

Process Clarification: Local Bargaining, Mid-Contract Modifications, and Updating of the Provincial Collective Agreement

We understand that some districts have been approached by their BCTF locals regarding potential discussion on issues such as local bargaining, updating collective agreements, and mid-contract modification activities. We also understand that the BCTF may be providing training and updates regarding the various processes. The purpose of this bulletin is to provide you with a summary of the current processes, applicable policies, and relevant collective agreement language.

As you will recall, in the recently concluded round of collective bargaining, the BCTF had sought expanded local bargaining. This bargaining objective was not achieved. Instead, the parties established a Letter of Understanding (attached) regarding an amended mid-contract modification process that provides districts and locals with the opportunity to update language in the collective agreement as required commencing July 1, 2007.

The implications of this agreement and the established processes are as follows:

- **Local Bargaining:** Local bargaining should have occurred **on local matters only** (as per Appendix 2 of the Provincial Collective Agreement) at the same time as provincial bargaining. Given that there were no changes to the established bargaining structure in this round of bargaining, any items tabled by your local that do not fit within the parameters of Appendix 2 should not be discussed. **Further, the provincial table is now closed so there is no mechanism to resolve truly local issues not agreed to by the parties.** For the most part, this process should now be concluded or concluded as soon as possible and forwarded to Brian Chutter for approval. It is important to remember that this process is separate and distinct from the amended mid-contract modification process agreed to commence on July 1, 2007.
- **Standard Mid-Contract Modification Process:** This is the established process for modifications to all provincial language in a Previous Local Agreement and still applies. It is subject to our usual criteria:
 - the request presents no additional cost to the school district, unless it meets an operational need of the school district which will offset the cost
 - the request does not undermine the position of school districts generally or a provincial bargaining objective
 - the local has or obtains the approval of the BCTF
 - is conditional on BCPSEA approval of any agreement.
- **Updating the Provincial Collective Agreement Mid-Contract Modification Process (commencing July 1, 2007):** In addition to the standard mid-contract modification process used to modify provincial language in Previous Local Agreements, an additional process was agreed to by the parties in this round of bargaining. **This process is separate and distinct from the local bargaining that occurred in conjunction with the recently concluded round of provincial bargaining and it is not intended to replace the existing mid-contract modification process.**

The purpose of this new process is to:

- eliminate out-of-date references such as a legislative provision that no longer exists
- update language that is no longer relevant such as provisions which set out a process which has been completed, or provisions which applied until a specific date which has now past
- resolve internal inconsistencies such as post and fill priority bands which are inconsistent with layoff and recall provisions.

This new process applies only to provincial matters that were previously negotiated at the school district level and that continue to apply as per A.1.3 of the collective agreement. This is an administrative exercise that does not entail either party gaining on substantive issues as would be the case in bargaining.

This process is not intended for the local parties to update/amend:

- central provisions negotiated by the provincial parties at the provincial table
- language stemming from the Ready award
- language that interfaces with language from the Ready award or other provincially negotiated language.

The parties agreed to a start date of July 1, 2007 which will enable the provincial parties to complete the provincial housekeeping process (meeting scheduled for November 27) and provide the local parties with the updated provincially negotiated language, the language stemming from the Ready award and any interfacing language required. This, in turn, will set the foundation for the new 2007 mid-contract modification process for the provincial matters that were previously negotiated at the school district level and that continue to apply as per A.1.3 of the collective agreement. BCPSEA will also provide training opportunities in spring 2007 for this process.

The agreement reached by the parties does note that the parties may commence the updating process prior to July 1, 2007. This exception to the July 1, 2007 rule was meant to address unique situations where there was a pressing operational requirement that could not wait until 2007; i.e., post and fill or layoff/recall process.

In order to ensure the updating process is successful and discussions between the local parties are functional in 2007, the following items should be complete prior to the commencement of discussions between the local and the school district:

- Provincial Housekeeping
- Established Base Working Document (2001 PCA 2).

With these tasks complete, local parties will be in a position to engage in the following activities:

- incorporate changes as a result of the 2004 Vince Ready Award
- incorporate provincial language as outlined by the Provincial Housekeeping Committee (2006 PCA 3)
- eliminate out-of date references to terms, dates and other matters
- update collective agreement language that is either no longer relevant or functional
- resolve internal inconsistencies and individual agreements.

Questions

We will continue to work with the BCTF to clarify the process between the parties. **We will be scheduling conference calls the week of November 27 for further discussion.** If you have any questions or comments or wish to start the new mid-contract modification process prior to July 1, 2007, please contact your BCPSEA liaison or Jacquie Griffiths (604.730.4514; jacquieg@bcpssea.bc.ca).

Letter of Understanding

**Re: UPDATING THE PROVINCIAL COLLECTIVE AGREEMENT
MID-CONTRACT MODIFICATION PROCESS**

1. Further to our discussions of June 25, 2006, we write to confirm that we have jointly agreed that effective July 1, 2007 or at an earlier time agreed to by the local and the district, and continuing until 3 months prior to the expiry of this collective agreement, both parties will amend their respective mid-contract modification processes. Specifically, we have agreed that neither BCPSEA nor the BCTF will reject any mid-contract modifications proposed by the local parties which achieve one or more of the following purposes (and no other purposes):
 - a) The elimination of out-of-date references to terms, dates or other matters;
 - b) The updating of collective agreement language that is either no longer relevant or functional; or
 - c) The resolution of internal inconsistencies and incongruities within individual agreements.
2. As discussed, nothing in this letter permits the local parties to make amendments to common provincial language.
3. Finally, we confirm that any disputes regarding the rejection by one of the provincial parties of a proposed change on the basis of non-compliance with paragraph 1, parts a), b) and c) above shall be referred to Irene Holden for facilitation and resolution.