



Bargaining Proposal—2019

Proposal Number: U4

Date: January 29, 2019 Time: 10:51am

LETTER OF UNDERSTANDING NO. 1

BETWEEN

THE BRITISH COLUMBIA TEACHERS' FEDERATION

AND

THE BRITISH COLUMBIA PUBLIC SCHOOL EMPLOYERS' ASSOCIATION

Re: Designation of Provincial Matters

This proposal replaces LOU 1 and Addenda from the 2013–19 Provincial Collective Agreement

1. Pursuant to the Public Education Labour Relations Act (PELRA), the provincial and the local parties agree to the designation of provincial and local matters as follows:
 - a. Those matters contained in Appendix 1 shall be designated as provincial matters.
 - b. Any matters not identified in Appendix 1 shall be designated as local matters.
 - c. Items with asterisks in Appendix 1 shall be designated as local matters except as it relates to those elements of the Article that are covered by PELRA Section 7(4).

All parties agree that the designation of provincial and local matters above will take effect immediately.

2. Provincial parties' roles will be pursuant to PELRA.
3. Agreements negotiated by the local parties shall be fully funded.
4. Local Dispute Resolution:
 - a. Either local party may initiate the following mechanisms to resolve local matter(s) in dispute:

- i. Mediation and/or
- ii. Collective Bargaining Arbitration

Note: See Appendix 2 for definition and process regarding Collective Bargaining Arbitration.

- b. Should the matter(s) in dispute be referred to local arbitration following mediation, wherever possible, the dispute would be heard by the same arbitrator.
 - c. By mutual agreement, the parties may suspend the above mechanisms, once underway, to resume local bargaining.
 - d. The cost of mediation and/or Collective Bargaining Arbitration shall be shared equally by the parties.
 - e. The dispute resolution process above will be available for local parties to initiate throughout negotiations until 120 working days following the ratification of the provincial agreement.
 - f. The local parties may seek support from the provincial table to resolve local disputes pursuant to PELRA Section 8(3). Support may include, but shall not be limited to, the processes set out in 4.a.
5. Timing and conclusion of local matters negotiations:
- a. Local negotiations shall conclude at a time determined by mutual agreement of the local parties.
6. Local and provincial ratification processes:
- a. Agreements on local matters shall be ratified by the local parties.
 - b. Agreements on provincial matters shall be ratified by the provincial parties.
7. Effective date of local matters items:
- a. Agreements ratified by the school district and local union shall be effective upon the ratification of the new Provincial Collective Agreement unless the timelines are altered by mutual agreement of the provincial parties.

Signed this _____ day of _____, 2019

For BCTF

For BCPSEA

APPENDIX 1—PROVINCIAL MATTERS

Section A

Negotiation, Term and Renegotiation
Legislative Change
Recognition of the Union*
Administration of Union Membership
Release for Elected Union Office
Access to Information*
Leave for Contract Negotiations*

Section B

Salary Scale and Categories*
Placement on Scale
Part Time Employee Pay
TTOC Pay and Benefits
Summer School Pay
Allowances*
Administration of Pay
No Cuts in Salary and Benefits
Work Beyond the School Year
Benefits—Coverage
Retirement Bonuses / Group RRSP
Employee and Family Assistance Plan
Personal Property Insurance

Section C

Part Time Employment*
Retraining*

Section D

Hours of Work
Preparation Time
Work Year*
Working Conditions (Non-traditional Worksites)
Mentorship / Beginning Teachers*
Availability of TTOCs
Technological Change
Hearing and Medical Checks
Child Care for Work Beyond Regular Hours

Section F

Professional Development Funding*

Section G

Sick Leave*

Maternity, Paternity, Parental, Adoption and SEB*

Paid Leaves*

WCB Leave with pay*

APPENDIX 2—COLLECTIVE BARGAINING ARBITRATION

1. Purpose

This is a process to resolve impasse in local bargaining. The arbitrator shall have the jurisdiction of an interest arbitrator.

2. Scope

Either local party may refer local bargaining matters in dispute to the following Collective Bargaining Arbitration process to resolve the matters in dispute following reasonable efforts to reach a negotiated resolution.

3. Process

- a. The matters in dispute shall be heard by following arbitrators through coordination of the provincial parties:
 - i. Robert Pekeles
 - ii. Corinn Bell
 - iii. Arne Peltz
 - iv. Christopher Sullivan
 - v. John Hall
 - vi. Marguerite Jackson.
- b. By mutual agreement, the local parties may agree to an alternate arbitrator.
- c. Every effort shall be made to deal with the matters in dispute in an expeditious manner.
- d. Prior to the commencement of the arbitration, the local parties shall exchange and provide the arbitrator with a written submission of up to 10 pages with proposed language attached. At the arbitration, each party will have up to four hours to present their position to the arbitrator.
- e. The local parties will represent themselves without legal counsel.
- f. The arbitrator will either issue a decision at the conclusion of the arbitration, or within three (3) days.
- g. By mutual agreement, the parties may suspend the arbitration and resume local bargaining, or the arbitrator may assist the parties in mediating a resolution.
- h. All decisions of the arbitrator are final but limited in application to the local parties' local provisions of the Collective Agreement and shall be without prejudice and precedent for other local negotiations.

- i. Neither party shall appeal or to seek to review a decision of the arbitrator.
- j. The arbitrator retains jurisdiction with respect to any issues arising from their decision.