

Article A.4: Local and BCTF Dues Deduction

❖ Overview

This article describes the process for deducting fees, dues, and levies from each employee covered by the collective agreement, and for remitting the money to the local association and the BCTF.

❖ Article A.4: Local and BCTF Dues Deduction

- 1. The employer agrees to deduct from the salary of each employee covered by this Collective Agreement an amount equal to the fees of the BCTF according to the scale established pursuant to its constitution and by-laws, inclusive of the fees of the local in the district, according to the scale established pursuant to its constitution and by-laws, and shall remit the same to the BCTF and the local respectively. The employer further agrees to deduct levies of the BCTF or of the local established in accordance with their constitutions and by-laws, and remit the same to the appropriate body.*
- 2. At the time of hiring, the employer shall require all new employees to complete and sign the BCTF and local application for membership and assignment of fees form. The BCTF agrees to supply the appropriate forms. Completed forms shall be forwarded to the local in a time and manner consistent with the Previous Local Agreement or the existing practice of the parties.*
- 3. The employer will remit the BCTF fees and levies by direct electronic transfer from the district office where that is in place, or through inter-bank electronic transfer. The transfer of funds to the BCTF will be remitted by the 15th of the month following the deduction.*
- 4. The form and timing of the remittance of local fees and levies shall remain as they are at present unless they are changed by mutual agreement between the local and the employer.*
- 5. The employer shall provide to the BCTF and the local at the time of remittance an account of the fees and levies, including a list of employees and amounts paid.*

❖ Explanation

- A.4.1** 1. *The employer agrees to deduct from the salary of each employee covered by this Collective Agreement an amount equal to the fees of the BCTF according to the scale established pursuant to its constitution and by-laws, inclusive of the fees of the local in the district, according to the scale established pursuant to its constitution and by-laws, and shall remit the same to the BCTF and the local respectively. The employer further agrees to deduct levies of the BCTF or of the local established in accordance with their constitutions and by-laws, and remit the same to the appropriate body.*

A.4.1 provides for the orderly deduction of fees, dues, and levies for both the local association and the BCTF from each employee “covered by the provincial collective agreement.” The local and the BCTF establish amounts to be deducted according to their constitution and bylaws. The BCTF has stated that “levies” do not include member “fines.”

There is further advice for specific amalgamated districts that arises from a settlement agreement signed in October 2003. (Source document Memorandum of Settlement dated October 8, 2003, section 3.) This document may be found in the Amalgamation section of this manual. The districts are listed at the end of this section.

- A.4.2** 2. *At the time of hiring, the employer shall require all new employees to complete and sign the BCTF and local application for membership and assignment of fees form. The BCTF agrees to supply the appropriate forms. Completed forms shall be forwarded to the local in a time and manner consistent with the Previous Local Agreement or the existing practice of the parties.*

A.4.2 obligates the employer to provide each new employee, at the time of hiring, with an application for membership and assignment of fees form, which the BCTF provides. Completed forms will be returned to the local using the same process as was used in the past.

This specific language was adopted because the completion and remittance forms vary from district to district.

This provision does not apply to anyone who has a religious exemption granted by the Labour Relations Board. See Article A.3: Membership Requirement.

An employer cannot make any such deduction without the written authorization of the employee. If one is made, the employer is liable to repay the employee.

- A.4.3** 3. *The employer will remit the BCTF fees and levies by direct electronic transfer from the district office where that is in place, or through inter-bank electronic transfer. The transfer of funds to the BCTF will be remitted by the 15th of the month following the deduction.*

A.4.3 introduces a new obligation for some districts as to how and when they remit BCTF dues. District offices using direct electronic transfer will remit BCTF dues in this way. All other districts are required to use inter-bank deposits, as they do with the teacher superannuation remittance.

The BCTF's bank must be a member of National Direct Deposit Service (NDDS) to allow a district's bank to make the electronic deposit. The BCTF will give each district an electronic deposit form for its bank.

The date of remittance (deposit or transfer) "by the 15th" was selected to allow for one payroll closing and to coincide with the requirement to make the superannuation remittance by the 15th.

Some districts have maintained their earlier practice for deducting and remitting dues because of difficulties in the process.

