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2013: B9

MEMORANDUM TO: Directors of Education
Secretary/Treasurers of School Authorities

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

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

DATE: **May 8, 2013**

SUBJECT: **Implications of the MOU with OSSTF**

On April 18, 2013, the members of the Ontario Secondary School Teachers' Federation (OSSTF) voted in favour of the agreement that had been reached with the Province at the end of March. With the exception of the sick-leave provisions, which are retroactive to September 1, 2012, all other provisions are effective as of their incorporation into local agreements, unless a date is indicated otherwise in the memorandum of understanding (MOU). For further details, please refer to the OSSTF MOU itself, which can be found at <http://www.edu.gov.on.ca/eng/studentFirst.html>.

As noted in previous correspondence, the provisions of the collective agreements established under the *Putting Students First Act, 2012* and *Education Act* continue in force over the two-year term of the labour framework.

We are writing today to advise you of the steps, both regulatory and otherwise, that the Government is taking to facilitate the implementation of this MOU, including the modification of current collective agreements at the board level.

A. OSSTF LOCAL BARGAINING

Changes contained in the OSSTF MOU are to be incorporated in collective agreements with the agreement of the local unions and their respective school boards. In particular, the following items are to be appended to, and form part of, the existing local collective agreement without amendment:

- Job Security for Support Staff
- Maternity Benefits
- Voluntary Unpaid Leave of Absence Program for All Bargaining Units
- Unpaid Days and Offsetting Measures for Teacher Bargaining Units
- Reconciliation for Teacher Bargaining Units
- Attendance Recognition
- Sick Leave/Short-Term Sick-Leave Disability Plan
- Long-Term Disability
- Non-vested Retirement Gratuity for Employees
- Specialized Job Classes

In addition, a period of local bargaining should be underway and must conclude by June 28, 2013. Local issues for discussion must be resolved in a manner that is consistent with the terms contained in the OSSTF MOU, or associated regulations and legislation.

The inclusion of provincial items in local agreements should be done as soon as possible, and need not wait for local negotiation of non-provincial issues, which should occur separately.

Many of the actions described herein must be implemented by the making of regulations.

It should be noted that regulations to effect the agreement have not yet been made. The information in this memorandum is provided in the absence of such regulations.

The Minister will recommend such regulations.

We expect that boards will largely be able to implement the MOU within their existing funding envelopes. At the same time, the Ministry does intend to support the boards through that process and will be closely monitoring the MOU's implementation. Moving

expeditiously to incorporate the MOU into local agreements will allow us to move forward and begin the important discussions on the vision for the next bargaining framework.

B. IMPLEMENTATION ISSUES

1. Implementation Committee

Specific interpretive issues have arisen from the *Putting Students First Act, 2012*, and the OSSTF MOU. Those issues are being dealt with by an implementation committee made up of OSSTF, board, and Ministry representatives. This committee will work to reach consensus and to issue agreed-upon interpretations with precedential value.

2. Hiring Practices

One matter addressed in the MOU is a committee on Regulation 274, which deals with teacher-hiring practices. The committee shall meet with a view to establishing hiring practices agreeable to school boards and their respective local OSSTF bargaining units for implementation by September 2013. The Government is interested in any joint recommendations that are consistent with providing the best possible program to students.

C. REGULATORY AND OTHER CHANGES BASED ON THE OSSTF MOU

1. Maternity Leave

Effective May 1, 2013, an employee who was previously entitled to maternity benefits under the 2008-2012 collective agreement will continue to be entitled to those benefits. In addition, the benefits are also available to:

- Employees hired in a term position or filling a long-term assignment, with the length of the benefit limited by the term of the assignment; and
- Any other full-time employee (for this purpose defined as working more than 24 hours per week).

Employees on daily casual assignments are not entitled to maternity benefits. Also effective on May 1, 2013, maternity benefits for eligible employees will be:

- Guaranteed at 100% of salary for a total of not less than eight (8) weeks. For any part of the eight weeks that falls during a period of time that is not paid (for example, Summer, March break), the remainder of the eight weeks of top up shall be payable after that period of time; or
- If deemed advantageous by a local bargaining unit, maternity benefits may be altered to include six (6) weeks at 100% plus meshing with any superior entitlements to maternity benefits contained in the 2008-2012 collective agreement.

