

Memorandum of Settlement

Re: Section 27.4 *Education Services Collective Agreement Act* – Recognition, Union Membership and Dues Deductions

❖ Overview

Section 27.4 of the *Education Services Collective Agreement Act* consolidated the local unions in each of the nine amalgamated districts. Following Labour Relations Board hearings and the filing of a policy grievance, the provincial parties reached a settlement on the issues of union membership, recognition and dues.

This legislation and Memorandum of Settlement is applicable to the following nine amalgamated districts – SD 5, 6, 8, 53, 58, 79, 82, 83 & 91.

❖ Memorandum of Settlement

Re: Section 27.4 *Education Services Collective Agreement Act* – Recognition, Union Membership and Dues Deductions

Memorandum of Settlement

Between

The British Columbia Public School Employers' Association

And

The British Columbia Teachers' Federation

Re: Grievance Concerning Recognition of Local Union, Dues Deduction and Membership - SD No. 5 (Southeast Kootenay)

SD No. 6 (Rocky Mountain)

SD No. 8 (Kootenay Lake)

SD No. 53 (Okanagan Similkameen)

SD No. 58 (Nicola-Similkamee,

SD No. 79 (Cowichan Valley)

SD No. 82 (Coast Mountains)

SD No. 83 (North Okanagan-Shuswap,

SD No. 91 (Nechako Lakes).

The following agreement is made on a without precedent and prejudice basis, respecting the above-noted districts only and represents full and final settlement to the above-noted grievance on the following terms and conditions:

1. Union Recognition

- 1.1 *For collective agreement purposes, BCPSEA and each employer recognize one (1) local union/association per school district (Article A.2).*
- 1.2 *The organization of a local union/association and matters of how its authority/responsibilities are framed or delegated are matters within the exclusive authority of the BCTF and the local union/association. Subject to PELRA and the exclusive bargaining agency of the BCTF, the local union/association designated by the BCTF has the exclusive right to exercise the local rights and capacities delegated by the BCTF pursuant to PELRA.*
- 1.3 *For purposes of recognition (Article A.2) upon written notice by the BCTF pursuant to Section 8 of PELRA, a new local union/association in the district succeeds and replaces the previously recognized union/association.*
- 1.4 *Nine (9) new local unions/assodations have been created:*
 1. *the “Cranbrook and Fernie Teachers' Association”;*
 2. *the “Rocky Mountain Teachers' Association”;*
 3. *the “Kootenay Lake Teachers' Association”;*
 4. *the “South Okanagan Similkameen Teachers' Union”;*
 5. *the “Nicola Valley and Princeton Teachers' Union”;*
 6. *the “Cowichan Valley Teachers' Federation”;*
 7. *the “Coast Mountain Teachers' Federation”;*
 8. *the “North Okanagan-Shuswap Teachers' Association”;* and
 9. *the “Burns Lake and Nechako Teachers' Union.”*

As a result,

SD No. 5 (Southeast Kootenay) - The Cranbrook and Fernie Teachers' Association will replace all references to the Cranbrook District Teachers' Association in the previous local agreement.

SD No. 6 (Rocky Mountain) - The Rocky Mountain Teachers' Association will replace all references to the Windemere District Teachers' Association in the previous local agreement.

SD No. 8 (Kootenay Lake) - The Kootenay Lake Teachers' Federation will replace all references to the Nelson District Teachers' Association in the previous local agreement.

SD No. 53 (Okanagan Similkameen) - The South Okanagan Similkameen Teachers' Union will replace all references to the Southern Okanagan Teachers' Association in the previous local agreement.

SD No. 58 (Nicola-Similkameen) - The Nicola Valley and Princeton Teachers' Union will replace all references to the Nicola Valley Teachers' Union in the previous local agreement.

SD No. 79 (Cowichan Valley) - The Cowichan Valley Teachers' Federation will replace all references to the Cowichan District Teachers' Association in the previous local agreement.

SD No. 82 (Coast Mountains) - The Coast Mountain Teachers' Federation will replace all references to the Terrace District Teachers' Union in the previous local agreement.

SD No. 83 (North Okanagan-Shuswap) - The North Okanagan Shuswap Teachers' Association will replace all references to the Shuswap Teachers' Association in the previous local agreement.

SD No. 91 (Nechako Lakes) - The Bums Lake and Nechako Teachers' Union will replace all references to the Nechako Teachers' Union in the previous local agreement.

- 1.5 For grievances from the Column C geographical area, it is understood that the language from the Column C agreement would apply for incidents which crystallized prior to July 1, 2002. The BCTF will provide BCPSEA with a list of such grievances. Should the date of crystallization be unclear, further discussions by the provincial parties shall take place.*

2. Union Membership

- 2.1 With the exception of the exempted employees referred to in Article A.3.2, as a condition of employment (Article A.3), employees covered by the teachers' collective agreement must become and remain members of the BCTF and the local union/association recognized and named in Article A.2 of the collective agreement.*
- 2.2 The active membership application form prepared by the union will require membership in the BCTF and the recognized local union/association. Should the recognized local union/association require membership in another union/association/organization as a condition of their membership in the BCTF and/or recognized local union/association, such membership requirement for these organizations can be included on this form.*
- 2.3 As a result,*

SD No. 5 (Southeast Kootenay) - as a condition of employment, teachers will become and remain members of the BCTF and the Cranbrook and Fernie Teachers' Association.

SD No. 6 (Rocky Mountain) - as a condition of employment, teachers will become and remain members of the BCTF and the Rocky Mountain Teachers' Association.

SD No. 8 (Kootenay Lake] - as a condition of employment, teachers will become and remain members of the BCTF and the Kootenay Lake Teachers' Federation.