- A.4.4** 4. *The form and timing of the remittance of local fees and levies shall remain as they are at present unless they are changed by mutual agreement between the local and the employer.*

A.4.4 establishes that the obligation for remitting local dues (as opposed to BCTF dues) remains as it was, unless the parties have mutually agreed to do otherwise.

The amalgamated districts specified earlier in this section, should also refer to the Amalgamation section of this manual.

- A.4.5** 5. *The employer shall provide to the BCTF and the local at the time of remittance an account of the fees and levies, including a list of employees and amounts paid.*

A.4.5 permits the local and the BCTF to reconcile who has paid the money they have received.

❖ Amalgamated School Districts

There is further advice for specific amalgamated districts that arises from a settlement agreement signed in October 2003. (Source document Memorandum of Settlement dated October 8, 2003, section 3.) This document may be found in the Amalgamation section of this manual.

The districts in question are:

- S.D. No. 5 (Southeast Kootenay),
- S.D. No. 6 (Rocky Mountain),
- S.D. No. 8 (Kootenay Lake),
- S.D. No. 53 (Okanagan Similkameen),
- S.D. No. 58 (Nicola-Similkameen),
- S.D. No. 79 (Cowichan Valley),
- S.D. No. 82 (Coast Mountains),
- S.D. No. 83 (North Okanagan-Shuswap)
- S.D. No. 91 (Nechako Lakes).

❖ Relationship to Other Articles

See Article A.3: Membership Requirement.

Data Request: BC Teachers' Federation Membership System

On December 3 and November 2, 2007, we distributed @issue bulletins regarding the BC Teachers' Federation (BCTF) requests for information from districts for its new web-based membership system. At that time, we understood the BCTF and their local associations intended to contact payroll staff in each district to discuss the electronic conversion of the hard copy payroll reports as well as a request for additional information such as district employee numbers and full time equivalent (FTE) counts.

At the same time, we advised the BCTF of our position that such requests should be made to the Secretary Treasurer in each school district, and any request is subject to the *Freedom of Information and Protection of Privacy Act* (FIPPA).

Since then, the BCTF have advised that their request for information is the information specified in the collective agreement and, in most cases, the information that is currently being provided by school districts.

Article A.4.5 of the Provincial Collective Agreement between BCPSEA and the BCTF states:

The employer shall provide to the BCTF and the local at the time of remittance an account of the fees and levies, including a list of employees and amounts paid.

At a minimum, it is necessary to provide an individual identifier (e.g., employee number), gross salary, and the dues deducted. For the most part the reports that you have been providing is what is being requested. The BCTF have requested that such information be added to the report being provided if it is not currently a part of the reporting.

The BCTF have advised BCPSEA that they will now begin to maintain member information regarding the individual amounts paid with respect to fees and levies. When representatives from the BCTF contact Secretary Treasurers, they will also request that this limited information be provided by electronic transfer in a format that is compatible with their new system (i.e., Excel or CSV). The BCTF have advised that this new system can work with a number of different formats, although graphic formats such as PDF are not compatible. The BCTF have also advised that they will be seeking both current and year-to-date information to ensure their records are as accurate as possible and in order to limit errors to the greatest extent possible. Ideally, the BCTF would like to receive a consolidated report but would also benefit from multiple electronic reports. Districts may accommodate this request for information in an electronic format, as they may find it more administratively simple and/or feasible when compared to the current manual processes.

Although the BCTF have advised that they do not intend to reimburse districts for administrative time or costs associated with a district opting to provide such information electronically, it is their view that some of the initial administrative costs associated with creating an electronic report are offset by the current costs associated with manual tasks such as mailing and creating a manual report. Electronic data provided in a timely fashion in accordance with the information set out above is not inconsistent with the collective agreement or FIPPA. In addition, it increases the ease with which the BCTF's reconciliation of fees and levies can occur, and thereby increases the potential for both parties to identify and rectify remittance errors as soon as possible.

We anticipate that Secretary Treasurers will be contacted with this new request for information by the BCTF in early 2008. Please consider the request in light of the information provided above.

If you have any questions, please contact your BCPSEA district liaison.