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Common Provincial Articles — An Updated Consolidation

Since our last bulletin on this matter in October 2007, the BCTF and BCPSEA have agreed to a number of changes to the common provincial articles. While most of the changes have been done for housekeeping or consistency reasons, there have been a few which are substantive. Attached you will find a copy of the updated consolidation as well as a simple chart detailing the changes since June 2006.

Please note the following significant amendments and/or additions to the consolidated provisions which have been agreed since our last bulletin:

- **B.9. Pay Periods:**
B.9.2 has been amended to reflect that every district now has a 12 month pay plan. There is no change in meaning.
- **D.4 Preparation Time:** Note the amended title of this article.
- **LOU No.15 Porting of Seniority — Separate Seniority Lists:**
This is a new letter of understanding to clarify the application of article C.2.2 for Adult Education teachers. While some districts have a single list for both Adult Education and K-12 teachers, others have separate lists.
- **LOU No. 16 Re: C.2 Porting of Seniority and G.1 Porting of Sick Leave — Part-time Employees**
This is a new letter of understanding to clarify the application of the porting provisions in article C.2.2 and G.1 where a part time employee is holding a continuing appointment in more than one district.
- **LOU No. 8 Re: Updating the PCA Mid-Contract Modification Process**
The cutoff date for applying this letter of understanding is now four months prior to the end of the term of PCA 3.

Status of Interface Provisions

BCPSEA and the BCTF have now concluded most of their work in interfacing the 2006-2011 provincial articles into each district's previous local provisions. Although we were able to agree on the appropriate interface for most articles in most local working documents, there are a few outstanding matters. These will be referred to an expedited arbitrator in late summer or early fall for final resolution. For districts that have a finalized 2001-2004 working document, this interfacing language is now available for 2006-2011.

Working Document Update

BCPSEA has developed a project plan to have first drafts of the 2006-2011 working documents, for each district, compiled over the summer. These first drafts will include the interfacing of provincial language that has been agreed by the provincial parties, as well as any renumbering that is required.

First priority for completion of a 2006-2011 first draft will be assigned to districts who have a finalized 2001-2004 working document. Districts must have a finalized 2001-2004 working document before work can begin on a 2006-2011 first draft.

Districts will generally fall into one of the following four categories:

1. Your district does not yet have a finalized 2001-2004 working document: Please continue working with your local union and BCPSEA labour relations liaison to finalize that document.
2. Your district has a finalized 2001-2004 working document but has not done any work to date on a 2006-2011 first draft: BCPSEA will provide that draft to you over the summer. Your contact for this work is Laura Parks, who can be contacted at 604.730.4522 or laurap@bcpsea.bc.ca.
3. Your district has begun work on a first draft for 2006-2011 without the interfacing language: Please ensure your labour relations liaison has the most recent copy of that first draft no later than June 30, 2008, along with a brief description of the work that has been done to date. BCPSEA will then work on providing the interfacing language referenced above. Your contact for this work over the summer is Laura Parks, who can be contacted at 604.730.4522 or laurap@bcpsea.bc.ca.
4. Your district has already received the interfacing language from your BCPSEA labour relations liaison and you are working to finalize your 2006-2011 working document, moving towards the MCM Updating process: Please continue to work with your BCPSEA liaison

If you have any questions about this process of drafting the 2006-2011 working documents or where your district falls in the above four categories, please contact your BCPSEA liaison.

▪ BCPSEA Review

As with PCA 2, your final document must be reviewed with your BCPSEA liaison. We will confirm the correctness of your document and process the finalization of the document with the BCTF if you are not planning on engaging in any discussions pursuant to LOU No.8.

If your district does wish to participate in discussions pursuant to LOU 8, the finalization of your Working Document will be deferred until completion of the LOU No. 8 discussions.

Once the BCTF and BCPSEA agree that your document is correct and final, the provincial parties will become the official caretakers of the document and the document can then be

printed in the district for distribution in accordance with the provisions in your respective district. As yours will be one of the 60 documents which will constitute the “Provincial Collective Agreement,” no changes to the printed document will be permitted until the next bargaining cycle. That said, districts and locals may continue to address unfolding issues in accordance with the approved MCM process.

LOU No. 8: Updating the PCA — Mid-Contract Modification Process

Please remember that the process provided under Letter of Understanding No. 8 is an amended mid-contract modification process that is both time and content limited. It is not a bargaining process required under the collective agreement or the *Labour Relations Code*.

We have been advised that the BCTF has directed their locals to seek paid leave under the provisions for Local Negotiations. Negotiations concluded with the ratification of the Provincial Collective Agreement in 2006. As this process is an administrative process rather than a bargaining process, the provisions for paid leave for Local Negotiations do not apply.

A second point to note is that participation in the LOU No. 8 process is voluntary and discussions and potential agreement are limited to the narrow criteria set out in the LOU:

- The elimination of out-of-date references to terms, dates, or other matters
- The updating of agreement language that is either no longer relevant or functional, or
- The resolution of internal inconsistencies and incongruities within individual agreements.

You may be certain that your local will have secured BCTF approval prior to engaging in any discussions with the employer. If you are requested by the local to engage in discussions pursuant to LOU No. 8, please contact your BCPSEA liaison prior to commencing such discussions. We will review the matters being proposed and advise whether or not they fall within the criteria set out in LOU No. 8. The parties have agreed that neither BCPSEA nor the BCTF will reject any mid-contract modification proposed by the local parties which stays within the specified criteria. In the event the local parties do not reach agreement, there is no mechanism to force a change.

Questions

Should you require assistance or wish to discuss this issue further, please contact your BCPSEA labour relations liaison.

Distribution of this Bulletin

Please ensure that this bulletin is circulated to all administrative staff in both the district office and schools who must rely on the collective agreement in the performance of their duties.