

KTTA News - May 29, 2017

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A. Class Size and Composition Implementation

The Association representatives met with district representatives on May 24th to discuss the implementation of restored class size and composition language in the district.

We have been able to agree on class size and composition matters and a few other issues including:

1) **Category H:** the district now agrees that Category H is a "low" incidence classification (or high needs). This means that the reduction of class size maximums will include students with Category H.

For example: a grade 6/7 class with three (3) students with "low" incidence special needs (Category A, G, and H) cannot have more than 24 students in it (27 Class Size Max - 3 Low Incidence = 24)

2) **Case Loads:** the district and Association agree that the case load maximum of 196 is intended to mean that a teacher teaching seven (7) secondary classes will not have a combined total of 196 students or an average of 28 students per class. However, if the case load limit applies to full time courses as partial courses (linear in semester or mosaic courses) would mean the student counts as a portion towards the 196 caseload.

3) **Non-Enrolling Ratios and Direct Service to Students:** only those non-enrolling specialist teachers providing direct support to students count in the ratio. Hence, district staff are not counted in the ratio. This means that the district would retain greater non-enrolling specialist staffing in the district.

4) **Alternate Education:** the district agrees that classes in Alternate Education with large numbers of designated students have had smaller class sizes in the past. For now, there is agreement that these classes should be staffed at the high-incidence class size numbers (and at the low-incidence class size numbers if the class is for students with low incidence special needs).

The Association and District **continue to have a dispute** around the following:

1) **Class Composition Limit:** the district's position was that the class composition limit in a class was three (3) students with "low" incidence special needs (A-H). The Association's position is that the class composition limit is three students with any special needs category as the collective agreement did not differentiate. There continues to be a dispute on this matter.

2) **DL Class Size/Composition:** the district's position is that Distributed Learning is not affected by the class size and composition limits. The Association's position is that Distributed Learning (or Virtual School in the past) are covered by class size and composition limits as noted in a Letter of Understanding.

NOTE:

We continue to request that teachers not engage in developing class configurations that breach the union's interpretation of class size limits (particularly around composition). We also encourage members to note their disagreement with classes that exceed the maximum class sizes / composition limits as per our understanding.

B. WorkSafe Order - Dust Collection

http://www.ktta.ca/images/Worksafe_Report_Shop_2017.PDF

A WorkSafe BC Officer had investigated the dust collection system at a secondary school and issued a Compliance Order which orders the district to comply with health and safety requirements in legislation.

That order can be found at: http://www.ktta.ca/images/Worksafe_Report_Shop_2017.PDF and states the following:

*"A dust collector having an internal volume greater than 0.6 m³ (20 ft³) and being used to control combustible dusts is not located, or is not constructed, so that no worker will be endangered in the event of an explosion inside the collector. The Torit Model 20-5 FB cyclone with attached 4-bag filter manifold is located in a wood framed enclosure attached to the woodworking shop. The total volume of the enclosure is greater than 20 cubic feet (0.6 m³) and the enclosure has not been designed to prevent danger to workers in the event of an explosion inside the collector. **This is in contravention of the Occupational Health and Safety Regulation Section 5.71 (3).** A dust collector having an internal volume greater than 0.6 m³ (20 ft³) and being used to control combustible dusts must be located and constructed so that no worker will be endangered in the event of an explosion inside the collector."*

The district is ordered to consult with a qualified person to do an assessment of the explosion hazard related to this enclosure and appropriate measures must be taken to eliminate the risk of injury to workers in the event of an explosion within the dust collector.

If you are aware of similar situations occurring in your schools, please advise the KTTA (250-554-1223 or office@ktta.ca) as these need to be reported to WorkSafe BC. The WorkSafe BC officer stated that they would be looking at other wood shops but advising us can speed up that process.

C. Public Education and New Government

The BC Green Party has noted in a press conference today that it has agreed to support the BC NDP in the legislature. There is a process that would need to take place before this could occur including the defeat of a BC Liberal Throne Speech, but both the BC Green Party and BC NDP have included in their promises additional funding for public education and the building of schools. If the working arrangement holds for four years, this would be the government teachers would be bargaining with in 2019.

While the details are still in the works and there is not much more information about what the vision for the two parties are, it is certain to end the acrimonious relationship between teachers and the government and allow for more dialogue and respect to occur.

This is also sure to secure the class size and composition agreement that was signed between the BCTF and government recently.

D. Early Closure Days (Grievance)

The district has arbitrarily and without consultation reduced the number of Early Closure Days for 2017-18 school year to one (1). This will result in less opportunities to meet with parents which is the purpose of early closure days.

For at least four years, there was agreement to extend instructional time by the required 1-3 minutes per day in order to accommodate two to four early closure days in each school.

As a result of this measure which violated the Collective Agreement, the Association has filed a grievance of general application on behalf of all members affected.

We are hopeful that through that process, we can pressure the district to reconsider and negotiate the restoration of the full set of early closure days.

