

Grievance Resolution Process – Class Size – 2006-07 & 2007-08 School Years

Limited to the 2006-07 and 2007-08 school years. The provincial parties may, by mutual agreement, extend this process to subsequent years.

Limited to the classes and teachers on the lists confirmed by Arbitrator Dorsey (“Appendix A”)

Lists of Provincially Agreed to Alleged Violation and Redress Categories

For implementation of this process, the provincial parties have agreed to the following:

Appendix B – List of categories for all alleged violations

Appendix C – Sub list of categories for alleged violations for two party (local association and school district) process (Step 2)

Appendix D – Sub list of categories of alleged violations for the four party (the local association, school district, BCTF and BCPSEA) process (Step 3)

Appendix E – List of redress categories

Appendix F – Outline of redress calculations

Appendix G – Outline of expedited arbitration process

Step 1 – Assignment of Alleged Violations

- From the lists confirmed by Arbitrator Dorsey (“Appendix A”), the provincial parties will provide each affected district with the list of classes and teachers in their district that are part of the 2006-07 and 2007-08 grievances.
- Using the list of classes in dispute (“Appendix A”), the two local parties will meet to attempt to assign each of these classes (with the name of teacher) into the appropriate category listed in “Appendix B”.
- Should the two local parties reach impasse regarding the assignment to categories in “Appendix B”, this issue will be referred to the Provincial Process in Step 3.

Step 2 – Two Party Process

- This process between the two local parties (local association and school district) is limited to the classes that were assigned by the two local parties into the sub list of categories listed and described in “Appendix C”. Classes assigned into the sub list of

categories listed and described in “Appendix D” will not be addressed by the two local parties.

- For the classes that have been assigned to the “Appendix C” sub categories, the two local parties will meet to determine which of these classes (with the name of the teacher) should be removed from the list, deemed to be a violation or have reached impasse.
- For each class which is deemed to be in violation of an “Appendix C” sub category, the appropriate corresponding remedy listed in “Appendix E” will be assigned and recorded by the two local parties (i.e. one of the six remedy categories listed). The two local parties will then calculate any applicable individual redress amounts. These calculations will be in accordance with the “Appendix E” category assigned above and the provincial agreement on calculations (“Appendix F”).
- Impasse issues identified by the two local parties will be referred to the four party process in Step 3. Such impasse issues may include but are not limited to:
 - i. Whether a class in an “Appendix C” sub category is deemed to be in violation.
 - ii. Which “Appendix E” remedy category should be assigned to a class that has been deemed to be in violation.
 - iii. Disagreement on the remedy calculation in accordance to “Appendix F”.
- Once this exercise is complete, the two local parties will provide the provincial parties with a list of classes (with the name of the teacher) that were removed from the list, found to be in violation (with remedies) or in which impasse was reached.
- All decisions described in Step 2 will be on a without precedent and prejudice basis.

Step 3 – Four Party Process (two local and two provincial)

- The two local and two provincial parties will attempt to reach agreement on all impasse issues which have been referred by the two local parties through processes in Steps 1 and 2 above. If no agreement is reached by the parties at this step, these issues will then be considered to have also reached impasse at the provincial level.
- For the classes that have been placed in the “Appendix D” sub categories, the four parties will meet to determine which of these classes (with the name of the teacher) should be removed from the list, are deemed to be a violation or have reached impasse

at the provincial level. Such meetings will occur within the region unless an alternate location is mutually agreed upon by the four parties.

- For each class in which it is deemed to be in violation of an “Appendix D” sub category by the four parties, the appropriate corresponding remedy listed in “Appendix E” will be assigned and recorded by the four parties (i.e. one of the six remedies listed).
- The four parties will then calculate any applicable individual redress amounts. These calculations will be in accordance to the “Appendix E” category assigned above and the provincial agreement on calculations (“Appendix F”).
- All decisions described in Step 3 will be on a without precedent and prejudice basis.

Step 4 – Impasse Issues at the Provincial level

- The provincial parties will meet on a regular basis to review all impasse issues, trends and emerging issues in an attempt to reach a resolution.
- All unresolved impasse issues at the provincial level with the exception of impasse issues related to the classes on the “Appendix D” sub category list referred to below will be referred to expedited arbitration for full and final resolution in accordance with “Appendix G”.
- Impasse issues concerning classes placed in the “Appendix D” sub category , will be referred to formal arbitration with Arbitrator Dorsey unless the parties mutually agree to an alternative process such as expedited arbitration.

Without Precedent and Prejudice

It is understood and agreed by the parties that the above described procedure only applies to the 2006-07 and 2007-08 schools year grievances in which Arbitrator Dorsey has jurisdiction. It is agreed and understood that the above described procedure has been agreed to on a without precedent and prejudice basis to any present or future class size grievances not covered by the 2006-07 and 2007-08 class size grievances.

Appendix A – Listing of the Classes and Teachers covered by the 2006-07 and 2007-08 class size grievances

(see attached lists)

Appendix B – All Categories of Alleged Class Size /Composition Violations

- i. No meeting/consultation occurred at all
- ii. Consultation occurred outside of the timelines prescribed in Bill 33
- iii. Issues arising from group consultation
- iv. Meeting/consultation occurred, however, the union is alleging that the meeting did not constitute a proper consultation under Bill 33.
- v. Any other consultation issue.
- vi. Within the timelines prescribed in Bill 33, the principal and/or superintendant did not hold the opinion that a class of over 30 and/or 3 was appropriate to student learning
- vii. challenge of principals/sup't opinion of appropriate for student learning
- viii. Any other appropriate for student learning issue.
- ix. Classes that the union wishes to remove from the list.

Appendix C – Sub List of Categories of Alleged Class Size/Composition Violations for Two Party Process described in Step 2

- i. No meeting/consultation occurred at all
- ii. Consultation occurred outside of the timelines prescribed in Bill 33
- iii. Issues arising from group consultation
- iv. Within the timelines prescribed in Bill 33, the principal and/or superintendant did not hold the opinion that a class of over 30 and/or 3 was appropriate to student learning
- v. Classes that the union wishes to remove from the list.

Appendix D – Sub List of Categories of Alleged Class Size/Composition Violations for Four Party Process (two local and two provincial) described in Step 3

- i. Meeting/consultation occurred, however, the union is alleging that the meeting did not constitute a proper consultation under Bill 33.

- ii. Any other consultation issue.
- iii. challenge of principals/sup't opinion of appropriate for student learning
- iv. Any other appropriate for student learning issues
- v. Classes that the union wishes to remove from the list.

Appendix E – List of Remedy Categories

- i. Tier 1 – Dorsey award
- ii. Tier 2 – Dorsey award
- iii. Tier 3 – Dorsey award
- iv. Tier 4 – Dorsey award
- v. Limited to a declaration
- vi. Mitigating circumstance has reduced the amount

Appendix F – Redress Calculations

To be discussed and agreed to by the provincial parties.

Appendix G – Expedited Arbitration Process - Non-“Appendix D” issues at Provincial Impasse

See attached; list of arbitrators to be agreed to.

January 20, 2010

BCPSEA

BCTF