

Teacher Welfare COMMITTEE – FRAME OF REFERENCE

Elk Island Public Schools Regional Division No. 14

PREAMBLE

The Economic Policy Committee (EPC) exists as a committee of Elk Island Local to negotiate and police the collective agreement on behalf of the members who are employed by the Elk Island Public Schools Regional Division No. 14, hereinafter called the “Bargaining Unit”.

1. Membership

- 1.1 There shall be twelve (12) voting members elected at the May General Meeting. All EPC members, officers and committees are deemed to be elected for the longer of two years or for the term necessary to plan and execute business related to a given collective agreement.
- 1.2 Members must be employed by the Elk Island Public Schools Regional Division and be members of the Elk Island Local.
- 1.3 The president of Elk Island ATA Local No. 28 is a non-voting member of the EPC.
- 1.4 The chair of the TBAC is a voting member of the EPC.

2. Duties and Responsibilities

The EPC shall exist for the following reasons:

- 2.1 To gather and study data for the purpose of setting objectives for collective bargaining.
- 2.2 To identify and interpret the economic and working conditions needs of teachers.
- 2.3 To prepare proposed amendments to the collective agreement for consideration of the members of the bargaining unit.
- 2.4 To effect changes to the collective agreement as negotiated and ratified by the teachers.
- 2.5 To select the Negotiating Subcommittee (NSC) and establish operational guidelines for its effective operation.
- 2.6 To keep teachers of the bargaining unit informed on matters pertaining to

the progress of negotiations and the specific details of the collective agreement.

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- 2.7 To consult with Teacher Welfare staff officers, district representatives, consultants (as assigned) and members of the bargaining unit before, during and after negotiation.
- 2.8 To identify areas of concern for teachers and to provide the necessary assistance and direction in enforcing the provisions of the collective agreement.
- 2.9 To generally exercise leadership in all matters pertaining to collective bargaining.
- 2.10 To refer the dispute to a Representative of the Bargaining Agent (RBA) following appropriate consultation with the membership.
- 2.11 To ensure staff reps are provided with current information.

3. Executive

- 3.1 The executive of the EPC shall consist of:
 - a) the Chair
 - b) the Vice-Chair
 - c) the Secretary
 - d) the NSC Chair
- 3.1.1 Each of the executive positions shall be selected by the EPC through an election at the organizational meeting of the EPC.
- 3.2 The duties of the officers are:
 - 3.2.1 Chair - Chair EPC meetings, represent the EPC in its relationship with the general membership, attend Local Council meetings as required by the Local Constitution and request the calling of bargaining unit meetings by the Local President.
 - 3.2.2 Vice-Chair – Act on behalf of the chair in his/her absence.
 - 3.2.3 Secretary – Keep an accurate record of all EPC meetings and perform such other internal communications functions as may be assigned from time to time.
 - 3.2.4 NSC Chair – Chair the Negotiating Subcommittee.
- 3.3 Emergency Replacements:

3.3.1 Vacancies in any office or subcommittee shall be filled at the next properly called meeting of the EPC.

4. Consultants and Other Officials

4.1 The economic consultant assigned to Elk Island Public Schools Regional Division No. 14 is a non-voting member of the EPC.

EPC Frame of Reference – Elk Island PSRD No.14, p.3

4.2 The district representative and those staff officers assigned from time to time to the EPC by the Alberta Teachers' Association are non-voting members of the EPC.

5. Committees

5.1 The following subcommittees shall be established:

5.1.1 Negotiating Subcommittee (NSC) – The NSC shall consist of five (5) members. Two (2) members shall be elected by a majority vote of the EPC to serve on the NSC for a given negotiating round. The remaining three (3) of the five (5) members of this committee will be the EPC chair, the EPC vice-chair and the NSC chair. The purpose of the NSC is to:

- a) engage in collective bargaining with the authorized representatives of the Board.
- b) refer the dispute to an RBA following appropriate consultation with the membership.