2. Unpaid Days

All permanent teachers will be required to take an unpaid professional development (PD) day on Friday, December 20, 2013. However, the use of offsetting measures will be permitted to reduce the remaining unpaid days that permanent teachers are required to take in 2013-14. In cases where the savings from these measures exceed the amount needed to offset unpaid days, these savings will be retained by school boards.

By using offsetting measures, such as voluntary unpaid leave that begins May 1, 2013, permanent teachers will no longer be required to take October 11, 2013, as an unpaid day. This PD day will be reserved for the delivery of Ministry priorities. Recognizing the importance of professional development for Ministry priorities, the Government will work with boards to re-allocate existing provincial and board PD funds to cover the first 16% of the funding needed for boards to offset the cost of a PD day. Further information on this item will be shared with boards in the coming weeks

Voluntary unpaid leave should be made available immediately, as any delay will result in a reduced ability to generate savings. If the projected savings from voluntary unpaid leave and PD-day efficiencies fall short of covering the cost of one of the unpaid days, an Early Retirement Incentive Plan (ERIP) can be introduced, at the discretion of the board, as a further offsetting measure. The details of the structure of ERIP are laid out in the MOU. Further, other cost savings measures can also be introduced if agreed to by both parties.

In the event that these offsetting measures do not cover the remaining cost of the October 11th PD day, the Government agrees to make up the funding shortfall, with this support being limited to boards that have incorporated the MOU into their local collective agreements. In these cases, there will be no additional Government funding towards the cost of the March 7, 2014 PD day, and permanent teachers will be required to take that day as an unpaid day.

Where offsetting measures do cover the cost of the October 11th PD day, but do not cover the full cost of the March 7th PD day, the Government agrees to make up that funding shortfall, with this support again being limited to boards that have incorporated the MOU into their local collective agreements.

A committee, with equal representation from the local board and the bargaining units, will be struck to track the progress on each board's offsetting measures, with the costs of the committee deducted from savings. The committee should be in place by June 2013.

New reporting mechanisms are being developed by the Ministry for the committee to track the progress of the offsetting measures so that the Ministry can adjust its cash flow to boards accordingly. Details on these new reporting requirements will be provided by separate memorandum over the coming weeks.

All OSSTF support staff will not be required to take any unpaid days. These employees are, nevertheless, eligible to participate in a voluntary unpaid leave of absence program, should they so choose.

3. Sick Leave Credits

The 120 days of short-term sick leave beyond the 11 days at 100% are to be funded at 90% of salary for OSSTF members. Any adjudication of sick-leave claims related to the 120 days would be as per the practice of the 2011-12 school year. Likewise, eligibility for the Short-Term Leave and Disability Plan (STLDP) would be subject to the terms and conditions of the 2008-2012 collective agreement and/or board policies, procedures, and practices in place during the 2011-12 school year.

4. Attendance Recognition

Permanent regular day-school teachers who use less than six full days of sick leave in 2013-14 will be reimbursed the equivalent of one full day's pay at the end of the school year.

All OSSTF support staff who bargain collectively and who have taken a full day of voluntary unpaid leave will also be eligible for attendance recognition remuneration in 2013-14.

5. Calculation of Non-vested sick days

As communicated in the memorandum of March 30, 2013: **B7 – Changes to the Requirements for the Wind-up Payments for Non-vested Retirement Gratuities**, school boards are now required to pay up to 25 cents per dollar of the employee's salary as of August 31, 2012, prorated with accumulated sick days and years of service as of August 31, 2012, with respect to non-vested retirement gratuities.

C. CONCLUSION

If you require further information, please contact:

Issue	Name	Contact
Financial accountability and reporting requirements	Andrew Davis	(416) 327-9356 andrew.davis@ontario.ca
Operating funding	Joshua Paul	416) 327-9060 joshua.paul@ontario.ca
Collective Agreements	Rita Waller	(416) 325-2836 rita.waller@ontario.ca
Hiring Practices	Paul Anthony	(416) 325-7744 paul.anthony@ontario.ca

We are looking to school boards to work collaboratively with their local unions to implement the provisions of the OSSTF MOU. The Ministry is committed to supporting school boards as much as possible through this process.

Original signed by:

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Tim Hadwen
Assistant Deputy Minister (Acting)

cc: Superintendents of Business and Finance Howie Bender, Chief of Staff