

**Guidelines to implement the partial lockout to commence May 26, 2014 including questions/answers on the corresponding wage reduction.**

## **Partial Lockout: Questions and Answers**

*May 22, 2014*

**1. Will school districts have to issue lockout notice to their union local or individual BCTF members/teachers?**

No. BCPSEA and the BCTF agreed earlier that the provincial parties may both issue and accept notice of strike or lockout on behalf of their members. By issuing lockout notice to the BCTF, BCPSEA has fulfilled all necessary notice obligations for the lockout to be initiated.

**2. If teachers are unsure of what is expected of them in regard to the lockout, what information can we provide to them?**

If individual teachers request additional information or confirmation of lockout, you should supply them with a copy of both our May 21, 2014 letter to the BCTF and the portion of this update regarding the partial lockout.

**3. Are teachers locked out or “banned” from participating in extracurricular activities such as graduation ceremonies, awards ceremonies, sports events, and year-end celebrations?**

No. Teachers are free to participate in all extracurricular activities, including on school property. There is nothing in the lockout that prevents BCTF members from continuing to participate in such activities as graduation, sports, and awards events. If teachers choose not to participate in such activities, they do so as a result of their own decision.

**4. Will the lockout apply to teachers who are on extended field trips (overseas trips, extended overnight trips, etc.) with students?**

No. Recognizing that we do not wish to put students or their financial contributions at risk, teachers who are supervising extended student field trips will be exempted from the lockout provisions (and the resulting loss of pay) for the full length of the excursion. Should a teacher withdraw from a previous field trip commitment, they do so as a result of their own decision. This lockout exemption does not apply to new field trips and/or trips of a minor nature that are short term or where there is no penalty for cancellation. Should a teacher on a long-term field trip refuse to supervise students because of the union's strike action, the emergency supervision provisions of the essential services order may be applied.

**5. Are teachers locked out from any part of the student instructional day?**

No. Teachers are still required to complete all usual instructional duties and school day services to students. Refusal to complete any such duties may constitute an expansion of their strike and result in a further loss of pay. Please discuss any such situations with your BCPSEA liaison.

**6. Does the lockout from “evaluating education programs” mean that teachers are not to do marking of student work, complete student evaluations, submit marks, supervise exams, or complete report cards at year end?**

No. Teachers are still required to complete all usual evaluation of student work including year end exams, submission of marks, and completion of report cards, as well as other year-end student reports. The lockout from “evaluating education programs” applies to teacher work on such items as provincial curriculum evaluation and development, district curriculum writing and reviews, the evaluation of programs at either the district or provincial level, and new program development.

**7. If teachers are not to participate in school and department meetings, how will they discuss student needs or concerns?**

Nothing in the lockout order prevents individual teachers from discussing student needs or concerns with their colleagues or school administration. Teachers are also still free to meet with students or contact parents as needed. The validity of many school and district-based meetings was already compromised by the union’s Stage 1 strike action. Application of the lockout provision to such meetings recognizes that much of this work was already not being completed.

**8. Can teachers replace the locked out work with other work of their choosing?**

No. Teachers have been directed not to replace the locked out work with other work of their choosing. Part of the intent of the lockout is to recognize that teachers, through their Stage 1 strike action, are not completing all of their job/duties. The option of replacing that struck work with other activities to avoid a loss in pay has been taken away.

**9. Why were teachers instructed not to report to work more than 45 minutes in advance of the start of the instructional day or to stay more than 45 minutes past the end of the instructional day?**

By restricting the length of time teachers are to spend at the work site, we are emphasizing the reduction of their usual work day and duties. The accepted teacher work day is just over nine (9) hours per day, which is now reduced in both length and required duties. The resulting 10% loss of pay is directly related to this lockout from usual required work and time at the work site.

**10. Will the lockout be withdrawn at any time?**

The BCTF was told in advance that the lockout would not take place if they ended their Stage 1 strike action. They refused to do so. In order for the lockout to now be withdrawn, it is BCPSEA’s position that there would either have to be a new collective agreement signed off or the cessation of all strike action by the union.

# Wage Reduction: Questions and Answers

May 22, 2014

## 1. Do both of the initial reductions need to happen for the May 30 payroll?

Yes. Deductions for both the initial rotating strike day in each district and the 10% lockout-pay reduction must be done within the month that they occur. Specific concerns should be raised with BCPSEA if this timeline cannot be met. All strike and/or lockout-related pay reductions for June may be processed for the end of June payroll. The specifics on who has pay reduced and how this happens is set out below.

## 2. Is it 5% or 10%? Why are both numbers being used?

BCPSEA's original intent was to implement a 5% pay reduction if the BCTF did not cease Stage 1 activity. If the union escalated to Stage 2, then a 10% pay reduction would be implemented. As the BCTF has now formally announced the start of Stage 2 strike action Monday, BCPSEA will respond with the 10% reduction at the same time.

