

2020-05

October 27, 2020

By E-mail: Five Pages

Report: BCPSEA Board of Directors Meeting

Given the circumstances associated with the COVID-19 pandemic, the [BCPSEA Board of Directors](#) met by Zoom video conference on Friday, October 2, 2020. Following is an overview of key aspects of the Board's discussions.

❖ Corporate Services

▪ Finance Committee

The Board received the monthly financial statement and the association quarterly investment report.

▪ Governance Committee

➤ Annual General Meeting 2021

The BCPSEA Annual General Meeting (AGM) is scheduled for January 2021. Given the COVID-19 pandemic, we will need to consider a "virtual" rather than in-person AGM. The Board received a report providing information on AGM timelines as well as considerations for holding a virtual event. The Board authorized staff to proceed to plan for the AGM in an online (virtual) format to accommodate the business session including voting procedures. The AGM First Notice will be distributed to school districts in early November.

➤ BC Public Sector Executive Compensation Freeze Policy

The Board received a report on the required amendment to the BCPSEA exempt staff compensation management plan for the K-12 public education sector per the BC Public Sector Executive Compensation Freeze Policy (please see more information on page 3 of this bulletin.)

❖ Client Services

▪ Employment Issues Arising from the K-12 Restart Plan

BCPSEA is receiving requests from districts to review employment-related issues for consistency with the K-12 Restart Plan. As each district has its own set of collective agreement provisions and established policies and practices, the information in BCPSEA's [@issue No. 2020-08](#) distributed on September 23 and each district's questions need to be reviewed to ensure alignment with individual district circumstances.

▪ Provincial Bargaining with the BC Teachers' Federation (BCTF)

➤ Production of "Working Documents"

At the conclusion of each round of teacher collective bargaining, BCPSEA creates a local "working document" for each school district, which incorporates both the provincially and

locally negotiated changes to the collective agreement applicable in the district arising from that round. We refer to this process as melding. On September 11 BCPSEA distributed Draft 1 to each district as well as to the local union president and the BCTF. Districts and locals have been requested to review their Draft 1 for errors or omissions and respond by November 27, 2020.

While the local parties are undertaking a review of Draft 1, BCPSEA is working with the BCTF on finalizing melding for provincial Articles D.1 and D.2. as well as the Schedule As (the documents setting out the local restored language). These changes will be incorporated into Draft 2 and this stage is anticipated to take a significant amount of time. The objective is to complete each district's melding process leading to a final version of the working document well before the next round of bargaining starts, but at this point, given that it's a relatively intensive exercise in terms of review, etc., we aren't yet able to pinpoint a date in 2021 as to when the documents will be finalized.

➤ **Section 53 Process**

Further to *NewsLink Express* [No. 2020-04](#) distributed August 11, the Board continues to engage in discussion of the options and considerations to inform the approach to the section 53 bargaining structure discussions with the BC Teachers' Federation and the mediator, arising from the recently concluded Provincial Collective Agreement.

➤ **BC Teachers' Federation S. 88 Application to Labour Relations Board (LRB)**

On September 17, 2020, the BCTF filed a submission with the LRB under s. 88 of the *Labour Relations Code* (the Code). The application was made under a little-used section of the Code seeking the assistance of the LRB "...in addressing the serious and growing concerns that teachers have about the working and learning conditions in the public education system during the COVID-19 Pandemic." The Board discussed the application and were advised by staff that the LRB is considering its response to the BCTF application.

▪ **Support Staff**

The 2019-2022 Provincial Framework Agreement between BCPSEA and the K-12 Presidents' Council and Support Staff Unions established and continued a number of joint committees and initiatives, and the Board received a status update on each of the committees. Of note, this round saw the dissolution of the former Support Staff Education & Adjustment Committee (SSEAC).

➤ **Support Staff Education Committee (SSEC)**

The SSEC was created with a focus on training, education, and skills enhancement for all support staff. The committee met several times last school year to consider plans related to review and development of value-add training. The committee has met on two occasions thus far in the 2020-2021 school year, and is currently focusing on developing a comprehensive survey to obtain feedback from school districts and support staff concerning specific training needs now and into the future.

