

The Update



Issue 2, 2019-2020

January 2020

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SUBMISSIONS TO THE UPDATE

The Update welcomes letters to the editor, upcoming event notices, or other submissions. I encourage you to write in response to what you read in the newsletter or about other Faculty Association matters. Letters to *The Update* do not represent the opinions of the editor nor the OCFA Executive or Council. Please send submissions to *The Update* editor Sasha Johnston at

sljohnston@okanagan.bc.ca or via intercampus mail.

A special thanks to Jennifer Hobart for her work reviewing *The Update*.

COUNCIL & EXECUTIVE MEETINGS

OCFA Executive meetings are held once every two weeks. OCFA Council meetings are generally held once per month. If you would like to bring forward a particular item for consideration please contact one of your OCFA Council members (contact information for all of your reps can be found on the last page of this newsletter).

DELIVERY OF THE UPDATE

The Update is now distributed electronically as a PDF file by e-mail as well as being available on the OCFA webpage at:

http://www.okanagan.bc.ca/Campus_and_Community/employees/ocfa/update.html

A big welcome to our newest members of Council: Janice McQuilkin, Arts Representative; Megan L. Lewis, Non-Continuing Faculty Representative; and Laura Loewen, Kelowna Area Representative.

Contact information for all Executive, Council, and CARC representatives can be found on the final page of this newsletter.

Notices and Upcoming Events

Mark your Calendars!

The OCFA Winter General Meeting:

Friday, January 24th, Coast Capri Hotel

5:30 pm: Bar Opens (two drink tickets will be provided)

6:00 pm: Dinner

7:00: Meeting

Sharon has circulated an invitation to the Winter General Meeting to all members. Please get in touch asap if this hasn't arrived in your inbox! Please also be sure to submit your rsvp for the dinner and meeting so that we can provide our host – the Capri – with accurate numbers.

Thanks so much, and we look forward to seeing you there!

Upcoming Council Meetings:

- Friday, January 24th
- Friday, February 14th
- Friday, March 13th
- Friday, April 24th

OCFA members are welcome to attend Council Meetings. Please contact Sharon Mansiere for information on meeting times and locations.

Equity Issues for Non-Continuing Faculty

Alan Rice, Business Representative

Like many of you, I started work at OC as a part-time term faculty member. I went through what is a typical process of becoming full-time term, gaining right of accrual, and eventually being converted to a continuing position. What you may not know is that this process takes an average of seven years to complete in British Columbia, and this was about how long it took for me.

In British Columbia there are several names that are used to describe faculty who do not have an on-going continuing appointment: term faculty, non-continuing faculty, non-regular faculty, contract faculty, adjunct faculty, and sessional instructors, among others. One thing that all of these have in common is the precarious nature of their employment. There is no guarantee of on-going work. This is the nature of non-continuing work and that is not going to change. Another thing these positions all have in common is that non-continuing faculty are paid less – on a secondary pay schedule – compared with continuing faculty, for doing essentially the same work.

For example, part-time non-continuing faculty at OC are paid at 0.89 of the salary step they are assigned. In addition, these faculty are generally not paid over the summer sessions and many are forced to seek other employment during this time. One argument for this is that non-continuing faculty are not expected to provide service at the same level as continuing faculty. The reality is that non-continuing faculty do provide high levels of service and often do College work when they are not on contract. Our non-continuing faculty want to be active contributors to our institution and, with proper support, deliver the same high standard of teaching excellence provided by their continuing colleagues to ensure student success.

These types of issues are systemic in British Columbia. Our provincial union association, the Federation of Post-Secondary Educators (FPSE), has identified equity for non-continuing faculty as a province-wide issue. This is evidenced in FPSE President Terri Van Steinburg's Year in Review comments for 2019, where she states:

“We've been talking about how contract faculty are paid less than their colleagues, and why we need to fix this. We have been in bargaining since our contracts expired on March 31st. And of course, we've continued to push for the fair treatment of faculty and staff in their day to day work.”

