



## REPORT TO BOARD OF TRUSTEES

### September 24, 2013

Jim McKenzie, Associate Director & Treasurer

**SUBJECT:** Collective Agreement Amendments

**PREPARED BY:** Ann Sutton, Superintendent of Education

#### **BACKGROUND:**

In spring of 2012, the Ministry of Education engaged the Ontario English Catholic Teachers' Association (OECTA) and the Ontario Catholic School Trustees' Association (OCSTA) in a series of discussions in an attempt to reach consensus on a Provincial Memorandum of Understanding between Catholic teacher unions and Catholic Boards of Education. When the negotiations broke down, the Ministry of Education entered into agreement with OECTA, to the exclusion of Catholic School Boards. The resultant Memorandum of Understanding, dated July 5, 2012 was imposed on school boards through legislation, including Bill 115 and subsequent regulations.

Following similar memoranda of understanding being struck between the Ministry and other unions representing education workers, the Ministry, in May 2013, engaged in a second Memorandum of Understanding (MOU) with OECTA. School Boards have been encouraged to append clauses from that second memorandum to the current Collective Agreement, in order to receive funding that would support implementation, according to provisions listed in the B12 Memo "Implications of the Updated MOU with OECTA", dated May 27, 2013.

A parallel process has been followed by the Ministry with The Canadian Union of Public Employees (CUPE) and the Association of Professional Student Services Personnel (APSSP).

The motion listed below for CUPE, if passed, will append the required clauses to the CUPE collective agreements.

The motions list below for OECTA and APSSP, if passed, will authorize staff to continue to engage in negotiations with each union to append the required clauses to the respective collective agreements.

Thus, the St. Clair Catholic District School Board will be eligible to receive the funding to facilitate implementation.

#### **RECOMMENDATIONS:**

**That the St. Clair Catholic District School Board receive the report: *Collective Agreement Amendments*, for information.**

**That the St. Clair Catholic District School Board approve the resolution concerning the 2012 -2014 CUPE *Collective Agreement Amendments*;**

**St. Clair Catholic District School Board (the “Board”)**

**RESOLUTION OF THE BOARD OF TRUSTEES** dated the 24<sup>th</sup> day of September, 2013;

**WHEREAS** the Deputy Minister of Education issued a memo to Directors of Education, Supervisory Officers and Secretary-Treasurers of School Authorities dated August 8, 2013 (the “Memo”);

**AND WHEREAS** the Memo states that school boards are required to forward, through the Director of Education, an executed Statement of Attestation (attached as Schedule B to the Memo);

**AND WHEREAS** the Statement of Attestation requires the Board to attach resolutions regarding the appending of Memoranda of Understanding to local collective agreements;

**RESOLVED** that:

1. Appended to the 2012-2014 Collective Agreement (the “Collective Agreement”) between the Canadian Union of Public Employees (“CUPE”) and the St. Clair Catholic District School Board (the “Board”) as Appendix A deemed to be part of the Collective Agreement are the following provisions of the updated Memorandum of Understanding, dated May 10, 2013, between the Minister of Education, and CUPE (hereinafter “CUPE MOU #2”):

- Non-Vested Retirement Gratuity for Employees
- Sick Leave/Short Term Sick Leave Disability Plan
- Offsetting Measures
- Specialized Job Classes
- Letter of Understanding – Job Security for Support Staff - addendum

2. In the event of a conflict or inconsistency between any obligation of the Board under the Collective Agreement, and any of the appended provisions of the CUPE MOU #2, the appended provision or provisions shall prevail.

**That the St. Clair Catholic District School Board approve the resolution concerning the 2012 -2014 OECTA *Collective Agreement Amendments*;**

**St. Clair Catholic District School Board (the “Board”)**

**RESOLUTION OF THE BOARD OF TRUSTEES** dated the 24<sup>th</sup> day of September, 2013;

**WHEREAS** the Deputy Minister of Education issued a memo to Directors of Education, Supervisory Officers and Secretary-Treasurers of School Authorities dated August 8, 2013 (the “Memo”);

**AND WHEREAS** the Memo states that school boards are required to forward, through the Director of Education, an executed Statement of Attestation (attached as Schedule B to the Memo);

**AND WHEREAS** the Statement of Attestation requires the Board to attach resolutions regarding the appending of Memoranda of Understanding to local collective agreements;

**RESOLVED** that:

1. Appended to the 2012-2014 Collective Agreement (the “Collective Agreement”) between the Ontario English Catholic Teachers’ Association (“OECTA”) and the St. Clair Catholic District School Board (the “Board”) as Appendix A deemed to be part of the Collective Agreement shall be the following provisions of the updated Memorandum of Understanding, dated May 17, 2013, between the Minister of Education, and OECTA (hereinafter “OECTA MOU #2”):

- Maternity Benefits;
- Voluntary Unpaid Leave of Absence Program for All Bargaining Units;
- Unpaid Days and Offsetting Measures for Teacher Bargaining Units;
- Sick Leave/Short Term Sick Leave and Disability Plan; and
- Non-Vested Retirement Gratuity for Teachers.

2. In the event of a conflict or inconsistency between any obligation of the Board under the Collective Agreement, and any of the appended provisions of the OECTA MOU #2, the appended provision or provisions shall prevail.

3. When appending the above-referenced provisions of the OECTA MOU #2, the Board does not waive or prejudicially affect any denominational right or privilege, nor does it waive or prejudicially affect any non-denominational aspect necessary to deliver the denominational elements of education guaranteed by section 93 of the *Constitution Act, 1867* (together “Denominational Rights”). In the event of a conflict or inconsistency between any obligation of the Board under the Collective Agreement and any Denominational Right, the Denominational Right shall prevail.

**That the St. Clair Catholic District School Board approve the resolution concerning the 2012 -2014 APSSP Collective Agreement Amendments;**

**St. Clair Catholic District School Board (the “Board”)**

**RESOLUTION OF THE BOARD OF TRUSTEES** dated the 24<sup>th</sup> day of September, 2013;

**WHEREAS** the Deputy Minister of Education issued a memo to Directors of Education, Supervisory Officers and Secretary-Treasurers of School Authorities dated August 8, 2013 (the “Memo”);

**AND WHEREAS** the Memo states that school boards are required to forward, through the Director of Education, an executed Statement of Attestation (attached as Schedule B to the Memo);

**AND WHEREAS** the Statement of Attestation requires the Board to attach resolutions regarding the appending of Memoranda of Understanding to local collective agreements;

**RESOLVED** that:

1. Appended to the 2012-2014 Collective Agreement (the “Collective Agreement”) between the Association of Professional Student Services Personnel (“APSSP”) and the St. Clair Catholic District School Board (the “Board”) as Appendix A deemed to be part of the Collective Agreement shall be the following provisions of the updated Memorandum of Understanding, dated June 14, 2013, between the Minister of Education, and APSSP (hereinafter “APSSP MOU #2”):

- Non-Vested Retirement Gratuity for Employees
- Sick Leave/Short Term Sick Leave and Disability Plan
- Maternity Benefits
- Unpaid Leave Days
- Offsetting Measures for all Bargaining Units
- Specialized Job Classes
- Job Security for Support Staff

2. In the event of a conflict or inconsistency between any obligation of the Board under the Collective Agreement, and any of the appended provisions of the APSSP MOU #2, the appended provision or provisions shall prevail.