

Academic Bargaining 2024

Non-Monetary College Proposal – M11

Article 26



Presented by:

The College Employer Council

(on behalf of the Colleges of Applied Arts and
Technology)

To:

The Ontario Public Service Employees Union
(for CAAT Academic Employees)

July 30, 2024

Article 26

Clarity Note on the proposed change to 26.02 A: Our proposed language clarifies what has already been agreed to by the parties. This has been evidenced in previous awards, such as a 2018 Fanshawe College arbitration award.

As the arbitrator noted in that case ([at paragraph 5](#)): "The Union acknowledges that partial-load employees are paid per teaching contact hour ("TCH"), which is a reference to the assigned classroom time. The Union also acknowledges that these employees are required to perform ancillary duties outside the scheduled class time for which there is no separate compensation. Rather, it is understood that all of that work is compensated under the TCH model."

PARTIAL-LOAD EMPLOYEES

Amend Article 26.02 A

26.02 A A partial-load employee shall not receive salary or vacations but shall be paid for the performance of each teaching contact hour at an hourly rate. **The rate shall be calculated in accordance with 26.04 and includes compensation for teaching and ancillary duties related to the teaching assignment that occur outside of the scheduled class time.**

The balance of article 26.02 remains unchanged

Amend 26.10 D

26.10 D In addition to maintaining a record of a partial-load employee's job experience, the college shall keep a record of the courses that the employee has taught on or after December 20, 2017, in a part-time, partial-load or sessional capacity and the departments/schools where the partial-load employee has taught such courses. An employee may provide the college with evidence of courses that the employee has taught in a part-time, partial-load, or sessional capacity prior to December 20, 2017.

By April 30th in each year, a currently or previously employed partial-load employee must register their interest in being employed as a partial-load employee in the following academic year and the maximum number of teaching contact hours that they are prepared to teach (to a maximum of 12). **An employee hired as partial-load for the first time on or after [Date of Ratification] shall be eligible, once they have obtained 10 service credits calculated in accordance with 26.10 C, to register their interest**

pursuant to this Article. This individual will be considered a registered partial-load employee for the purpose of 26.10 E. For the Fall, Winter, Spring and Summer terms of the 2021-2022 academic year and the Fall 2022 semester, partial-load employees must register no later than October 30, 2021.

Upon request, the College will make available to the Union, 4 weeks after April 30th in each year, a list of the partial-load employees who have registered in accordance with this article and the courses which the partial-load employee has taught on or after December 20, 2017, in a part-time, partial-load or sessional capacity.

26.10 E Subject to the application of Articles 2.02 and 27.06, commencing in the 2018-2019 academic year, where the school or department within a college determines that there is a need to hire a partial-load employee to teach a course ~~that has previously been taught by~~ **that a registered partial-load employee has taught within the last four (4) academic years in the department/school,** pursuant to 26.10 D ~~in the department/school,~~ it shall give priority in hiring to such partial-load employee if:

- (i) They are currently employed, or if they have previously been employed as a partial-load employee for at least eight (8) months of service as defined in 26.10 C within the last four (4) academic years, and
- (ii) The assignment of such course will not cause the employee to exceed the maximum teaching contact hours for partial-load employees.

Where a school or department determines that there is a need to assign a course on a partial-load basis and a partial-load employee has priority over such course, the school or department shall offer such employee the maximum number of teaching contact hours from amongst the courses for which they have priority but not exceeding the number of teaching contact hours that the partial load employee has indicated their preparedness to teach. Where the assignment of one or more courses is cancelled the school or department shall not be required to reassign or redistribute courses.

The offer of partial-load employment is conditional on the college subsequently determining there is sufficient enrolment to warrant the assignment being offered.

Where two (2) or more partial-load employees would be entitled to be offered the course assignment, the employee with the most service will be offered the first opportunity.

The College shall not circumvent the priority established pursuant to this article by assigning a new course code or name to a course unless there has been a major revision of the course or curriculum.

NEW Article 26.10 F

26.10 F **A partial-load employee's priority in hiring, as provided for in article 26.01 E, shall cease to apply:**

- (i)** **where the partial-load employee refuses all offers of partial-load assignment in an academic year; or**
- (ii)** **where the partial-load employee is released or resigns pursuant to article 26.10 A.**

However, the employee will be eligible to register for priority, in accordance with 26.10 D, when they are next hired as a partial-load employee by the College.

Renumber 26.10 F and amend:

26.10 G **Notwithstanding 26.10 F, W** where a partial-load employee advises the College that the employee has:

- (i)** given birth to a child and has not worked for a period of up to 78 weeks from the date of birth; or
- (ii)** has become a parent, not by giving birth, and has not worked for a period of up to 63 weeks from the date that the child has come into the custody, care and control of the employee for the first time;

The College will extend the period in 26.10 E (i) by such period that the employee has not worked.

Renumber 26.10 G:

26.10 H It is understood that a partial-load employee's priority in hiring provided for in article 26.10 E shall cease to apply where the partial-load employee is terminated from employment for cause, which termination is not reversed pursuant to the grievance and arbitration procedures in article 32.

The CEC reserves the right to add to or to modify these proposals during the course of bargaining.