## Rotating Strike Days: Pay Reduction

### 3. Which teachers will have pay deducted for the one-day rotating strike day in each district?

ALL active teachers (those not on an approved leave) in your district will have their pay deducted for the strike days. If individual teachers choose to come to work on a strike day, they should be reimbursed on a subsequent pay date. TTOC bookings for these specific day(s) should be cancelled and should be considered a break in service. Teachers on temporary contracts spanning a strike day should be treated the same as continuing contract teachers (no cancellation of their temporary contract but they are deducted the day's gross pay).

Teachers who are on long-term field trips (e.g., overseas or lengthy trips with students) which extend over the strike days should NOT be deducted the day's pay.

### 4. What about inactive teachers (those on leave, sick days, etc.)?

For simplicity, and to avoid unnecessary grievances, teachers already granted an approved leave or sick day covering the strike day(s) should not be deducted pay for those days. Teachers requesting leave or sick days after the strike action has been announced (i.e., from May 21 forward) should have their request scrutinized on a case by case basis (e.g., doctor's note required to verify illness, etc.). In general, there will not be a reason to grant leave for days that BCTF members will be on strike, as teachers have already indicated they will be absent from work. Requests for leaves or sick days should not be accepted solely as a means of avoiding loss of pay due to strike action.

## 5. What about support staff pay for the rotating strike days?

Support staff who do not report to work due to a teacher picket line should have their gross pay deducted for that day. If districts are unable to process the deduction in the pay period it occurs, the deduction should be deferred to the following pay period. Districts should only allow support staff to work at alternate district sites with prior approval (i.e., support staff should not unilaterally report to an alternate site).

Districts may allow support staff to apply for vacation days or leaves covering the strike days, but the usual district processes, limitations, and contract provisions still apply.

## 6. What amount of money gets deducted for each strike day?

All active teachers should be deducted their full “per day” salary for each strike day, but not allowances, etc. paid for extra duties (e.g., department head allowances, etc.). Part-time teachers should be deducted for their assigned time on the specific day that is struck (i.e., for teachers who work days of varying lengths, the deduction is for the pay that would have been earned for that specific day, not a portion of their annual FTE salary). Districts should use their normal collective agreement language or established practice for determining the deduction for a day’s pay.

## Partial Lockout: Pay Reduction

### 7. How do I calculate and deduct the 10% wage reduction for the lockout days (i.e., days other than full withdrawal union strike days)?

All active teachers (not support staff or inactive teachers) should be deducted 10% of the daily rate of salary (per 6. above) for days worked beginning May 26 forward. TTOCs and part-time teachers will also be deducted 10% of their daily rate for any days worked beginning May 26 forward.

If your collective agreement establishes a daily deduction of 1/190, this ratio is applied to the teacher’s yearly gross salary to establish a daily rate of pay — 10% of this established daily rate would be deducted from the teacher’s pay for each day of the lockout (not including full withdrawal strike days, which are already unpaid).

**Example Calculation:** \$70,000 annual salary divided by the 1/190 in the collective agreement = \$368.42 per day, which is reduced by 10% for each day under partial lockout.

(\$368.42 - \$36.84 = \$331.58 reduced gross pay for each day of partial lockout.) In this example, the teacher’s pay is reduced by \$36.84 for each day under partial lockout.

**8. Are there any exceptions to teachers having 10% pay reductions for the partial lockout?**

With only one exception, all active teachers (not on approved leave), including TTOCs, will be locked out and have 10% of their gross pay deducted irrespective of work site, assignment, type of work, etc. That one exception is as follows:

Where a teacher is planning to attend a pre-approved multi-day field trip AND the union has agreed to preclude the teacher from strike activity during the trip AND cancellation of the trip would result in substantial financial hardship to students/families, if the trip occurs the teacher will not be expected to reduce work and will not have 10% pay reduced. This is to ensure that during the trip there is no time when student safety is compromised due to reduced activity by the teacher. An example would be a planned excursion outside of BC (Quebec exchange trip for example), or a multi-day outdoor education excursion. This exclusion from the 10% rule would not apply for trips not yet planned or for local field trips including year-end day excursions for classes. In those cases, the 10% reduction would apply even if the field trip occurs.

**9. Are other allowances or payments (other than base wages) also reduced by 10%?**

No. Other allocations or payments such as department head allowances, TIC allowances, sick days, benefits, etc. are to be provided/paid as usual and in full. In the event that the union escalates to Stage 3 full strike, the employer will re-evaluate this position.

**10. Will support staff also have their pay reduced 10%?**

No. The only circumstance under which support staff would see their pay reduced would be if they refuse to report to work (i.e., when they won't cross a legal picket line placed at their work site due to strike or lockout).

**11. Who do I call for interpretation information?**

BCPSEA will handle all such calls, with the exception of questions regarding any hold back or recovery of funds by the Ministry of Education from districts. Those specific questions should be directed to the Ministry of Education – Resource Management Division. In general, however, districts will need to track “savings” resulting from all strike days and lockout days as well as any wage reductions.

Attachment:  
BCPSEA Letter to BCTF dated May 21, 2014