

MEMO TO: All Members
FROM: Doug Smuland, Labour Relations Officer
DATE: September 29, 2020
RE: Direction to Work on Non-Instructional Days (Part-Time Teachers)



Dear ATU Member,

Some of you may have received the startling notification from your administrator that part-time teachers were being directed to attend last Friday's non-instructional day even though it may not have been a normal day of work for them. Many part-time teachers were also told that in going forward they would be required to attend work on all non-instructional days proportionate to their FTE. As such, if a teacher works in a .6 FTE contract on Monday/Tuesday/Wednesday, the district would now expect them to attend on .6 of all PD days irrespective of the fact that they are all scheduled on Fridays.

The district has confirmed with the ATU that their position is as stated above and that part-time teachers are expected to attend work proportionate to their FTE on days including days that they are not formally scheduled to work. When questioned about this change of practice, the response provided was that:

"the agreement [CA] is silent on whether the days are to be paid for teachers not scheduled to work on these days. Absent this, teachers are considered salaried employees and their pay incorporates the obligation to attend on days designated non-instructional days. For reasons of fairness and equity, we are not asking PT teachers to attend the days in question for greater than their FTE allocation. ...In summary, the expectation is that all teachers attend and that as salaried employees their salary includes their attendance."

Needless to say, the ATU disagrees with the District's new position. The district's opinion in no way accounts for the reality that teachers have lives outside of their employment with SD#34 and that given other external commitments, including employment in other districts on the days in question, it may not be reasonably possible to adhere to this form of servitude.

This issue will be grieved, and that process is a slow and cumbersome one that does not find resolution promptly. While it progresses, teachers are bound under a "work now grieve later" obligation, but that does not mean that steps should not be taken by teachers to extricate themselves from having to attend on non-workdays.

For example, if a teacher has childcare issues preventing them from attending, they should first attempt to obtain care. Knowing how impossible this may be during Covid-19, they may not be successful. Teachers should then document their attempts to find care and inform their administrator that care was not found and as such they are unable to attend on the day in question. If they are employed elsewhere on the days in question, teachers might want to get a document from their other employer outlining their obligations to work. These two examples will not cover the myriad of issues in your life preventing acquiescence to this direction and I would encourage teachers to contact the ATU to discuss personal situations preventing compliance so that we might provide further support.

Respectfully,
Doug Smuland
ATU Labour Relations Officer