FPSE have been working in bargaining and in the media to call attention to pay equity issues for non-continuing faculty. Their 2019 FPSE Media Coverage Highlights first three bullet points include:

- [Post-secondary faculty are looking for pay equity](#)
- [Post-secondary contract teachers are paid unfairly — and that's affecting students, too, federation says](#)
- [Contract faculty pay practices unfair: Fair Employment Week brings attention to the issue of underpaid contract work on campuses](#)

Our bargaining team have told us that, at the provincial level, there appears to be a significant amount of solidarity on the issue of making progress on pay equity issues faced by non-continuing faculty. Locally, we are about to enter into bargaining discussions with the College and we urge you to voice your support for resolving these issues at our institution and around the province.

Data and Privacy Subcommittee Report

Roën Janyk, Non-Instructional Faculty Representative

The Data and Privacy Subcommittee has been making a commitment to ensure the Association is protecting the privacy, security, and confidentiality of our members' information, while also ensuring we meet our obligations around the collection, use, disclosure, and protection of personal information determined by the BC Personal Information Protection Act (PIPA). PIPA outlines the principles and practices our Association must take to protect our members' personal information. The Subcommittee is looking to develop a privacy policy to ensure we are properly managing our information assets. If you have feedback on this or would like to provide input please get in touch with any of the committee members: Roën Janyk, Jennifer Hobart, or Alan Rice.

Part of safeguarding personal information involves good records management practices. In response to a recommendation from the Subcommittee, Council recently passed a motion to ensure audio recordings of meetings are collected only for the purpose of transcribing meeting minutes. Audio recordings will only be kept for the length of time required to accurately transcribe minutes and recordings will then be permanently destroyed. Existing archived recordings in members' possession should be deleted immediately. If you are in possession of OCFA audio recordings, or other sensitive files or records, please let us know so we can evaluate whether the records should be properly stored for safekeeping or permanently destroyed.

Privacy FAQs...

- You have a right to have accurate, confidential, and secure personal information.
- Our Association may use and disclose your personal information only for the purpose for which the information was collected, and you must give your consent to have your personal information used for another purpose.
- Only under limited circumstances can the Association disclose your personal information without your consent. Circumstances when personal information must be disclosed may include when being served with a warrant, or when an advisor, consultant or regulator requires access for legitimate Association purposes.

Health of the Extended Study Leave Fund

Doug Birtwistle, Treasurer

In the last round of Extended Study Leave (ESL) applications it became apparent that, for the first time in recent memory, the ESL fund might not be able to support all approved applications. Fortunately, it turned out to not be the case. All ESL approved applications are going ahead. However, that may not be the case in years to come. So, why has it come to this and, under current funding, how many ESLs can the fund support each year?

1. Money going into the ESL

The amount of money that goes into the ESL fund annually is drawn from two sources (see 28.2 of the local Collective Agreement). First, the College contributes an amount equal to 3% of the total salaries of continuing members annually into the ESL fund. For an individual full-time continuing member at top of scale earning a salary of \$95,134, that amount is about \$2,854 annually. For fiscal year 2018/2019, the total amount earned by continuing members was about \$20,500,000, meaning that roughly \$615,000 was contributed to the ESL fund that year. That amount, of course, will change from year to year. Secondly, the fund draws from any savings the College realizes from the fact that a member on ESL receives only 85% of his or her salary (28.5.2). Say 10 member are granted ESL, making an average salary of \$90,000. The savings would then be $10 \times \$90,000 \times 15\% = \$135,000$. The total, then, going into the ESL fund annually is currently about \$750,000.

2. The ESL "Reserve" Fund ... Some history

Back in the OUC days, an ESL "Reserve" Fund was established. There was about \$800,000 in the fund at that time. That fund was carried over to OC when OUC reverted back to OC. In the first few years of the "new" OC, few people applied for and were granted ESLs, so the reserve fund actually grew to about \$1 million, as any unused annual funding remained in the reserve fund. 28.2 specifies that unexpended funds shall be carried over from year to year. However, some ten years ago or so, the number of ESLs granted began to exceed what the annual funding could support, so the reserve fund began to be drawn down. This year the reserve fund will be exhausted.

3. Money being removed from the ESL

The annual cost to the ESL fund is the salary and benefits of employees replacing members who are on ESL. This varies from one employee to another, depending on whether that "replacement" instructor is a continuing or term member, what their percentage of workload is, and their step on the salary scale. A typical amount might be \$85,000 per instructor. Based on that, **under current funding, the ESL fund can be expected to support roughly 8 – 10 ESLs per year going forward.**

4. SO WHY THE INCREASED NUMBER OF APPLICANTS?

Possible reasons:

- (a) our members are better educated about the availability of ESL and how to make a successful application,
- (b) there may be a "wave" of members reaching eligibility for ESL,
- (c) the negotiated change in our Collective Agreement from 70% of salary to 85% salary for members on ESL (28.5.2) is both more attractive to members thinking about ESL and slightly reduces the amount of funding for ESL, or
- (d) tuition and/or registration and/or laboratory fees claimed if formal study is part of an ESL (28.5.6) may be increasing.

