

teacher COLLECTIVE AGREEMENT

administration bulletin

BRITISH COLUMBIA
PUBLIC SCHOOL EMPLOYERS'
ASSOCIATION

12a June 21, 2007

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The Decision in Summary

In TCAA Bulletin No. 12, we reported on the most recent decision from Arbitrator Irene Holden with respect to the porting of sick leave and seniority for employees on leave of absence from one school district who have secured a continuing appointment in a second district. Ms. Holden determined:

- 1) Teachers can port seniority and sick leave to a new school district while on leave.
- 2) The ported seniority and sick leave is deducted from the accumulation in the previous school district for all purposes except layoff. The teacher retains the use of the ported seniority for layoff purposes in her previous district.

Eg. A teacher with twelve years of seniority and 200 sick leave credits takes leave from District A and is hired in District B. Ten years of seniority and 60 days of sick leave are ported to District B, and the employee has 2 years of seniority and 140 days of sick leave left in District A. For layoff purposes the employee retains all 12 years of seniority in District A.
- 3) If the employee on leave returns to the previous school district, the ported amounts of seniority and unused sick leave are ported back.
- 4) An employee cannot do successive, overlapping leaves to new districts and continue to port. The ability to port while on leave is limited to a transaction between two districts. Any subsequent porting can only occur if the employee terminates employment with the first district.

Arbitrator Holden's award is attached for your file.

Revised Verification Forms for Porting Seniority and Sick Leave

Attached are updated verification forms which now reflect the Ms Holden's decision in this regard.

Please note that these are template forms which are provided to districts pursuant to an earlier decision by Arbitrator Holden. They have been reviewed and approved by the BCTF for this purpose. For consistency, we ask that districts use these templates and adapt them as necessary to accommodate district logos.

We specifically draw your attention to some of the administrative sections which need to be completed to ensure that seniority and/or sick leave credits are correctly and appropriately ported. Such information as the date of continuing appointment, the date the form was provided, any periods of absence etc may impact the amount of seniority that the employee is eligible to port, and/or whether the employee is within the prescribed time lines for porting. It is important that all relevant information is provided by the employee as well as the receiving and sending districts.

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.