



Teacher Collective Agreement

ADMINISTRATION BULLETIN



February 24, 2006
2006-42

Staff Resource

Bonda Bitzer, Managing Consultant, Client Services
Direct Dial..... 604-730-4505
e-mailbondab@bcpsea.bc.ca

Brian Chutter, ER Specialist
Direct Dial..... 604-730-4520
e-mailbrianc@bcpsea.bc.ca

Renzo Del Negro, ER Specialist
Direct Dial..... 604-730-4511
e-mailrenzod@bcpsea.bc.ca

Jacque Griffiths, Managing Consultant, Collective Bargaining Services
Direct Dial..... 604-730-4514
e-mailjacquieg@bcpsea.bc.ca

Sherida Harris, ER Specialist
Direct Dial..... 604-730-4504
e-mailsheridah@bcpsea.bc.ca

Mike Hancock, Legal Counsel and Coordinator, Legal Services
Direct Dial..... 604-730-4510
e-mailmikeh@bcpsea.bc.ca

Ron Pound, Seconded Director, Human Resources
Direct Dial..... 604-730-4519
e-mailronp@bcpsea.bc.ca

Joe Strain, ER Specialist
Direct Dial..... 604-730-4507
e-mailjoes@bcpsea.bc.ca

Please copy to:

- School District Teacher Issues Contacts
- Trustees
- Management Staff
- Principals and Vice Principals
- BCPSEA Board of Directors
- Management Partner Associations
- Ministry of Education
- British Columbia Teachers' Federation

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TOC Shortages — Interim Suggestions

Over the past year, an increasing number of districts have reported that they are experiencing shortages of teachers-on-call (TOCs) and are unable to hire certificated teachers who meet their hiring criteria. The situation may have been unintentionally exacerbated by government's decision to provide districts with \$20 million to hire additional teachers, as most of these have been hired from TOC lists. With the uncertainty of not knowing what provisions Vince Ready will award with respect to TOCs, several districts have approached BCPSEA requesting possible interim solutions to address the shortfall.

Where boards are not able to hire additional qualified, certified TOCs, the following are some potential options boards may wish to consider:

1. **Limit the need for TOCs:** Develop strategies and approaches that balance requests for time away with the best deployment of TOC resources. Some districts have a practice of capping the number of employees eligible for pre-approved leaves and working with those granting leaves to take into account the available replacements and the duration of the absence.
2. **Establish priority use criteria:** Review the nature and duration of absences necessitating replacement. Develop criteria to establish priorities for replacement. Through the application of these priorities, maximize the use of existing TOCs by avoiding short call outs, not replacing certain positions or only replacing them where necessary after taking into account school priorities, and using other organizational options (see option 6).

3. **Part-time Teachers:** Many districts have teachers in part-time assignments who are willing to replace their teaching partner should they be absent. Other districts have requested part-time teachers make themselves available for any TOC assignment on the days they do not work. In explaining the emergency nature of the situation, many part-time teachers will agree to this arrangement. Payment for this service is captured in the individual collective agreements of districts.
4. **Uncertified TOCs:** You may wish to consider hiring uncertified TOCs. While these employees are not eligible to TOC in long term assignments or for continuing positions, they are able to fill in for short term absences. Unless they are specifically referenced in your agreement, uncertified TOCs are not included in the bargaining unit and, therefore, the terms of the teachers' collective agreement will not apply.

If you have not already established terms of employment for uncertified TOCs, you may wish to consult with your BCPSEA liaison for recommended terms. Please note that as these employees are not part of the bargaining unit, it is not appropriate to negotiate with the Local.

5. **Retired Teachers:** Some retired teachers are interested in supplementing their pension by working as a TOC. The advantage of hiring retired teachers is that they are experienced teachers with generally flexible, open schedules. However, there are some potential downsides to consider and you should negotiate the terms under which retired teachers will be used. You do not want to find that you have limited your access to new recruits by adding retired teachers to your list. BCPSEA and the BCTF have signed several Letters of Understanding in this regard. Generally, these agreements do not permit retirees to convert to or post into continuing appointments. They may also limit access to temporary assignments.

If your district chooses to hire retired TOCs, we recommend that you contact BCPSEA for advice prior to entering into discussions with the union for terms of use.

6. **Use Continuing Teachers as TOCs:** Where districts are able to manage and teachers are in agreement, districts may be able to have fulltime continuing teachers TOC during their preparation time. These teachers would be credited with the preparation time and allowed to take it at another time. The obvious problem with this approach is that it does not necessarily fix the problem; it defers it to a later date when coverage may or may not be available.

Alternatively, rather than reschedule preparation time, districts could pay compensation in lieu. This option may prove advantageous over providing preparation time in lieu as it does not defer the need for a TOC to a later date; however, it raises some fundamental questions — should an employee be allowed to earn more than a full time salary; what is the appropriate calculation; are there any implications for other provisions in the collective agreement?

If your district wishes to allow full time continuing employees to TOC and receive compensation in lieu, the parties should seek advice from their BCPSEA liaison before entering into discussions with the union.

Clearly, many of these options will necessitate a close look at the provisions in your agreement. If you have any questions or would like to discuss these options further, please contact your BCPSEA liaison.

Distribution of this Bulletin

Please ensure that this bulletin is circulated to all administrative staff in the district office and to Principals and Vice Principals who must rely on the collective agreement in the performance of their duties.