➤ **Job Evaluation (JE) Committee**

Seven school districts participated in the phase 1 pilot, which aimed to establish and review an updated JE plan as well as establish provincial benchmarks. Preliminary analysis of the data was shared with the committee in January 2020. Since that time significant emphasis has been placed on re-working the benchmarks prior to commencing a second pilot.

➤ **Joint Health and Safety Taskforce**

The Joint Health and Safety Taskforce met several times during the 2019-2020 school year. The work of the joint taskforce includes:

- Developing a joint communication to school districts and local unions on the obligation to report and investigate incidents including incidents of workplace violence (completed January 2020)
- Reviewing and developing a Joint Health and Safety Evaluation Tool for the K-12 public education sector (completed end of September 2020 with implementation by end of October/early November 2020)
- Identifying and developing appropriate training using the data from the evaluation tool (dates to be determined).

➤ **Provincial Labour–Management Committee (PLMC)**

The PLMC provides a formal forum for the provincial parties to raise and discuss items of provincial interest. The committee met twice in 2019-2020 and has scheduled quarterly meetings for 2020-2021 — the first meeting was held Monday, September 21. In addition to issues discussion, the PLMC is responsible for organizing an annual review of the SSEAC bank account, which continues to hold in trust the funding for each of the support staff committees.

➤ **Support Staff Initiative for Recruitment & Retention Enhancement (SSIRRE)**

This initiative will commence in the 2020-2021 school year and will focus on:

- Gathering data of existing support staff recruitment and retention challenges
- Identifying projected demand in the sector
- Working with post-secondary programs to identify program offerings and possible gaps
- Marketing support staff opportunities within the sector (e.g., Make a Future)
- Targeted support for hard to fill positions.

The PLMC will mutually select a consultant to perform the work of the initiative, who will report key milestones to the committee.

▪ **Exempt Staff**

➤ **BC Public Sector Executive Compensation Freeze Policy**

The Board discussed the BC Public Sector Executive Compensation Freeze Policy (the Policy) in effect for the 2020-2021 performance year, which was introduced by the provincial government on August 31, 2020. BCPSEA reported on the Policy to school districts through *Exempt Staff Issues* bulletin [No. 2020-04](#) distributed the afternoon of August 31. BCPSEA clarified with the Public Sector Employers' Council (PSEC) Secretariat that the following positions in the K-12 public education sector are affected by the Policy:

- Superintendent of Schools
- Secretary Treasurer
- Second-level education-side position regardless of position title — Deputy/Assistant/Associate Superintendent.

BCPSEA also clarified that where a district doesn't have a second-level superintendent position and only has a director of instruction position, the latter position is not covered by the Policy.

In acknowledging that boards of education in the K-12 public education sector have sole purview to determine compensation decisions for the position of Superintendent of Schools, the Minister stated as follows:

“I am confident that Boards will see the value in ensuring this policy direction is applied equitably across all executive positions in the school system and that Superintendent compensation will, like other executives in the public sector, not be increased during this time.”

It's also important to note that the Policy is in effect for the 2020-2021 performance year and does not affect compensation submissions for increases in calendar 2020 under the PSEC *Accountable Compensation* policy direction for the 2019-2020 performance year.

In her letter to the BCPSEA Board Chair, the Minister also directed that, “...public sector employers currently subject to compensation plans under the *Public Sector Employers Act* will be required to amend their plans to indicate there will be no increases or adjustments paid to executive-level employees for the 2020/21 performance year.” Arising from that direction, BCPSEA is required to amend the exempt staff compensation management plan for the K-12 public education sector (BCPSEA Policy 95-06, *Compensation and Employment Standards for School District Employees Not Subject to a Collective Agreement*), which is an approved compensation plan under the *Public Sector Employers Act*.