5.1.2 Grievance Subcommittee – Two (2) members to be selected at the organizational meeting of EPC. The duties of the Grievance Committee shall be to:

- a) represent teachers on the Grievance Committee established by the Collective Agreement
- b) review applicable precedent cases
- c) consult with Teacher Welfare staff officers regarding disposition of each grievance

5.2 Other subcommittees may be established as deemed necessary.

6. Finances

- 6.1 The EPC shall be financially supported by the Elk Island Local No.28.
- 6.2 The chair of the EPC shall prepare and submit to the EPC an annual budget for approval. Upon approval from the EPC, the annual budget shall be submitted to the Local executive for approval and inclusion in the Local's budget.
- 6.3 The EPC shall reimburse members authorized to act on its behalf in accordance with the guidelines established by Elk Island Local No. 28.
- 6.4 The NSC may take up to ten (10) days of release time per year to use for EPC business.

EPC Frame of Reference – Elk Island PSRD No.14, p.4

7. Meetings of the EPC

- 7.1 Meetings of the EPC shall be called by the chair of the EPC on the chair's initiative or at the request of:
 - a) a majority of the EPC executive
 - b) a majority of voting members of the EPC
 - c) the chair of the NSC
 - d) the president of the Local or
 - e) the RBA.
- 7.2 All members are expected to attend meetings called by the chair.
- 7.3 A majority of the voting members shall constitute a quorum.
- 7.4 Absence from three consecutive meetings without reasonable cause or consent will result in that position being declared vacant by a motion of the EPC. The member shall be informed of the committee's decision by the chair. Any vacancy shall be filled by by-election to be held within thirty (30) school days.
- 7.5 At least two meetings will be held per school year. The first meeting shall be between September 1 and December 31 and the second meeting shall be between January 1 and June 30.

8. Rules of Procedure

The proceedings of all meetings shall be regulated by the official rules of procedure as published in the *ATA Members' Handbook*, except that the chair shall have the full rights to debate and vote as accorded to all other members.

9. Bargaining Unit General Meetings

9.1 General meetings shall be called by the chair on his/her initiative after informing the president of the Local or at the request of:

- a) a majority of Local Council representatives
- b) a majority of EPC
- c) **Chair of NSC**
- d) the RBA
- e) 10 per cent of members

9.2 Notice of intent to hold a meeting shall be given to members as soon as possible.

9.3 An accurate record of all meetings shall be kept by the secretary.

EPC Frame of Reference – Elk Island PSRD No.14, p. 5

10. Preparation Procedure

10.1 EPC shall receive suggestions for amendments to the collective agreement from members of the bargaining unit.

10.2 An initial proposal of amendments shall be prepared and submitted to the members of the bargaining unit for discussion, amendment and approval at a general meeting.

10.3 Following the approval of the initial proposal by the bargaining unit, the EPC shall prepare the final submission of proposed amendments to the collective agreement while Teacher Welfare will submit the letter of transmittal to Elk Island Public Schools Regional Division and engage in the collective bargaining process and shall provide members of the bargaining unit with a copy.

10.4 Information regarding the status of negotiations will be available to

any member of the bargaining unit from the EPC Chair at any time.

11. Ratification of Agreement

11.1 The NSC shall work towards a collective agreement, and in the event of arriving at a Memorandum of Agreement, shall be authorized to sign it.

11.2 Upon receipt of a Memorandum of Agreement/Board Offer the EPC shall make a recommendation in regards to the Memorandum of Agreement/Board Offer.

11.3 The EPC shall call a general meeting of the bargaining unit where the Memorandum of Agreement/Board Offer shall be presented. Recommendations of the EPC, NSC and the Local Executive shall be Presented along with any reports pertaining to the Memorandum of Agreement/Board Offer.

11.3.1 Members shall register upon entry to the assembly.

11.4 Voting at the general meeting will be by secret ballot (See Appendix A).

11.4.1 Notwithstanding 11.4, the requirement for the secret ballot vote may be waived provided no member objects.

11.4.2 The membership may, by a simple majority of the members of the bargaining unit present, either:

- a) accept the Memorandum of Agreement/Board Offer or
- b) reject the Memorandum of Agreement/Board Offer.

In the event of rejection, recommendations may be made to the NSC.

EPC Frame of Reference – Elk Island PSRD No. 14, p.6

11.5 Except where time is of the essence, the text of the proposed amendments to the collective agreement shall be made available in writing to the members of the bargaining unit prior to the meeting.