SD No. 53 (Okanagan Similkameen) - as a condition of employment, teachers will become and remain members of the BCTF and the South Okanagan Similkameen Teachers' Union.

SD No. 58 (Nicola-Similkameen) - as a condition of employment, teachers will become and remain members of the BCTF and the Nicola Valley and Princeton Teachers' Union.

SD No. 79 (Cowichan Valley) - as a condition of employment, teachers will become and remain members of the BCTF and the Cowichan Valley Teachers' Federation.

SD No. 82 (Coast Mountains) - as a condition of employment, teachers will become and remain members of the BCTF and the Coast Mountain Teachers' Federation.

SD No. 83 (North Okanagan-Shuswap) - as a condition of employment, teachers will become and remain members of the BCTF and the North Okanagan Shuswap Teachers' Association.

SD No. 91 (Nechako Lakes) - as a condition of employment, teachers will become and remain members of the BCTF and the Burns Lake and Nechako Teachers' Union.

- 2.4 *The employer will send the completed active membership application form to the recognized local union/association.*

3. Local and BCTF Dues Deduction

- 3.1 *The employer agrees to deduct and remit dues and fees from teachers to the BCTF and the recognized local union/association pursuant to their constitutions and by-laws (Article A.4).*
- 3.2 *Pursuant to the BCTF and recognized local union's constitutions and by-laws, it is understood that this does not preclude the union from setting different dues/fee deductions for different members. Should this be the case, the recognized local union/association shall supply the employer with a letter from the recognized local union/association indicating the amount of dues/fees to be deducted.*
- 3.3 *When the employer remits the dues and fees to the BCTF and the recognized local union/association, the employer shall supply the*

recognized local union/association with a listing of the amount remitted for each member.

3.4 *As a result,*

SD No. 5 (Southeast Kootenay) - The Cranbrook and Fernie Teachers' Association shall notify the school district in writing of the amount of dues and fees that shall be deducted from each of its members pursuant to its constitution and by-laws.

SD No. 6 (Rocky Mountain) - The Rocky Mountain Teachers' Association shall notify the school district in writing of the amount of dues and fees that shall be deducted from each of its members pursuant to its constitution and by-laws.

SD No. 8 (Kootenay Lake) - The Kootenay Lake Teachers' Federation shall notify the school district in writing of the amount of dues and fees that shall be deducted from each of its members pursuant to its constitution and by-laws.

SD No. 53 (Okanagan Similkameen) - The South Okanagan Teachers' Union shall notify the school district in writing of the amount of dues and fees that shall be deducted from each of its members pursuant to its constitution and by-laws.

SD No. 58 (Nicola-Similkameen) - The Nicola Valley and Princeton Teachers' Union shall notify the school district in writing of the amount of dues and fees that shall be deducted from each of its members pursuant to its constitution and by-laws.

SD No. 79 (Cowichan Valley) - The Cowichan Valley Teachers' Federation shall notify the school district in writing of the amount of dues and fees that shall be deducted from each of its members pursuant to its constitution and by-laws.

SR No. 82 (Coast Mountains) - The Coast Mountain Teachers' Federation shall now the school district in writing of the amount of dues and fees that shall be deducted from each of its members pursuant to its constitution and by-laws.

SD No. 83 (North Okanagan-Shuswap) - The North Okanagan Shuswap Teachers' Association shall notify the school district in writing of the amount of dues and fees that shall be deducted from each of its members pursuant to its constitution and by-laws.

SD No- 91 (Nechako Lakes) - The Burns Lake and Nechako Teachers' Union shall notify the school district in writing of the amount of dues and fees that shall be deducted from each of its members pursuant to its constitution and by-laws.

4. *Effective Date*

- 4.1 *The implementation of this grievance settlement shall take effect July 1, 2003 or at a later date agreed to by the parties. Notwithstanding the above, should there be a change to the dues deduction/remittance that does not allow for implementation by September 1, 2003, the local parties shall meet to discuss the implementation date for these changes to the dues/remittance, but in no case shall these changes take effect later than thirty (30) days from receipt of notice.*

Dated: October 18, 2003.

*“Jinny Sims”
British Columbia Teachers’
Federation*

*“Hugh Finlayson”
British Columbia Public School
Employers’ Association*

This document replaces the original signed by Hugh Finlayson (for BCPSEA) and Jinny Sims (for BCTF) on July 8, 2003 and reflects necessary amendments as a result of the formation of a new amalgamated local union/association (the South Okanagan Similkameen Teachers’ Union) in SD No. 53 Okanagan Similkameen.

❖ Explanation

Local Union Recognition

Although it is the exclusive authority of the local union and the BCTF to determine how the local union organizes its structure and association business, for collective agreement purposes, only one local union and president is recognized by the collective agreement per district.

Local Union Membership

With the exception of exempted employees, as a condition of employment, teachers covered by the collective agreement must become and remain members of the BCTF and recognized local union.

Dues Deduction and Remittance

All union dues deducted from bargaining unit members shall be remitted to the BCTF and the recognized local union in the district. Dues will be deducted in accordance to the recognized local union’s constitution and bylaws. This does not preclude the union from setting different dues amounts for different members. The employer shall supply the recognized local union with a listing of the amounts remitted for each member.

❖ Implementation

This LOU took effect July 1, 2003.

❖ Relationship to Other Articles

This LOU is directly linked to the LOU No. 3.a and 3.b. - Section 4 of Bill 27 *Education Services Collective Agreement Act*. Also, please refer to the Administrative Documents – Amalgamation section of this manual, which contains a letter of understanding pertaining to president leaves.