



September 30, 2008

Joint Communication — BCTF and BCPSEA Portability of Sick Leave (Article G.1) and Seniority (Article C.2.2)

Since the porting of sick leave and seniority language came in to effect (July 1, 2006), there have been many issues that have arisen concerning the interpretation and application of Articles C.2.2 and G.1. As a result, for the past two years there have been arbitration awards, Letters of Understanding, the creation of forms and clarification discussions between the provincial parties. The main areas of clarification have involved:

- Can an employee port when there has been a break in service?
- Can an employee port while on leave?
- Can an employee port teacher seniority from a different bargaining unit?
- Can an employee port if they have not terminated their employment?
- When does the porting take effect?
- How is porting administered?
- What happens if an employee is working in continuing positions in two (2) districts simultaneously?
- What happens when an employee automatically converts to continuing status?
- What happens when there is a separate seniority list for adult education seniority?
- How is the seniority calculated for porting?
- What form(s) will be utilized by the parties to administer the porting?
- Can an employee port seniority or sick leave from more than one district?

In light of these developments, the purpose of this joint memo from BCPSEA and the BCTF is to provide the local parties with an update that will describe the current clarification and application of Articles C.2.2 and G.1 of the collective agreement. Please find attached:

1. Updated BCPSEA *Teacher Collective Agreement Administration Manual* content for Articles C.2 and G.1
2. Flow chart to assist in the administration of Articles C.2.2 and G.1
3. Verification forms for porting seniority and sick leave
4. Letter of Understanding No. 15 – Article C.2 – Porting of Seniority – Separate Seniority Lists
5. Letter of Understanding No. 16 – Article C.2 and G.1 – Simultaneously Holding Part-Time Appointments in Two Different Districts

As many Districts and Locals have been operating without the benefit of these clarifications, existing practices may not be consistent with the interpretation and application described in the attachments. Consistent with Irene Holden's previous awards on porting, implementation of these clarifications and applications is meant to be on a prospective basis from the date of this joint communication and is not intended to undo any previous staffing decisions. This is with the understanding that should there be anomalies, these anomalies could be discussed and considered at the provincial Labour Management committee meetings. If you find implementation anomalies that cannot be resolved at the local level, please refer these issues to the provincial Labour Management committee.

The attached manual updates and flow chart have been reviewed by the BCTF. These documents are an attempt to assist the local parties with the interpretation and application of Articles C.2.2 and G.1.' however, it is understood that in the event of a dispute, the original source documents (collective agreement language and Letters of Understanding) would be applicable.