

Ministry of Education

Education Labour Relations
Division
15th Floor, Mowat Block
Queen's Park
Toronto ON M7A 1L2

Ministère de l'Éducation

Division des relations de travail en
éducation
15^e étage, Édifice Mowat
Queen's Park
Toronto ON M7A 1L2



2013: LR2

MEMORANDUM TO: Directors of Education
Secretary/Treasurers of School Authorities
Director of Provincial Schools Branch
Executive Directors of Trustees' Associations
General Secretary of OSSTF

FROM: Tim Hadwen
Assistant Deputy Minister (Acting)
Education Labour Relations

DATE: June 7, 2013

SUBJECT: OSSTF MOU – Implementation Committee – Memo 2

Further to the Memorandum of Understanding (MOU) with the Ontario Secondary School Teachers' Federation (OSSTF), the Implementation Committee has continued to meet in accordance with its MOU mandate (see below).

This second update from the Committee deals with issues brought forward by the Parties since 2013:LR1 issued on May 17, 2013. There are no changes to the MOU itself. The Committee will continue to gather requests for clarification and respond as needed.

A. Mandate of the Implementation Committee

The Parties agree that a committee for discussion of implementation issues will be established with the goal of encouraging consistency, equitability and fairness of implementation.

The Implementation Committee shall have school board, OSSTF/FEESO and Ministry representatives.

The Implementation Committee shall meet within 30 days of the signing of this agreement to discuss its process including frequency of meetings and topics of mutual interest. The Committee will also consider further means of addressing implementation issues including communications to the Parties and the future role of the committee, if any.

It is understood that this committee and its discussions do not affect the collective agreement and dispute resolution entitlements of any party in any way.

Where the Parties agree to an interpretation, the agreed-to interpretation will be communicated to all affected school boards and Bargaining Units and shall be implemented in accordance with the Implementation Committee instructions. Such decisions may be communicated in interpretation manuals and/or guidelines. Regulations may be made where appropriate. Further, it is understood that the agreement of the Parties on an implementation item has precedent-setting value with respect to Third-Party interpretation.

B. Agreed Interpretations – OSSTF MOU

Voluntary Unpaid Leave of Absence Program For all Bargaining Units

Boards which failed to implement VLAP by May 1, 2013, shall allow for requests for salary equalization over the pay periods of the 2013-14 school year for one month from the date of their VLAP implementation.

Unpaid Days and Offsetting Measures for Teacher Bargaining Units

All mandatory unpaid days for permanent regular day school teachers will be deemed PD Days for long-term occasional teachers. Remuneration of long-term occasional teachers on these days will be determined as per the 2008-12 Collective Agreement or Board policy/past practice.

Upon achieving target savings equivalent to 84% (through measures other than the efficiencies in the delivery of professional development for the October 11, 2013, PD day) of the lost funding for one day, teachers will be required to take only December 20, 2013, as an unpaid day. Savings of less than the equivalent of 84% of the lost funding for one day will result in teachers taking a second unpaid day on March 7, 2014 (subject to the Early Retirement Incentive Plan provisions). The Ministry will provide specific targets to each Board for the value of the savings for the day.

Attendance Recognition

For employees who are members of the OMERS pension plan, any payment received through the Shared Savings Initiative (SSI) shall be considered to be pensionable earnings and reported to OMERS in accordance with OMERS plan provisions.

Sick Leave/Short Term Sick Leave and Disability Plan

Sick Leave Days

All term employees, who are assigned to work blocks of time in continuing education or summer school, shall be allocated sick leave credits prorated on the basis of the number of work days in their term compared to 194 days.

Example:

A continuing education instructor is assigned to two of four quadesters. Each quadester is 45 days in length. The formula to calculate the sick leave allocation is as follows:

$$\begin{aligned} 90/194 \times 11 &= 5 \text{ sick days at } 100\% \\ 90/194 \times 120 &= 55.5 \text{ STLDP days at } 90\%* \end{aligned}$$

*For employees on long-term assignments, the maximum STLDP days is 60, as per 15(2) of the Long Term Assignments section in the MOU.

Paragraph 3(e) of the Sick Leave and Short Term Sick Leave Disability Plan section of the MOU states "A partial sick leave credit or short term sick leave credit will be deducted for an absence due to illness for a partial day."

This applies to all partial absences, including those that result from a graduated return to work program.

Paragraph 5 of the Sick Leave and Short Term Sick Leave Disability Plan section of the MOU states:

For the purposes of section 2, if an employee of a board is only employed to work for part of a year, the employee's eligibility for sick leave credits shall be reduced in accordance with the policy of the board, as it existed on August 31, 2012. If hired after the beginning of the fiscal year, a full-time employee is entitled to the full allocation of sick leave credits as per sections 2 and 8.

Boards' traditional allocation and deduction of sick leave based on employees' FTE status creates an inequity for employees working an unbalanced schedule during the school/work year. The following principle is the agreed-to interpretation to address this inequity:

Each employee who is working every day of a full school/work year is entitled to 11 occurrences of sick leave at 100% pay and an additional 120 occurrences of STLDLP at 90% pay. In this situation, pay is defined as the amount of money the employee would have otherwise received over that period of absence.

C. Conclusion

If you require further information, please contact:

Michael Villeneuve
Director (Acting), Labour Relations and Governance Branch
416-325-2836
Michael.villeneuve@ontario.ca

Original signed by:

Tim Hadwen
Assistant Deputy Minister (Acting)

On behalf of the Implementation Committee

Cc: Implementation Committee
Superintendents of Business and Finance
Superintendents of Human Resources