12. Amendments

12.1 Amendments to the Frame of Reference shall be made in accordance with the following procedure:

- a) notice of intent to amend shall be given at a preceding meeting of the EPC
- b) the amendment shall be approved by a majority of EPC

- members
- c) the amendment shall be approved by a majority of Local Council
- d) the amendment shall take effect when ratified by Provincial Executive Council.

12.2 Notwithstanding 12.1, any member of the bargaining unit may initiate amendments by presenting them to the president of the Local. The president shall present the amendments to EPC. Then the amendment will be taken to Local Council as per 12.1 c) where EPC's recommendation is made and the amendment voted upon.

13. Provincial Association Intervention

13.1 In this section,

- 13.1.1 *investigated officer* means an officer of the economic policy committee whose conduct is under investigation pursuant to subsection (2);
- 13.1.2 *investigator* is the individual appointed by the table officers to subsection (2);
- 13.1.3 *officer* means the chair, vice-chair or secretary of an economic policy committee or any other person appointed or elected to an economic policy committee or a subcommittee thereof;
- 13.1.4 *Provincial Executive Council* means the executive council as defined in Section 11 of the *Teaching Profession Act*;
- 13.1.5 *table officers* means the Association's officers as defined in Bylaw 35;
- 13.1.6 *executive secretary* means the chief executive officer of the Association or a person designated by the executive secretary; and
- 13.1.7 *staff officer* means a member of executive staff designated by the executive secretary.

EPC Frame of Reference – Elk Island PSD No.14 – p.7

13.2 Suspension or removal from office of officers

- 13.2.1 Where the table officers have or receive information which leads them to believe that an officer
 - 13.2.1.1 has neglected is or her duties to the extent that

- 13.2.1.2 the proper operation of the economic policy committee is being negatively affected,
- 13.2.1.3 is mentally incapacitated,
- 13.2.1.4 is engaging in corrupt practices,
- 13.2.1.5 is engaging in financial malpractice or has undertaken activities inconsistent with the principles and policies of the Alberta Teachers' Association,

the table officers may initiate an investigation into the conduct of the economic policy committee officer by appointing an individual to conduct an investigation and to provide a written report to the table officers within a specified time with respect to the results of the investigation.

- 13.3 In the course of the intervention under Section 13, an investigated officer is entitled to have access to a staff officer for advice.
- 13.4 The table officers may, taking into account the nature of the alleged conduct and the urgency of the matter in question and any submission from the investigated officer, suspend an investigated officer from office pending the completion of the investigation and may terminate the suspension at any time if the table officers conclude that the suspension is no longer warranted.
- 13.5 The table officers may appoint another individual to assume the duties of the investigated officer during the period of the suspension.
- 13.6 The investigated officer may appeal a suspension from office under subsection 13.4 to the Provincial Executive Council by filing a notice of appeal with the executive secretary within 30 days of being notified of the suspensions.
- 13.7 If an investigated officer appeals his or her suspension, Provincial Executive Council shall, as soon as practicable, consider representations of the table officers and the investigated officer and shall determine if the suspension should be continued pending the conclusion of the investigation or should be set aside.
- 13.8 During the investigation the investigated officer shall be provided with an opportunity to provide a response to the investigator with respect to the concerns about the investigated officer's conduct.
- 13.9 An investigated officer may, in the course of the investigation, submit his or her resignation to the executive secretary.

13.10 Where an investigated officer resigns in accordance with subsection (9), the investigation shall be continued with the cooperation of the investigated officer, and the resignation does not extinguish any liability that the investigated local officer may have with respect to acts which occurred during the period the office was held.

13.11 The investigated officer has a duty to cooperate during the investigation and the investigator may direct the investigated officer or any other member of the Alberta Teachers' Association to

13.11.1 answer any inquiries the investigator may have relating to the investigation,

13.11.2 produce any records or other property in the investigated officer's possession or under his or her control that are or may be related in any way to the investigation,

13.11.3 give up possession of any record for the purpose of allowing the investigator to make a copy and return the records within a reasonable time of receiving the records, and

13.11.4 attend before the investigator for the purpose of complying with 13.11.1, 13.11.2 or 13.11.2 of this subsection.