Election Procedures Subcommittee Report

Sasha Johnston, Secretary

The Election Procedures Subcommittee is tasked with addressing various elections-related issues raised by members. Included here is a draft of the recommendations this subcommittee has made to Council. The subcommittee will continue its work throughout the Winter semester, with the goal of finalizing an election procedures policy prior to the Annual General meeting this spring. I encourage members who have suggestions, questions, or concerns pertaining to our current or proposed election procedures to contact me at sljohnston@okanagan.bc.ca

I. Pre-Election Process

As per the motion carried at the April 2019 Annual General Meeting:

Nominations for Council or Steward positions received by the OCFA Secretary prior to the AGM (pursuant to By-Laws, Article VI, Section B, 2.) will, normally, be accompanied by a notice to all members which: identifies the position the nominee is seeking; identifies the two nominators; states the nominee's reasons for wanting to serve in the office sought, and; provides a brief biography of the nominee.

When possible, this information will be circulated prior to the AGM in *The Update*, along with a photo of the nominee.

- The subcommittee recommends that nominees submit individual photos only; if nominees are intent on submitting group photos, the Secretary will request that the nominee provide express written permission from those captioned

II. Election Process

- The subcommittee recommends that, in the event of an election, the following procedures be adopted at the AGM:
 - each candidate has the opportunity to speak to their interest in and/or suitability for the position they are seeking for up to three minutes
 - we will then move into a fifteen minute question and answer period (which could be extended through a motion from the floor); all questions must be directed at the candidates (rather than at other members), and all candidates may respond to all questions
 - two microphones will be set up for members with questions for the candidates to queue up at
 - a stopwatch will be projected onto the screen, and will be run by a Council member (other than the Chair)
 - Council will designate a sergeant at arms to support the Chair in maintaining order

III. Voting

i. Timing of vote

The subcommittee discussed feedback from some members regarding the timing of our vote at the AGM, which must be held between April 15 and May 15 (pursuant to By-Laws, Article VII, Section C, 1.). We concluded that changing the date of the AGM is outside the purview of this subcommittee.

ii. Method of voting

The committee discussed complaints from some members regarding the way in which we conduct voting (that is, in person, at the AGM). We concluded that prior to delving any further into this issue, it is important for us to have a more representative sense of the will of the membership. To this end:

- The subcommittee recommends that the President circulate an electronic poll in early January consisting of one simple yes/no question: “In addition to retaining our traditional AGM voting practice, should the OCFA investigate possibilities for asynchronous voting opportunities for members who cannot attend the AGM?”
- The subcommittee recommends that the poll is set up to direct results to the Secretary

Respectfully submitted,

Sasha Johnston
Chair, Election Procedures Subcommittee

Fall General Meeting

Thanks to all who were able to participate in the Fall General Meeting, which was held Friday, October 18th in the Kelowna cafeteria!





President's report

Sharon Mansiere

As I write this I am in Vancouver for meetings with the other presidents of the unions that make up the Federation of Post-Secondary Educators (FPSE). We are talking about how the provincial template table bargaining (where we participate to negotiate the Common Agreement) could impact our local bargaining tables (where we negotiate our local Collective Agreement). Concurrently, our OCFA bargaining team is doing the final polish on our local proposals package to be ready for our exchange with the employer as early as next week.

Bob Groves has included an excellent bargaining report in this issue. It explains how we are now at a hiatus from the template table discussions. It will prepare you well for our discussion about bargaining at the Winter General Meeting. I continue to get questions from members, and I appreciate your reaching out to me for clarifications. I am giving a general update as well as addressing some of the common questions I have been getting below.

Local - We have kept up a regular meeting schedule with the employer at **Joint Committee on the Administration of the Agreement** (JCAA). Some issues we have brought here have taken longer than usual to answer as the employer needed to take them to the Post-Secondary Employers Association (PSEA) to consider for impacts on bargaining.

