

LETTER OF UNDERSTANDING
 BETWEEN
 The Saanich Teachers' Association ("STA")
 School District No. 63 (Saanich) (the "Board")

RE: STAFFING PROCESS 2009 - 2011

The Parties agree to the following staffing process until the completion of the 2010 - 2011 school year. This letter is without prejudice and without precedent to this and any other school district and/or any school year, and will only be renewed by the consent of all parties. This letter shall be in effect until June 30, 2011.

DEFINITIONS

<u>Term</u>	<u>Definition</u>	<u>Reference</u>
Contract	Employment relationship between a teacher and the Board: either continuing or temporary	C.12
Position	A school or district placement and its teaching area(s) and full time equivalency (FTE)	E.15
Assignment	Classes of students or specialty area(s) in any given school year assigned by administration.	E.15
Vacancy	A newly created or existing position to which a teacher is not assigned and which the Board considers necessary to fill. (Note: The parties agree that potentially available positions created by issuing Notices of Intent to Layoff are not considered vacancies for the purposes of mobility.)	E.13
NOIL	Notice of Intent to Layoff	C.18.1.4

PLANNING FOR SPRING STAFFING

1. The Board will continue to plan its annual staffing according to past practice. School-based administrators will work in collaboration with the Human Resources Department to identify the number of positions needed in their school for the next school year. Teachers with continuing appointments will remain in their school provided that their necessary qualifications, seniority, and school enrolment are sufficient to sustain their positions.
2. Teachers will continue to provide the Board with Staffing Intent Form information in February to facilitate the Board's planning for its staffing needs in the coming school year.
3. During the month of April, the Human Resources Department in conjunction with school-based administrators will identify teachers with continuing status for whom it is expected there will not be a position at their school for the next school year. These teachers will be deemed "excess to school need" and will be the least senior continuing teachers, subject to qualifications, within their school.

4. During Round 1 and Round 3 the Board will prepare postings that, to the greatest extent possible, do not combine teaching areas that require unlikely combinations of teaching qualifications. In some cases, combining teaching areas in the same posting may be desirable, however, the Board will only do so to secure or retain specialist teacher services, and if the Board would not otherwise be able to fill the specialist vacancy. In such circumstances, the Board will provide the Association with advance notice of its intentions and its reasons. Such postings will not be created for arbitrary or capricious reasons.
5. Except as provided in #24 below, continuing positions that are vacated on a permanent basis (i.e. other than temporarily) will be posted as vacated except:
 - i. Where all or a portion of the position no longer exists;
 1. Where only a portion of a position remains that portion of the position will be posted.
 - ii. Where the position vacated combines teaching areas with unlikely combinations of teaching qualifications as described in #4, in which case the position will either be split (and the components posted separately) or posted pursuant to #4.

MOBILITY OPPORTUNITIES FOR TEACHERS (ROUND 1)

6. Vacancies for positions commencing at the start of the next school year made available through retirements, resignations, and leave requests known by May 1 will be posted by the first Friday in May at 4 pm, closing Thursday of the next week at 10 am, to provide an opportunity for teachers to apply and change positions within the district.
 - a. The parties agree that, in order to facilitate the retention of teachers in the district for the following school year, the Board has the option to conduct post and fill rounds during March and / or April to provide early mobility opportunities for qualified teachers.
 - i. The Board will provide reasonable notice to all teachers of the timing and specialist teaching areas to be posted prior to Round 1 posting.
7. Vacancies anticipated as a result of the Notices of Intent to Layoff will not be posted in this round. The parties agree that Notices of Intent to Layoff are for the purposes of ensuring employment opportunities for teachers pursuant to this letter and not for the purpose of providing mobility opportunities for senior teachers.
8. Vacancies that may be created by mid-year retirements will be posted as either continuing or temporary positions during this round or in the fall as the circumstances warrant.
 - a. Such vacancies for which it is known that there will be a continuing need will be posted as continuing and will be awarded in accordance with #11 below regardless of the time of year at which they are posted.
 - b. Such vacancies for which it is not known that there will be a continuing need will be posted as temporary for the balance of the school year and will be awarded in accordance with #11 or #21 as applicable.
 - i. Vacancies described in #8b will be posted in the next Mobility Round as continuing for the following September provided that the need for the position at the school continues to exist for that school year.

9. Round 1 mobility postings will re-commence during the first week of June after the completion of the NOIL process (Round 2) and will include all postings before the Round 3 postings in mid June. Such mobility postings will be awarded in accordance with #11 below.
10. Full-time continuing vacancies will be considered mobility opportunities to provide further opportunity for teachers to apply for and change positions within the district. Such mobility postings will be awarded in accordance with #11 below.
11. Provided the senior applicant teacher has the necessary qualifications for the posted vacancy, the senior applicant teacher will be awarded the position in all mobility postings.

