted from the previous district for all purposes except recall and will be ported back if the teacher accepts recall to that district (see [LoU No. 8](#)).

**9. Can a teacher who is re-hired within a district following retirement port seniority?**

No, porting of seniority under the PCA applies between school districts and not within a single school district. There must be express local collective agreement language to allow a teacher to re-activate his/her seniority within a district after a break in service.

A teacher may be able to port previously earned seniority to a **new** district after resignation or retirement upon obtaining a continuing appointment and subject to verification.

**10. Can a principal or vice principal who secures a continuing teaching appointment in a new district port seniority?**

Section 21 of the *School Act* specifies that if a principal or vice principal (P/VP) in a school district is subsequently offered a teaching position in that school district he/she, for the purposes of seniority, will be deemed to have been a teacher in that district during the period he/she was employed as a P/VP and the period he/she was employed as a teacher in that school district.

**11. Can teachers with more than one continuing part-time contract in two different districts port seniority?**

Yes, a teacher may port seniority if he/she resigns/terminates her employment with, or receives a full leave of absence from, the porting district (see [LoU No. 7](#)). Seniority for teachers on a full leave of absence is ported and remains with the porting district for the purposes of lay off only.

## Sick Leave

**12. Who may be eligible to port sick leave?**

Any teacher who has been hired on a continuing contract, temporary contract or as a TTOC and commences employment in a new school district after September 1, 2006 is eligible to port sick leave. It does not matter how many years have elapsed since the teacher left the former district(s) or the circumstances under which he/she left, a teacher may still port sick leave.

**13. When are they entitled to port?**

Upon starting employment with the new district.

**14. What are they entitled to port?**

A teacher may port up to 60 days' sick leave earned in any previous BC school district. As with seniority, the sick leave being ported have been earned under the local collective agreement language of the previous district.

**15. How are the sick leave credits verified and ported?**

The teacher bears the onus to initiate the request for verification. The new district must provide a form (see attached) and the previous district must make every reasonable effort to retrieve, verify and forward the information to the new district.

**16. Can a teacher port remaining accrued sick leave from one district if they have already ported sick leave to another district?**

For example, a teacher has 80 sick leave days accrued in District A. The teacher severs her employment with District A to work in District B and ports 60 sick leave days to District B. The teacher uses up most of her accrued sick leave while working at District B. The teacher leaves her employment with District B to work in District C. Can she port her remaining 20 sick leave days from District A to District C?

Yes. A teacher can port sick leave from more than one district upon verification from each district. To ensure that the same sick leave days are not ported more than once, however, each district must record the credit transfer and reduce credits accordingly.

**17. Can a teacher who is rehired following retirement port sick leave?**

No, porting of sick leave under the Provincial Collective Agreement applies between school districts and not within a single school district. There must be express local collective agreement language to allow a teacher to re-activate his/her sick leave within a district after a break in service.

A teacher may be able to port previously earned sick leave to a new district after resignation or retirement upon obtaining a continuing appointment and subject to verification.

**7. Can teachers with more than one continuing part-time contract in two different districts port sick leave?**

Yes, a teacher may port sick leave if he/she resigns/terminates her employment with, or receives a full leave of absence from, the porting district (see [LoU No. 7](#)).