

teacher COLLECTIVE AGREEMENT

administration bulletin

BRITISH COLUMBIA
PUBLIC SCHOOL EMPLOYERS'
ASSOCIATION

12

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By E-mail: 2 Pages

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Summary of Holden Decision

On June 7, Irene Holden issued her decision with respect to the portability of seniority and sick leave for employees on leave of absence from one district, who have secured a continuing appointment in a second district. Succinctly, she has decided:

- 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.

Action Required in June 2007

Previously, we advised that employees on leave were not eligible to port seniority. Irene Holden has determined that such employees must be given an opportunity to port. As such employees may also have received a layoff notice, she has ordered that:

Employees

- Employees on leave from a previous school district and notified of layoff in their new district, must *immediately* advise the school district they wish to port seniority."

School Districts

- Districts must rescind layoff notices to employees who are now eligible to port seniority and who request it. This notice should not be rescinded if the anticipated amount of seniority is insufficient to retain employment in the current district.

- Any completed posting and filling decisions remain in place. Unsaid, but inferred is that new staffing decisions must take into account newly ported seniority for any teachers who had been previously been considered ineligible to port.

This award does not affect employees who resigned in order to port seniority. Their status remains terminated with their previous district.

BCPSEA has scheduled a series of conference calls on Tuesday, June 12. We will review this issue at that time and further advice or clarification may be provided. In the interim, we are asking for the assistance of both the previous and current school districts in dealing with new requests for porting seniority. We recognize that this is a very untimely award and will have implications for current staffing processes.

Ms. Holden's award is attached for your further clarification.

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.