EMPLOYMENT OPPORTUNITIES FOR NOIL TEACHERS (ROUND 2)

12. After the first mobility round of postings is complete in early May and before any further rounds of postings are conducted, the Human Resources Department will identify the teachers based on seniority who will be issued a Notice of Intent to Layoff pursuant to Article C.18.1.4. This will include the teachers previously identified as “excess to school need” and all continuing teachers within the district who have less seniority than the most senior teacher deemed “excess to school need” at any school at the same level. The number of years of seniority of teachers receiving a Notice of Intent to Layoff may vary among secondary, middle, and elementary levels.
 - a. Less senior teachers occupying a position requiring specialized qualifications may be excluded from the NOIL process for the specialized portion of their position when:
 - i. more senior teachers who will receive Notices of Intent to Layoff do not possess the specialized qualifications for the position held by the less senior teacher; and
 - ii. the less senior teacher occupying the position possesses the specialized qualifications referred to in (a) above.
13. The less senior teachers (in #12a above) who are excluded from the Notices of Intent to Layoff will be included in the district staffing process described in Round 2 if their position is less than 1.0 FTE.
14. The Board will provide to all teachers receiving a Notice of Intent to Layoff:
 - a. The seniority level of teachers at each of elementary, middle, and secondary level that the Board intends to issue Notices of Intent to Layoff.
 - b. An opportunity for those teachers receiving a Notice of Intent to Layoff to meet with the Board and the STA to review staffing procedures and the list of less senior teachers referred to in #11a above who have been excluded from the NOIL process.
 - i. Teachers with a Notice of Intent to Layoff will have at least three school days, from the meeting described in #14b above to challenge, based on necessary qualifications, the Board’s exclusions from the Intent to Layoff list by notifying both the Board and the STA in writing or by email.
 - c. An up-to-date seniority list for all teachers.
15. Positions left available through the issuance of Notices of Intent to Layoff will be published as a single list on Friday of the third week of May at 4 p.m. and will close after a seven day posting period.

16. Teachers with a Notice of Intent to Layoff will express interest in all positions published in Round 2 for which they are qualified through the [district application form](#), and will list preferences for particular positions in order.
 - a. The list of teacher preferences referred to above will only apply if:
 - i. the Board is not able to return the teacher with a Notice of Intent to Layoff to his/ her current position with at least the current FTE level or
 - ii. a position with greater FTE, to which the teacher has expressed a preference and is qualified, would otherwise be filled by a teacher with less seniority.
 - b. The Board will award positions in descending order of district seniority subject to the applicant teacher possessing the necessary qualifications for the available position. In so doing, the Board will make every attempt to arrange assignments to permit the creation of as many full time positions as possible in order to increase the senior less than 1.0 FTE applicant teachers to full time.
 - c. The position awarded will, under normal circumstances, be the teacher's top priority choice of the available (remaining) positions for which the teacher is qualified.
 - d. The Board may award a position other than the choice in #16c above only when (i) and (ii) below occur:
 - i. The decision is made for educationally sound reasons. Maintaining an incumbent NOIL teacher in his / her full position will be considered an educationally sound reason for the purposes of #16d.
 - ii. The position awarded is the next available preference expressed by the teacher.
17. Where a teacher does not express any preferences, or their preferences are exhausted, the Board will assign that teacher at its discretion, provided the teacher is the senior candidate with the necessary qualifications.
18. Any unpublished position that may exist at the time of the district staffing meeting will be filled through the posting process in subsequent rounds.
19. The Board will provide the Association with a listing of the successful candidates for the positions awarded in Round 2. The list will be provided within 3 working days and will specify situations in which teachers are not placed in their top priority choice of available positions.

EMPLOYMENT OPPORTUNITIES FOR ALL TEACHERS (ROUND 3)

20. Round 3 postings, except for "mobility" postings as described in this letter, will begin with the last round of postings that close in the month of June. Such postings should reflect only those vacancies not reasonably known to the Board before Round 3 postings begin. Such postings will be awarded in accordance with #21 below.
21. The Parties recognize that, subject to the necessary qualifications, greater seniority should be commensurate with greater job security and increased opportunities to secure a full-time position. During Round 3 except for "mobility" postings as described in this letter, teachers who would be increasing their FTE position when filling vacant positions will receive priority over more senior teachers who would not be obtaining a greater FTE position. Nothing in this clause precludes the provisions of Article E.14.7 where applicable.*