E. TTOC Shortage (Grievance)

The Union filed the grievance originally on April 19th. Since then, the grievance has been amended 3 times to include new information as it becomes available to the us (every week or so). We send the amended grievance to the District every week as well. The KTTA has met with the District and is pushing for compensation for teachers who have been adversely affected. There will be a formal Step 2 grievance meeting on Thursday, May 18th (tomorrow) on these matters.

The District also let us know that they have hired 30+ new TTOC's from TRU. They have yet to be oriented in the District. Once they have, they will be able to work up to 20 days until the end of the year.

We are continuing to push the District to continue to hire. With upwards to 21 absences on average not filled every day, the need to hire is as serious as it was when we began diligently pushing for hiring almost 2 years ago.

Please continue to send instances as soon as you become aware of them.

Due to the amount of emails the KTTA is receiving, we cannot respond to them all. If you have not received a response but have sent information, please know that your situation has been added to the grievance. If it does not fit, we have emailed you with reasons why (of the 217 emails to date I have received, only 5 instances do not fit).

Only instances we have been made aware of will be compensated through the grievance procedure.

As well, the KTTA has been actively analyzing the TTOC list, and watch for trends including availability and subject areas. Since November when the Supreme Court win was announced, we have increased the number of times we analyze the list. It happens at least once every couple of

weeks. We report out on the list through the District Joint Labour Liaison Committee.

If you have any questions, please contact the office (office@kta.ca or 250-554-1223).

F. In-School Assignment Process

There have been questions from some members regarding the in-school assignment process and what rights exist in the collective agreement.

The process a school administrator follows for the in-school assignment process is established in Article E.20.2. Outside of this process, assignment of teachers is vested exclusively in the Board (or management) as noted in Article A.26.

Article E.20.2 Process:

- 1) **Discussions (Staff Meetings):** Discussions pertaining to school organization, proposed timetable, and staff assignments shall occur during regular staff meetings
- 2) **Consideration of Assignment:** In-school assignment changes shall be accommodate wherever possible, taking into consideration qualifications, training, experience, employee's preference, and equitable distribution of workload.
- 3) **Consultation (Prior to Posting):** Prior to a position being declared available for transfer or vacant, the principal/vice-principal in consultation with staff shall consider in-school assignment changes.

Each process is more involved than the next.

Discussions at Staff Meetings: school administration has to allow for an exchange of ideas

Consideration of Factors: school administration has to involve careful thought

Consultation Prior to Posting: school administration is required to examine the case of the staff (or teacher), share information and attempt mutual resolution

If you are not please with your draft assignment for next year, we request you do the following:

- 1) **Email:** send an email to administration noting your qualifications, training, experience and preference in assignment, and providing your case for why you believe you should have a particular assignment or assignments.
- 2) **Follow Up Meeting:** request a meeting to discuss the issue.

Your rights are limited in the assignment process, but you can advocate for a particular assignment and there has to be evidence that an attempt was made to consider your reasons for your request.

G. Partial Medical Leaves

The district had sent letters to some members on partial medical leave stating that if medical clearance was not provided to go back to full time that the member would have their FTE permanently decreased.

The district was confusing language in Letter of Understanding No. 40 which states that "a teacher on partial medical leave will be entitled to 'hold' his or her original position for a maximum of two (2) years. Following this two (2) year period, the teacher on partial medical leave has the same priority

status as other teachers returning from leave described in Article E.20.5.e.ii."

This provision has existed since 2004 as a local agreement and was added to the collective agreement in 2014. While teachers on partial medical leave may not hold a position at the school, the FTE status still remains unless sick leave is exhausted (at which point Salary Indemnity or Long Term Disability may support salary continuance). This means that teachers on partial medical leave would continue to enjoy the benefits of their full FTE status (i.e.. 1.0 FTE) with sick leave accrual, benefits, pension, and wages) provided they continue to have sick leave. Once historical sick leave is exhausted, then any sick leave accrual at a partial rate would be paid out in September to allow members to access Short Term or Long Term Salary Indemnity.

The Association met with district administration recently about these letters and cited a 2004 with prejudice agreement around a member's right to partial medical leave which cleared up misunderstandings from the district.

If you are in receipt of a letter from the district about partial medical leave and are concerned, please contact the KTTA office at 250-554-1223 or office@kttta.ca.

H. PSA Super Conference (October 20-21, 2017)

Please Visit: <http://www.psasuperconference.ca> for more information

The BCTF Provincial Specialists Associations are hosting a Super Conference on October 20-21, 2017 in Vancouver, BC. This corresponds to the October Professional Development Day.

You can view sessions and register online at <http://www.psasuperconference.ca>. The keynote speaker will be Ian Jukes who will be presenting on "Understanding the Always-On Generation: Hyper-information and the Rewiring of the Human Brain". Ian has been a classroom teacher and has taught every grade from K-12. He has also been a writer, administrator, international consultant, and university instructor.

Please visit the site and note that there are reduced fees for early registration.