

2014

June 12, 2014

CUPE K-12



Essential Services FAQ Sheet

On June 12, 2014 the Labour Relations Board issued a new Essential Services Order (ESO) that covers all CUPE K-12 school district employees during the BCTF's full withdrawal of services, as well as teacher picketing during lunch/recess lockouts on June 13 and 16. This new ESO supersedes all previous support staff orders.

In conjunction with the CUPE ESO, the BCTF has a new ESO that declares the Grade 10-12 provincial examinations and Grade 12 report cards to be essential, as well as teacher reporting requirements for special needs students.

What are CUPE's essential services for teacher picketing during lunch/recess lockouts on June 13 and 16?

All EAs who are regularly scheduled to perform student supervision during lunch and recess breaks, and who assist special needs students, must perform their duties as usual. Other CUPE support staff should leave the school and join the teacher picket lines.

School districts cannot re-assign CUPE staff, who do not regularly perform student supervision or special needs student duties, to do these essential services.

Principals, vice-principals and other excluded staff at schools under pickets are required to perform lunch/recess student supervision, and if qualified, special needs students duties.

What is CUPE's role in essential services during the full teacher withdrawal?

The ESO gives CUPE Locals the right to schedule and dispatch its members for all essential services work. Locals should immediately contact their local school districts, and determine work schedules for designated employees to perform essential services. These schedules shall include the number of employees required for essential services designated under the ESO, the location of work, and the days/hours of work.

Locals will also be scheduling certain members to be "on-call" for emergency maintenance or IT work. "On-call" means that the member must be available to attend the worksite for emergency work, on abrupt or very short notice.

We advise that each Local appoint an officer or member to be its Essential Services Co-ordinator. The Co-ordinator will be the primary contact person on essential services matters, in dealing with both their school district as well as CUPE National. The Co-ordinator's main duty will be to co-ordinate the essential services work schedules and staffing levels with the school district, and to dispatch members accordingly. They may appoint additional Local members to help.

All CUPE K-12 members should report their mobile phone numbers and their email addresses to their Local. All members should always carry their mobile phones at all times; if a member does not have a mobile phone, they should check their main contact phone and/or email regularly.

When CUPE members are scheduled for essential services, they are working under normal collective agreement conditions, and must follow the Employer's directions and management.

If there is any dispute about scheduling or staffing levels, or if members are directed to perform work other than their scheduled essential services, the Local should contact its CUPE National Representative immediately, so that we can file a complaint with the Labour Relations Board. The Board will summarily deal with these issues within hours.

What CUPE support staff services are designated essential by the ESO during the full teacher withdrawal??

- All services required for lunch hour and recess supervision of students, being all non-teacher employees who regularly perform such supervisory duties during the lunch hour break and/or recess breaks.

- All services by non-teacher employees regularly required to provide supervision and support to special needs students at any school placed under pickets at any time, and when those members of CUPE are regularly required to be working. These services include support from normally assigned education assistants, to enable special needs students to complete educational programs designated essential.

(CUPE's position is that the above two provisions apply when students are actually present in the schools, such as for exams; if no students are there, CUPE staff should be on the picket lines.)

- All services to provide the transportation of students to and from school facilities to enable the completion of educational programs designated essential (such as Grades 10-12 provincial examinations).
- All services to prevent or remedy damage to, or malfunction of, any equipment, including information systems or facilities, that pose an immediate and serious danger to the health, safety or welfare of students, staff or members of the public, or result in a serious and immediate disruption to the provision of education programs designated essential by the Board (such as online examination systems for Grade 10-12 examinations). Please be advised that while Locals will have primary responsibility over staff scheduling, CUPE employees can be scheduled to work on-call, in order to respond to any serious or immediate disruptions to essential systems as if they were emergencies.
- All services required to ensure that payrolls can be processed in a timely manner.

What about emergencies?

CUPE staff must be available in the event of any emergency or disaster situation. If such a situation occurs, the ESO says that the procedure is the following:

1. An excluded manager shall inspect the site(s) or any emergency or disaster, determine whether and what emergency/essential work must be done;
2. Then the School District will contact the Local and request the number of individuals by classification required to do the work;
3. The Local must immediately dispatch the required number of individuals to the site(s) to perform the work.

In the event of a dispute between BCPSEA and CUPE as to whether an emergency or disaster situation exists, the CUPE staff shall perform the work in question, and the dispute will be determined by the Labour Relations Board within 24 hours.

What are excluded staff (principals, vice-principals, school district managers) supposed to be doing during the full teacher withdrawal?

The ESO requires school districts to **“utilize the services of its management and excluded personnel who are qualified to the best extent possible.”** This means that excluded staff should be picking up the non-essential work that is normally done by teachers and support staff, as well as performing as much essential services work as they can. When Locals determine essential services scheduling levels with school districts, they must take into account that excluded staff are supposed to be working in excess of 60 hours/week during a strike.

Further, school districts are not allowed to bring in outside contractors or new volunteers to do the work that their excluded staff are supposed to be doing. Existing volunteers can continue to do the work they have always done, but they cannot take on new duties that would normally be teacher or support staff bargaining unit work.

If any member sees a possible violation of excluded staff usage, they should report it immediately to the Local. Locals should report apparent violations to their National Reps, so that we can file a complaint with the Labour Relations Board. The Board will summarily resolve disputes within 24 hours.

How do essential services affect picket lines?

The ESO directs that all picket lines have a “gate” where students and employees performing essential services are allowed to cross freely.

Students and Local members who have to cross picket-line “gates” because of the ESO should not be impeded or harassed.

If you have any questions, please contact your CUPE National Servicing Representative.