Provincial – Reminder of the steps to this point: You have heard at earlier General Meetings or in reports that the first steps in our bargaining year began with employer representatives (PSEA) and union representatives (FPSE) participating in a joint committee, the **Working Committee on Secondary Scales** that came out of LOU 5 in our the Common Agreement portion of our

Collective Agreement. Additionally, OCFA and the other FPSE locals lobbied the government through the Standing Committee on Finance and directly in Victoria. Throughout this process FPSE engaged the support of the BC Federation of Labour.

Eventually, the secondary scale issue, for which we seek progress towards *prorata* pay, transitioned to the template table which opened later last fall. Proposals about secondary scales are getting response proposals from PSEA. The FPSE proposals have full solidarity from all FPSE locals in the caucus. Basically LOU 5 left this issue as a partly open door, and in bargaining you work to make gains where your options are likely to have the best success.

Complicatedly, PSEA has identified that any movement on our *prorata* pay proposal be tied to Service Improvement Allocation (SIA) which is part of the [provincial mandate](#). We are concerned that some of their proposals to address this issue involve unacceptable concessions. Bob Groves' report goes into more detail on this important issue. Also an issue for us is that the employer has not yet agreed to unfettered retroactive pay increases. We are pushing hard on these issue at the template table. These are important issues that your bargaining team needs your support on. As we engage in local bargaining this list will get longer.

What I am most excited about provincially are the unions in FSPE unlocking the power of staying united this round. Bargaining is a long game and I feel confident that locally and provincially we are making excellent steps.

Sharon Mansiere
President

Bargaining Chair's Report

Bob Groves

As I noted in my December 2019 Bargaining Report, the common table negotiations involving your Federation of Post-Secondary Educators Negotiating Committee ("FPSE") and the Post-Secondary Employers' Association ("PSEA"), which consumed the better part of a month in Vancouver last October and November, resulted in no tentative agreement on several important issues, including the issue of progress towards the elimination of secondary scales.

When the common table discussions were adjourned, it was agreed that PSEA would reflect on its position regarding secondary scales in particular, and that it would respond when the parties again met at the common table for three days beginning on January 6.

The parties did meet in Vancouver on those three days, but the offers delivered by PSEA were, once again, entirely inadequate. What the PSEA offers have demonstrated is that our employers will contemplate no settlement which deviates in any way from the prescriptions of the provincial government's bargaining mandate, which contemplates wage increases over a three year contract period of no more than 2% per year, and access to funds expected to amount to but 0.25% of the annual payroll for OCFA members, which PSEA calls the Service Improvement Allowance ("SIA").

This annual SIA sum would only last the duration of the term of any new negotiated agreement and is entirely inadequate to provide an enduring solution to the problem of secondary scales. By our calculation 0.25% of payroll amounts to between \$50,000 and \$60,000 per year. In

order to eliminate the reduction formula that exists at Okanagan College represented by the 0.89 adjustment factor applied to regular salary paid to part-time term members generally, to all faculty members for overloads, and for summer session work, the cost to the College is estimated to be approximately \$200,000 annually.

Apart from some modest improvements to benefits coverages relating to vision care and hearing aids, the PSEA offers do not substantially improve the salaries, benefits, or working conditions of faculty. The Consumer Price Index for British Columbia is, currently, higher than 2%, and has been for some time. PSEA has also made it clear that access to the SIA funds must be paid for in the form of service improvements that would need to be negotiated locally. Examples of the types of service improvements that appear to be contemplated by PSEA include flexibility to assign courses in the summer, on weekends, or in the evening, and the ability to assign courses regardless of the delivery mode.

The fundamental problem underlying the negotiations so far is that the FPSE locals and PSEA have approached a resolution from two entirely different bargaining perspectives. The FPSE locals have demanded that our employers allocate financial resources that will eliminate the systemic problem of secondary scales. PSEA has identified the focus of bargaining to be the conditions under which the SIA funds would be made available.

In the end, the FPSE Negotiating Committee concluded that there could be no tentative agreement where the SIA funds on offer were inadequate to address the issue of secondary scales in a meaningful way, and no payment of those funds to faculty would be made without the agreement of local employers identifying the service improvements that must be implemented in return.