The Board therefore passed a motion to amend Policy 95-06 as required and send to the PSEC Secretariat for approval. Staff will report to the sector when approval is received.

➤ **SD No. 5 (Southeast Kootenay) Principals' and Vice Principals' Association (SKPVPA) Application for Certification**

The Board received an update on the SKPVPA application for certification. In July, counsel for the SKPVPA/BCPVPA contacted provincial government representatives to propose a process of without prejudice mediation. Counsel for the SKPVPA/BCPVPA further proposed that the mediation occur under the auspices of the LRB and that the parties request the appointment of Dave Schaub “...given his experience and success in the public education field.”

The parties' respective counsel had a case management meeting with Mr. Schaub on August 26. Counsel for the SKPVPA/BCPVPA proposed a two-pronged approach:

1. Try to first address the concerns in SD No. 5 (Southeast Kootenay), using Dave Schaub as mediator. The parties would have until September 30 to come to agreement, failing which the SKPVPA would proceed with their application.
2. Discussions on a provincial level to explore the larger issue.

Due to scheduling, the first dates available for mediation were in mid-September. Discussion with representatives of the school district, including legal counsel, and BCPSEA led to agreement to engage in a full day of exploratory discussions on September 14, held at the BCPVPA office.

Following the September 14 session, the Board of Education of School District No. 5 (Southeast Kootenay) determined to not proceed.

The BCPVPA has stated that the SKPVPA intends to pursue its certification application. The parties are awaiting further direction from the LRB regarding dates.

- **Workplace Health Promotion**

BCPSEA staff continue to work with school districts to support their individualized programs and explore opportunities to adopt a more strategic approach to promote employee health. The terms of reference of the Workplace Health Steering Committee established by BCPSEA is to guide the development of a framework for a three- to five-year year plan outlining how BCPSEA can support districts with wellness, disability management, and attendance support initiatives. The Steering Committee will meet before the end of October with a focus on how we can support the mental health of employees, particularly within the context of COVID-19.

BCPSEA will continue to research current and best practice models for supporting mental health in the workplace and present relevant details to the Steering Committee.

- **ONCORE Training: Online Course Delivery**

The Board was advised that a series of web-based course offerings has been released, beginning October 7 through December 8 as part of BCPSEA's ONCORE HR professional development programming. A bulletin was sent to districts on September 18 with program details and a link to registration. The information is also available on the BCPSEA website.

Staff continue to monitor the COVID-19 situation and related impacts to ensure that they do their best to adjust and customize course offerings throughout the 2020-2021 school year reflective of district needs.

- **Make a Future – Careers in BC Education**

The Board reviewed an update on BCPSEA's recruitment support division, which is continuing its work and has adjusted to manage the impacts of the pandemic. To replace face-to-face outreach and presentations, which are Make a Future's top strategies for candidate outreach, Make a Future staff are doing virtual events.

For example, after career fairs across Canada were cancelled, Make a Future connected with universities to host online events and since March, Make a Future has hosted and participated in 21 online information sessions. They also plan to host a webinar series this fall to help candidates learn more about the BC teacher certification and application process.

Technology updates are continuing as well — in the next few weeks, Make a Future will be finalizing changes to the website, which will make it easier for candidates to learn more about the various employers recruiting in BC education.

- **Coordinated Legal & Arbitration Support Services (CLASS)**

CLASS (formerly the Employment Practices Liability Program or EPLP) is a shared service created to better coordinate — and reduce the costs of — labour and employment litigation on behalf of the K-12 public education sector. The Board received the CLASS Year-end Report 2019-2020, which was provided to the Advisory Committee for approval and distributed to the Secretary Treasurer in all 60 public school districts on September 21, 2020. The report provides a summary of the activities, outcomes, and financial health of the CLASS fund for the 2019-2020 school year.

Next Board Meeting

The next regularly scheduled meeting of the BCPSEA Board of Directors will be held December 16, 2020. The Board also convenes meetings on an as needed basis to address emergent issues.