

KTTA News - October 21, 2016

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Positions are Posted on SD 73 Website. Check at - <http://www3.sd73.bc.ca/careers>

KTTA Website (Check out new "Contract" and "Health and Safety (OH and S)" Information): <http://www.kttta.ca>

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A. Return to Work Arbitration - September 19, 2014 Pay (*Decision Attached - Grievance Denied*)

Arbitrator Chris Sullivan released his decision dated October 18, 2016 on the interpretation of the Return to Work Agreement regarding the 2014 strike. This case revolved around the intent of the parties in negotiating the Return to Work Agreement in September 2014 that ended our job action and how the paid day, that was negotiated as part of that agreement, should be paid.

Unfortunately, Chris Sullivan sided with the employer and dismissed the grievance. The employer's position was that it is to be applied as per the collective agreement in each district. The local language that the employer applied resulted in many full-time teachers receiving only seven paid days.

In making his decision, Arbitrator Chris Sullivan noted that the agreement would have had to ensure that teachers were paid for 2 additional days in order to secure what the union was seeking. However, that agreement was never made in negotiations. As he noted on page 16: "The BCTF did not succeed in obtaining 5, 4, or 2 days pay to prepare for the return of students. It obtained one day of pay and is now not entitled to claim the benefit of a deal that was not made."

Sullivan also states on page 15: "With a view to addressing this inconsistency the BCTF's present argument is that the parties first intended teachers to be paid under the RTW Agreement for Friday, September 19, and then secondly receive their pay benefit for that same day in accordance with their local collective agreement. That way of calculation ensures all teachers end up being paid for eight days in September 2014. Suffice it to observe this method for calculating pay was not something raised or discussed by the parties and one would

reasonably conclude it would have been had the parties intended the RTW Agreement to constitute a basis for paying Friday, September 19, 2014 independent of local collective agreement language on the matter.

Because of how the local collective agreements (in the 15 districts affected) is worded with regard to deduction of pay from 20 equal pay periods (calculated as 10 days in each pay period), the meaning of this decision is that teachers were paid correctly under those provisions.

B. New Reporting Documents

(From Janice Neden (Assistant Director - BCTF Professional and Social Issues))

The Ministry of Education has produced a document that discusses some of the K–9 reporting guidelines and addresses some common Q&As.

Here is the link: https://curriculum.gov.BC.ca/sites/curriculum.gov.BC.ca/files/PDF/educator_update_student_progress_k-9.PDF (Educator Update: Reporting Student Progress K–9 Guidelines)

C. Provincial Assessment Status Update

(From BCTF President Glen Hansman)

Please see attached a copy of a letter sent to Deputy Minister Dave Byng this afternoon informing him that the Federation would be withdrawing from participating in further development of the replacement elementary and secondary provincial assessments.

While we have been meeting consistently with the Ministry and partners to secure agreement around the protection of school and student data, the government has yet to inform us of its decision despite the late date. In fact there was to have been a meeting with the Minister on the morning of October 19 which would have been the fifth meeting on this subject since the beginning of this school year. Unfortunately government cancelled this meeting and despite the urgency of this matter and proximity of the meeting in Victoria, government has made no assurances that school and student information will be protected.

Despite widespread agreement between all education partners, government has chosen not to follow up on this critical decision. We believe that the protection of school and student data is fundamental to the purpose and development of the tool. In fact this was the principle that the Annual General Meeting and Representative Assembly based its continued participation on regarding these assessments.

Therefore the Executive Committee has made the decision to immediately suspend all participation in both provincial assessment development teams.

Members of the Executive Committee are in the process of contacting all members involved both by email and by phone.

For your reference, please this backgrounder published last spring (attached to email).

Ministry information about assessment program can be found here: [HTTPS://www.bced.gov.BC.ca/assessment/](https://www.bced.gov.BC.ca/assessment/)