

2013: B22

MEMORANDUM TO:

Directors of Education
Secretary/Treasurers of School Authorities

FROM:

Gabriel F. Sékaly
Assistant Deputy Minister
Elementary/Secondary Business and Finance Division

Tim Hadwen
Assistant Deputy Minister
Education Labour Relations Division

DATE:

October 10, 2013

SUBJECT:

Amended Regulation on Sick-Leave Credits and Sick Leave Gratuities

On September 25, 2013, we wrote you on measures we were taking to support school boards' efforts to append the applicable terms of all relevant 2013 MOUs to their local collective agreements. We are pleased to report that all 72 schools boards have submitted documentation attesting that steps in the appending process have occurred. We are currently reviewing this documentation with respect to eligibility for conditional funding.

We are also pleased to report that, today, a regulation under the Education Act has been filed that aligns regulation Ontario Regulation 1/13 Sick Leave Credits and Sick Leave Credit Gratuities with the memoranda of understanding (MOUs) signed with:

- the Association of Professional Student Services Personnel (APSSP),
- the Signatory Unions," which include the non-teacher's bargaining units of Association des enseignantes et des enseignants franco-ontariens (AEFO), Halton District Educational Assistants Association, Educational Assistants Association of the Waterloo Region District School Board and Dufferin-Peel Educational Resource Workers' Association, and
- Collaborative Education Support Staff (CESS) bargaining groups.

The regulation also includes two added provisions as set out below.

It should be noted that the terms and conditions governing sick leave and sick leave credit gratuities established in regulations under the Education Act and Putting Students First Act continue in force.

A. Amended Regulation on Sick Leave

1. Background for the Amended Regulation

The original Ontario Regulation 1/13, Sick Leave Credits and Sick Leave Credit Gratuities, was based on the Ontario English Teachers' Association (OECTA) sick leave plan which became the template model for all boards and bargaining agents, including those without MOUs. The original regulation provided for 120 short-term sick days at 66 2/3% of salary, or 90% of salary, if so determined by 3rd-party assessment. The regulation's adjudication method applied to all unions, with or without signed MOUs.

Based on MOUs negotiated subsequently, the regulation was amended on June 19, 2013, creating, in effect, two assessment models that would apply to the unions listed above.

Under the first model, which applies to members of the Ontario Secondary School Teachers' Federation (OSSTF), the Elementary Teachers Federation of Ontario (ETFO), AEFO, and principals and vice-principals, the 120 short-term sick days are paid at 90% of salary, based on a board's internal assessment process in effect as of August 31, 2012.

Under the second model, which applies to Ontario English Catholic Teachers' Association (OECTA), the bargaining units have a choice between the first model and the model found in the original regulation. For non-bargaining groups in English-language boards, school boards will choose between the two.

2. Application of the Amended Regulation

Under the most recent regulatory amendment, the first model, that is, 120 short-term sick days paid at 90% of salary, based on a board's internal assessment process in effect as of August 31, 2012, is to apply to members of the "Signatory Unions," and the APSSP and CESS bargaining units in English-language public school boards and French-language school boards.

Under the second model, bargaining units of the "Signatory Unions," APSSP and CESS in English-language Catholic school boards may choose between the first model and the original regulation, in cases where that board's bargaining units have chosen to follow those two models. This choice is to be made by October 31, 2013. However, in cases where the bargaining units have chosen one model, then the members of the

“Signatory Unions,” APSSP and CESS bargaining units are bound by that same model. Where the first model is the one that applies, whether by choice or default, it is effective as of September 1, 2013.

3. Other Provisions in the Amended Regulation

Where members of ETFO, APSSP, CESS, and the "Signatory Unions," have collective agreements that provided for a waiting period in excess of 131 days prior to eligibility for long-term disability benefits, those employees will be eligible for more than 120 short-term long-term disability plan (STLDP) days, based on the difference between the waiting period, as determined by the collective agreement, and 131 days.

The previous regulation had a sunset provision that would have resulted in an automatic revocation of the regulation on August 31, 2014. This provision has been replaced with a provision that maintains the operation of the sick leave regulation during the statutory freeze period established under the *Labour Relations Act, 1995*, that preserves the terms and conditions of employment after collective agreements expire. The regulation now provides that it continues to remain in force until such time as either a new collective agreement comes into operation, or the parties are in a legal strike or lock-out position, whichever comes first.

B. CONCLUSION

If you require further information, please contact:

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The road to the conclusion of the 2012-14 labour framework has been a long one. We would like to take this opportunity to thank you for your patience, understanding and support during this process.

Original signed by

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