13.12 In the event that the investigated officer fails or refuses to cooperate with the investigator, the failure to do so shall be noted by the investigator in his or her report to the table officers.

13.13 Upon completion of the investigation, the investigator shall submit a written report to the table officers and a copy of the written report shall be provided to the investigated officer.

13.14 The table officers, upon consideration of the report of the investigator, may make one or more of the following orders:

13.14.1 remove the investigated officer from office,

13.14.2 restrict the investigated officer's eligibility for office in the future,

13.14.3 if the investigated officer was suspended during the investigation, reinstate the investigated officer to office and impose any conditions or restrictions that the table officers consider appropriate in the circumstances.

and shall advise the investigated officer and Provincial Executive Council

of their decision.

EPC Frame of Reference – Elk Island PSRD No. 14, p.9

- 13.15 If the table officers remove the investigated officer from office, then the table officers may appoint another individual to assume the duties of the investigated officer until a new officer is elected or appointed to the position in accordance with this frame of reference.
- 13.16 The investigated officer may appeal the decision of the table officers under subsection 13.14 by filing a notice of appeal with the executive secretary within thirty (30) days after being notified of the decision.
- 13.17 If an investigated officer appeals the decision of the table officers, Provincial Executive Council shall, as soon as practicable, consider representations of the table officers and the investigated officer and shall determine if the decision of the table officers shall be confirmed, varied or set aside.
- 13.18 If an appeal under subsection 13.76 or 13.17, the table officers may make submissions to Provincial Executive Council respecting the outcome of the appeal.
- 13.19 Official Trustee
Subject to a two-thirds majority vote, Provincial Executive Council may appoint an official trustee to conduct the affairs of the economic policy committee, subject to any terms and conditions the Provincial Executive Council considers necessary:
- 13.19.1 when the economic policy committee fails to comply with the requirements of section 13.2;
 - 13.19.2 when the economic policy committee fails to comply with the requirements of section 13.13;
 - 13.19.3 when the Provincial Executive Council considers it in the interests of the Association to do so.
- 13.20 The economic policy committee may appeal the appointment of an official trustee to a representative assembly.
- 13.21 An official trustee appointed under subsection 13.19 has the powers and duties conferred by the General Bylaws on an economic policy committee and conferred by this frame of reference.

- 13.22 On appointment of an official trustee to the economic policy committee, the officers of the economic policy committee cease to hold office as officers of the economic policy committee.
- 13.23 An official trustee continues in office until the Provincial Executive Council or a representative assembly determines that the official trusteeship is no longer necessary.

EPC Frame of Reference – Elk Island PSRD No.14, p.10

14. Effect

This Frame of Reference shall be in place for as long as bargaining is conducted at the local level. Upon appointment of an RBA, it shall be superseded to the extent required by the procedures established by Provincial Executive Council for bargaining at the RBA level.

(Ratified by membership 1994 11 30)
(Ratified by Provincial Executive Council (PEC) 1995 02 28)
(Amended and ratified by membership 1998 03 17)
(Ratified by PEC 1999 03 02)
(Amended and ratified by Local Council 2003 10 28)
(Ratified by PEC 2003 12 05)
(Amended by PEC 2007 09 21)

APPENDIX A *I*

BARGAINING UNIT GENERAL MEETING AGENDA

1. Call to Order
 - declaration of closed meeting of the bargaining unit
 - introductions
 - explanation of procedures to be used during meeting
 (voting and other)
2. History of Negotiations
3. Presentation of the Issue (e.g.-Board offer, memorandum, etc.)
4. Question Period for Clarification
5. Explanation of Future Procedures, if applicable
6. Motion on the Issue (e.g.-motion to accept Memorandum of Agreement)

7. Recommendations to Membership (from EPC, NSC, etc.)
8. Debate on Motion
9. Vote (by secret ballot – the ballot and ballot boxes are made available at this point and only one ballot shall be accepted from each voter)
10. Other Business (if votes on other issues are required, the procedures used shall be in accordance with items 3 to 9 above)