

Summer School Teachers — Arbitration Implementation Follow-up

The provincial parties met today with Arbitrator Mark Brown following a request by the BC Teachers' Federation (BCTF) to reconvene the parties to resolve implementation issues in School District Nos. 22 (Vernon) and 69 (Qualicum). In response to the BCTF request, BCPSEA referred implementation issues for the balance of the affected districts to the process, since there has been no agreement on the application of the original award to any district.

Shortly following the meeting, Arbitrator Brown issued the following directive describing the next steps in the process:

"Pursuant to discussions today, I am issuing this directive by email in order to expedite the process.

The parties shall meet at the local level to determine whether a District "already provides coverage under other provisions of the Collective Agreement" (page 18 of April 21, 2010 Award) over and above the list of Collective Agreement provisions in the Award.

BCTF and BCPSEA shall exchange a list of Collective Agreement provisions by District that it asserts falls within the scope of the Award by no later than June 22, 2010.

The purpose of the meeting is to provide a forum for open fact finding; not negotiation."

For clarification, this directive only applies to districts directly affected by the original award — 22 (Vernon), 28 (Quesnel), 38 (Richmond), 41 (Burnaby), 43 (Coquitlam), 62 (Sooke), 72 (Campbell River), 78 (Fraser-Cascade), 92 (Nisga'a).

The directive requires local parties to meet to determine whether a district already provides coverage under other provisions of the collective agreement in addition to those awarded by the arbitrator. BCPSEA's understanding of that statement in the directive is that a provision would need to be included in the list if a district has historically applied the provision. Applying a provision in a parallel manner would not necessarily incorporate the provision. For example, if districts use postings to determine interest in summer school teaching opportunities but do not apply the provisions of the post and fill article to fill the positions, then it is our view that the post and fill provision would not be applicable.

If you are an affected district, you will have received a draft Mid-Contract Modification indicating BCPSEA's understanding of the provisions that are applicable in your district. We ask that you review that document again to ensure we have captured all applicable provisions. BCPSEA will

contact you to confirm that the listing is accurate and seek confirmation regarding any other provisions.

As stated in the directive, the meeting between the local parties is for the purposes of fact finding and is not an obligation to negotiate an additional or amended provision. The implementation approach must be coordinated so that the actions of one district do not negatively impact other districts. If you are asked to negotiate an amendment or additional provision, please contact BCPSEA.

Questions

If you have any questions regarding the award and/or the directive, please contact your district BCPSEA labour relations liaison.