

## Summer School Teachers — Inclusion in Bargaining Unit

BCPSEA and the BC Teachers' Federation (BCTF) engaged in several days of discussions regarding the issue of summer school teachers and the jurisdiction of the BCTF for such teachers. The provincial parties were unable to reach agreement and therefore, BCPSEA and the BCTF will be heading to arbitration on April 6 and 7, 2010 regarding what, if any, collective agreement provisions should apply to summer school teachers teaching educational programs in districts where collective agreement language was not already in place.

The parties are still exchanging information to determine which districts are in dispute. If your district does not offer Ministry-funded summer school programs, or already has specific summer school language in your local collective agreement, this dispute should not affect your district.

For affected districts, the BCTF position is that all summer school teachers teaching educational programs should be covered by all provisions in the collective agreement as a result of the definitions in the *Public Education Labour Relations Act* (PELRA) with respect to teachers teaching educational programs and the role of the BCTF as the certified bargaining agent for all such teachers in the public system. This would include collective agreement provisions for such matters as the use of post and fill language, all leave provisions, payment of union dues, seniority and experience credit, conversion of teaching time for continuing contract entitlement, the use and accrual of sick days, and preparation time.

As you can foresee, the application of the entire collective agreement to summer school teachers would have substantial financial and administrative consequences for school districts and render many summer school programs financially unsound and inoperable. Beyond the language and process requirements of the collective agreement, it also appears the BCTF's initial position will be that teachers are entitled to both full wages and benefits as per the current local salary grid. It is common practice at present for districts offering summer school programs to pay a flat fee or hourly rate less than the full salary grid entitlement reflective of the reduced duties and expectations for teachers requesting to take on summer school roles.

In the first instance, it is BCPSEA's position that such teachers should not be automatically included in the collective agreement by virtue of PELRA. In addition, it is BCPSEA's position that even if this right had existed at the time PELRA was established, this right was abandoned as a result of their lack of action in pursuing this matter for many years.

Arbitrator Mark Brown will conduct the hearings on April 6 and 7, and it is hoped his decision will be released within a relatively short time frame. In the event BCPSEA is not successful in arguing the positions should not be included, it is certainly possible that some or all collective agreement provisions could apply in full to upcoming 2010 summer school programs.

Districts directly affected by the upcoming decision may wish to build flexibility into their summer school planning and budgeting process in order to meet any potential changes for July 2010. BCPSEA will be in contact with all districts named in the dispute to both collect data for the arbitration and to discuss potential strategy.

### **Questions**

If you have any questions or would like more information, please contact your BCPSEA labour relations liaison.