The common table negotiations ended on January 8 with no tentative agreement. No new dates for a resumption of common table bargaining have been set. PSEA's position when the negotiations adjourned was that there would be no retroactive salary adjustment unless a deal was agreed to by June 30.

Local Table Bargaining

The protocol agreement for the bargaining at the common table provided that local bargaining might occur *concurrently* with the common table negotiations. Local table bargaining is scheduled to commence on January 20-21. Several other dates have been identified in February, March, and April. Your local bargaining committee is eager to see those negotiations begin.

Respectfully submitted.

Bob Groves

OCFA 2nd Vice-President and Negotiations
Chair

You can access our (expired) 2014-2019 agreements here:
[Common Agreement](#) from template table
[Local Agreement](#) from local table

Chief Steward's Report

Rod Watkins

Hello everyone.
Here are our ongoing grievances and issues of interest.

Step 3

FAC13/07: Post-65 benefits. The hearing for the merits of the grievance was scheduled for two weeks in September 2019. Unfortunately, on the very last day for all discovery particulars to be shared, employer's counsel introduced two new expert witnesses (employer's counsel has had our expert reports for approximately 8 months). As it would be foolish to proceed to arbitration without properly analyzing this new expert testimony, we were forced to request a postponement. The arbitrator agreed and we will be scheduling new dates. Those dates will likely be in August/September 2020.

Step 2

FAC16/03: Unwarranted Discipline. FAC16/03 grieves the letter of censure a member received after a bullying investigation. The grievance was based on two issues. 1) the refusal to allow the OCFa a copy of the investigator's report and 2) the lack of justification for the discipline. The College has since provided us a copy of the report. The grievance remains in abeyance pending the recovery of the member who is on an extended medical leave. Once the member can help in his or her own defense, we will analyze the report and determine whether the discipline was warranted.

FAC18/06: Failure to Provide a Safe Workplace. Withdrawn. Our concern has been satisfactorily resolved so we have withdrawn FAC18/06.

FAC18/08: Improper Use of Student Evaluations. The FA filed a step 2 policy grievance over the use of formative evaluations as a result of the recent Ryerson interest arbitration decision. In that decision, the arbitrator ruled that student evaluations are doubly problematic: a) they are demonstrably discriminatory, especially against college professors who are young females, minorities, have an accent, etc.; b) are not a valid or reliable measure of teaching performance. The evidence presented at the arbitration was not challenged at all by Ryerson University. Given the strong evidence of their problematic nature, the FA grieved the continued use of formative evaluations for purposes of hiring and promotion. We do not object to their use to facilitate instructors getting feedback on their courses, but to their use as a means of judging teaching performance. As such we have asked as a remedy that the College no longer rely on formative evaluations for hiring, promotion, and discipline, that they remove all previous formative evaluation documentation from all faculty personnel files and rewrite the questions on the formative evaluation forms to eliminate student evaluation of teaching performance. At the request of the College, we have placed the grievance in abeyance as we expect this to be resolved at bargaining. In the meantime, Andrew Hay, VP Academic, suggested we form a committee to transition away from the existing use of formative evaluations. The first meeting of this committee has occurred, and we are developing terms of reference for the committee. We will be scheduling our next meeting this month.

The committee consists of six members:

Rod Watkins – Chief Steward

Sasha Johnston – Secretary

Janice McQuilkin – former Non-Regular

Representative, current Kelowna Rep

Bill Gillet – Dean of Business

Yvonne Moritz – Dean, STH

Beverlie Dietze – ILT

Meetings to review the formative evaluations continue.

FAC19/02: Library Technicians. Last semester, some librarians, through their chair, reported a concern that BCGEU library techs, who may assist at the library reference desk, were beginning to perform work that properly belonged to FA librarians. We filed the grievance accordingly. The employer has denied the grievance at step one. We have moved the grievance to step 2 to pursue it further and placed the grievance in abeyance pending bargaining.

Step 1

FAC18/07: Improper Disciplinary Meeting. The issue has been resolved to our satisfaction so we have withdrawn

FAC19/01: Improper Harassment Investigation. We are withdrawing FAC19/01 as we have begun talks with Human Resources to speed up investigations. However, most of the delays are beyond the control of either the College or the Faculty Association. Nonetheless, both parties desire to avoid and are working to resolve the delays.

Respectfully submitted,
Rod Watkins
OCFA Chief Steward

Members of Exec, Council, and CARC 2019-2020

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