

Memorandum of Agreement Teachers' Unfunded Pension Liability

Frequently Asked Questions: School Boards and Teacher Bargaining Units

1) Who is affected by the Memorandum of Agreement? Will Central Office certificated staff receive some or all of the teacher benefits?

All Alberta Teachers' Association (ATA) members who are part of a collective agreement in one of the 62 publicly elected school boards will receive the provisions outlined in the Agreement.

ATA members who are part of a collective agreement and employed on contract as of April 30, 2008 will receive a lump-sum payment of \$1,500 on a pro-rated basis according to the proportion of full-time employment since September 1, 2007.

Certificated teachers in central office positions who are not included in collective agreements, substitute teachers and those employed in charter schools and the two Lloydminster boards will not be eligible for the provisions in the Agreement pertaining to the collective agreements, including the \$1,500 lump-sum payment.

All teachers and other certificated staff who contribute to the Teachers' Pension Plan where the Government of Alberta is the employer-contributor will have their pension contributions permanently reduced by 3.1% for the rest of their teaching careers.

2) What about other employment groups who are not represented in the Memorandum of Agreement?

The Agreement reflects that government and the ATA, the co-sponsors of the Teachers' Pension Plan, worked to find a long-term solution to the teachers' portion of the pre-1992 unfunded pension liability. The 3% increase on salary, allowances, rates of pay and substitute pay for teachers in the 2007/2008 school year does not set a precedent for negotiations with other staff. School boards have responsibilities to address other staff negotiations in good faith and according to the board's financial resources.

3) What's the deadline for the agreement?

The 62 publicly elected school Boards and their respective local Teacher Bargaining Units must enter into new or revised collective agreements with the provisions as outlined in the Memorandum of Agreement by January 31, 2008.

The government acknowledges that meeting the January 31, 2008 deadline will require significant effort from both the ATA and the 62 school boards. However, the task has been made less onerous by the fact that salary, collective agreement term and minutes of instruction are established in the Agreement.

4) What is the role of the mediator?

Mediation services will be available at the request of the parties to assist with the new/revised collective agreements at any point in the collective bargaining process. This process will not be any different than the mediation process outlined under the *Labour Relations Code*. The commitment on the part of government is to ensure mediators are promptly appointed whenever the government is requested to do so in order for collective agreements to be completed on a timely basis. The expectation is that all collective agreements will be completed by January 31, 2008.

5) Why were school boards not involved in the process to reach the agreement?

The ATA and government are the two co-sponsors of the Teachers' Pension Plan.

Neither the Minister of Education nor the President of the ATA was part of the negotiations. In addition, the communications blackout that both parties agreed to follow meant that information on the status and content of the negotiations was restricted.

6) How does this affect other government initiatives such as the Class Size Initiative?

The Class Size Initiative is an ongoing financial commitment by government to school jurisdictions. School jurisdictions are expected to continue to allocate resources to achieve the targets established by Alberta's Commission on Learning. This funding remains targeted and school jurisdictions will not be penalized on the progress achieved. Government will continue to monitor and report on jurisdictional class size averages, as recommended by Alberta's Commission on Learning in Recommendation 14.

7) How will the Agreement be funded?

Government is committed to funding the Memorandum of Agreement. Implementation details will follow after the Agreement is operationalized by the signing of the 62 collective agreements. School boards and Teacher Bargaining Units can bargain in good faith with the assurance that the terms in the Memorandum of Agreement will be funded by the government. Items not included in the Agreement but established in the new/revised collective agreements between boards and local Teacher Bargaining Units will continue to be funded by School Boards within their established funding allocations.

8) How does the 3% increase fund the agreement, taking into account grid movement and allowances?

Boards have always been required to budget for grid movement from within their total Renewed Funding Framework allocations. This has always been a board decision and will continue to be. Depending on a variety of factors, including the relative number of teacher retirements, total salary costs at the Board level might go up or down from year to year.

9) How will the clauses in the Memorandum of Agreement related to “hours of work/minutes of instruction” work?

The Memorandum of Agreement indicates that, where contracts included provisions concerning hours of work/minutes of instruction on June 1, 2007, those provisions will be ‘written into’ the new/revised collective agreements for the term of the agreements, and where there were ‘sunset’ provisions, those provisions would also be ‘written into’ the new agreements with new effective dates, as specified in the Memorandum of Agreement.

10) What is the rationalization for using June 1st for hours of work/minutes of instruction?

Government appreciates that school boards want flexibility with respect to decision making about such matters as “sunsetting” clauses. The clause in the Agreement is written to indicate that the freeze on the sunsetting provisions for the term of the agreement will operate on a without prejudice basis, and will not be considered to be a precedent to adversely affect the rights of either the Association or the school boards referenced in the Agreement. The June 1st date was established to recognize some collective agreements where the sunsetting would have concluded later in the year.

11) What are the implications for collective agreements that have not expired but have an expiry date after August 31, 2007?

Government and the ATA have agreed that those collective agreements with terms that extend beyond August 31, 2007 will be re-opened, by mutual agreement, and the requisite provisions as set out in the Memorandum of Agreement with respect to term, rates of pay and hours of work/minutes of instruction will be required to be added to those agreements. School boards and ATA locals have the option of bargaining other issues for the remainder of the term of those agreements.

12) Will the Memorandum of Agreement terminate if one or more jurisdictions are unable to conclude new or revised collective agreements?

The government’s assumption of the teachers’ contributions to the pre-1992 unfunded liability, the assumption of the teachers’ portion of the pre-1992 liability and the other provisions of the Memorandum of Agreement are conditional on the signing of collective agreements by all 62 school boards and Teacher Bargaining Units by January 31, 2008.

13) What will happen to new/revised collective agreements already ratified if the Memorandum of Agreement fails?

Agreements that had already been ratified would have no standing and all jurisdictions would revert to their previous status.

For the eight school boards with collective agreements past August 31, 2007, these agreements would continue in force through to their conclusion in either 2008 or 2009. For the 54 School Boards with collective agreements that expired as of August 31, 2007, the parties would return to the bargaining table and continue negotiations.

14) What matters cannot be bargained in this round of collective bargaining?

The Memorandum of Agreement specifies that the new/revised collective agreements must have:

- A five-year term ending no earlier than August 31, 2012
- Increases in salary, allowances, rates of pay and substitute pay as specified in the Memorandum of Agreement over that 5-year term, and
- Hours of work/minutes of instruction as specified in the Memorandum of Agreement (note that specific circumstances involving sunseting clauses have been specifically addressed).

There are no other parameters on collective bargaining during the bargaining process to January 31, 2008.

15) What happens when the collective agreements end in 2012?

There will be collective bargaining at the local level on all matters.

This is a unique situation and has required a unique process to resolve the historical concerns related to the unfunded liability of the Teachers' Pension Plan. The Memorandum of Agreement states that its provisions are not a precedent affecting the long-standing rights of either the ATA or school boards.

The agreement provides five years of labour stability and the opportunity for boards, the ATA and government to apply shared energies toward providing the best possible learning environment for students.