22. The Board will make every attempt to arrange assignments, consistent with #4 above, to permit the creation of as many full time positions as possible in order to increase the less than 1.0 FTE teachers to full time.
23. ~~Except as provided in #4~~, when filling vacancies, the position described in the posting will only be divided into two or more positions and awarded to more than one applicant if it results in increasing the senior, less than 1.0 FTE teacher applicant in the school subject to the provisions of #20 above.
 - a. ~~In posting situations where the provisions of #23 are in conflict with #4, the provisions of #4 will prevail.~~
24. Continuing positions that are vacated after the final postings in June or during the school year may be filled on a temporary basis for the balance of the school year either through posting(s) and/or in accordance with #25.
 - a. Vacancies described in #24 will be posted in the next mobility round as continuing for the following September provided that the need for the position at the school continues to exist for that school year.
25. Assignment increases pursuant to Article E.15.6 will only occur after the summer closure period in mid-August and during the school year and should reflect only those increases not reasonably known to the Board before the summer closure period. Such increases to a teacher's position will be limited to 0.3 FTE annualized over the school year and will be offered to the senior less than 1.0 FTE teacher in the school with the necessary qualifications provided the increase in assignment does not conflict with the teacher's existing schedule.
26. Subsequent rounds of postings will occur as necessary with vacancies posted on Fridays and closing the following Thursday at 10:00 a.m. During June, vacancies may be posted on a day other than a Friday provided they are posted for the same number of days.
27. There will be no posting activities between July 8 and mid-August. Postings will resume no earlier than August 15. Postings prior to the commencement of classes in September may have an abbreviated posting period of five days.

* E.14.7 (*excerpt from collective agreement*)

- a. If a new or existing position becomes vacant after September 1 and the successful applicant is currently employed in another full-time position or in a part-time position which may conflict with the scheduled assignments of the vacant position, the position will be filled immediately, according to E.14.2, but such filling will not become effective until June 30th of that school year.
- b. In the intervening period, the position will be filled by a teacher on a temporary appointment.
- c. If the intervening period is less than twenty (20) days, the position may be filled by a teacher-on-call without re-posting.

LAYOFF AND RECALL

28. Teachers who have received a Notice of Intent to Layoff and who are awarded a position prior to June 30, including a position of less FTE than their current assignment, will receive notice of cancellation of the Notice of Intent to Layoff and will not be placed on the recall list.
29. In order to be considered for a vacant position, all teachers, including teachers who are on the recall list, must apply for posted vacancies.
30. Teachers who have received a Notice of Intent to Layoff and who have not been awarded a position by June 30 will receive confirmation of Layoff pursuant to Article C.18.1.4. The teachers who receive confirmation of layoff will be placed on a recall list effective July 1 and will have recall/severance rights pursuant to Article C.18.
31. For teachers on the recall list, necessary qualifications will be determined pursuant to Article C.18.1.3
32. For the duration of the Letter of Understanding, the provisions of Article C.18.2.1 and Article C.18.2.4a are suspended. Teachers on the recall list must apply for positions. Article C.18.2.4b remains in force.

CHRONOLOGY OF STAFFING PROCESS

February	Staffing intent forms sent out by Board. Teachers complete staffing intent forms listing leave requests known at the time, retirement intentions, mobility requests to particular schools, etc.
March/April	Human Resources Department and school administrators develop staffing plans for the coming year with a view to determining if specific schools may need to reduce the teaching staff for the coming year.
April	Optional specialist teachers post and fill round for retention /mobility purposes.
May 1	Teachers' deadline to indicate intention to retire in the following school year in application for Early Retirement / Career Change Incentive Program
May 2	Human Resources department compiles list of vacancies necessary to fill based on known retirements and confirmed leave requests.
First Friday in May to 7 days thereafter	Round 1 – Mobility round of postings for the following school year. Vacancies based on retirements, leave requests, projected enrollment increases, but do not include NOIL positions.
May 7 – 13 (approximately)	Successful candidates for first mobility posting round informed.
Mid-May	Notices of Intent to Layoff issued.
Mid-May plus 1 – 3 days	Meeting of teachers in receipt of Notices of Intent to Layoff.
3 days after meeting with NOIL teachers	Deadline for NOIL teachers to challenge exclusions from the NOIL list.
Third Friday in May to 7 days thereafter	Round 2 – List of available positions for the next school year (to be dealt with at the district staffing meeting) published for NOIL teachers. NOIL teachers submit (on-line) list of preferences to the HR department based on published list of potentially available positions for the following school year.
First week of June	District-wide staffing process meeting at DRC. Teachers notified of outcomes of DRC meeting and list of successful candidates for positions provided to STA, including details of exceptional cases.
First to third weeks of June	Round 1 mobility postings continue for all postings.
Last Postings closing in June	Round 3 postings commence Note: Full time, continuing postings remain as “Mobility” opportunities.
August 15	Round 3 continues. Earliest possible date for first round of postings after return from summer closure.

This Letter of Understanding on the staffing process in Saanich School District signed by:

Saanich Teachers' Association

School District No. 63 (Saanich)

Date: _____

Date: _____

British Columbia Teachers' Federation

British Columbia Public School Employers' Association

Date: _____

Date: _____