

From the President:

Capital renewal leads to layoffs: A good process deals with a bad problem

In January 2007, BCIT announced 26 layoffs of FSA members due to declining enrolments. While most layoffs were avoided due to early retirement incentives, the announcement raised many questions, many of which remain unanswered to this day. BCIT’s actions at that time prompted us to initiate a meeting of our Executive Director and myself with the Ministers of Advanced Education and Finance to discuss funding formulas launch a grievance on the lack of consultation, and Tony Knowles famously attending an FSA meeting. In the absence of any BCIT fiscal, enrolment, or strategic plan, we wondered how things could be so bad without us knowing.

Since 2007, the FSA has worked to better define what consultation means to us. Our collective agreement defines consultation as, “...the exchange of information before decisions are made.” It was clear in 2007 that we needed to convince management of the benefits of exchanging information and the value we could add if we were brought into the planning processes earlier.

Our work since 2007 has in part resulted in the current fiscal planning process containing opportunities for members and the FSA to respond, question, and consult. January 6 was the close of the first opportunity members have had to provide feedback to a BCIT fiscal plan. While the plan contains potential layoffs, it also provided time for those affected departments to check the numbers and make proposals of their own to minimize the impact. The feedback from members to date ranges from those skeptical to participate and not believing their ideas will result in a changed plan to

members and departments who are actively reviewing their business practices and processes to determine if there are any opportunities for savings. Don Wright and the Leadership Team have provided us an opportunity to have an impact on the fiscal plan before it’s decided. I expect that the final plan will show evidence that our participation contributed to better and more informed decisions. I also expect our participation will continue to contribute to BCIT’s growing culture of dialogue. More than ever before, each of us has an opportunity and a responsibility to share our views to determine how BCIT moves forward.

While I am proud of the process and opportunity that members have had to participate in the preliminary fiscal plan, I am still angry that we are facing layoffs because of government underfunding our capital needs. The root cause of the deficit at BCIT is that BCIT has funded a significant amount of capital renewal over the past ten years with internal cash reserves or borrowed money – resulting in large “unfunded depreciation” and interest charges. In essence, the government has put BCIT in a position of deciding between human resources and capital renewal. As the most prominent example, the government funded only about 20 percent of the new ATC campus in Richmond. While the ATC campus isn’t the sole contributor to the unfunded capital deficit, it provides a clear example of what government needs to be re-thinking. We can’t afford to lose people to pay for buildings.

Amy Fell
FSA President

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Preferred Candidate Process to Change

by Paul Reniers

The process for appointing preferred candidates is about to change significantly.

The use of preferred candidates offers an alternative to the posting process when both the union and management can readily agree on a candidate. Approval of preferred candidates by the FSA has been given liberally in the past as long as there was no obvious conflict with the rights of other FSA members.

A recent arbitration decision and the layoffs proposed in BCIT's preliminary fiscal plan have caused the FSA to re-examine its approval of preferred candidates. In the arbitration decision, the arbitrator made reference to the FSA's agreement to a preferred candidate as evidence that we were satisfied with how a temporary appointment was made. That appointment later became an issue in a grievance about BCIT's failure to regularize a temporary member. The decision demonstrates how we risk compromising the collective agreement rights

of members every time we agree to a preferred candidate. Because this is now part of an arbitration decision, it will guide future grievances affected by appointments in our bargaining unit.

The FSA can no longer agree to preferred candidates in the same generous way that we have since the early days of our contract. We must now ensure that no individual member and no collective right could be adversely affected by an appointment before granting our agreement. BCIT and the FSA have an agreement ensuring that necessary appointments go ahead for the term beginning in January. Changes in the process, however, are already underway. We will work with management on the changes and communicating them to minimize challenges that may result.

At a time when 30 FSA positions are proposed for elimination, including 18 layoffs, the implications of agreeing to a preferred candidate are very significant and hard to predict. As a result, we are seeking additional substantive assurances that mem-

bers will not be adversely affected by proposed preferred candidate appointments. In many cases, that assurance will be very hard to provide and preferred candidates will not be agreed to. We are in the process of developing a form to assist departments in providing relevant information for their requests. We will also be developing standard requests for information and statements requiring diligence on the part of departments putting forward such requests. Departments will need to make these requests in a timely way to ensure the requirements can be completed. The same risks and need for assurance will apply to requests made regardless of the urgency of the request.

We regret the significant inconvenience this change will cause. We believe it is necessary nonetheless to protect the rights of all our members. We expect to pursue some changes to the collective agreement in the coming round of bargaining that could alleviate the need for many preferred candidate requests.

President and VP elections, Director by-election to begin in March Randy Singer appointed as Marketing Management Associate Dean



The FSA will be holding a by-election for a Director-at-Large on the FSA Executive at the same time as the elections for President and Vice-President beginning in March.

Randy Singer who held the position has been appointed as the Associate Dean of Marketing Management, an excluded BCIT management position, for a period of two years. Randy has served the FSA's membership as a member of the FSA Executive since 2005 and has been the FSA's recording secretary and treasurer. The FSA congratulates Randy and wishes him well in his new appointment.

Randy Singer and FSA staffer Marian Ciccone on the USWA picket line last spring. PAUL DAYSON PHOTO



FSA members contribute their ideas for bargaining at one of the forums held during the fall.

PAUL DAYSON PHOTOS

Collective Bargaining

Forums provide concrete examples for change

Members have been providing the FSA with concrete examples of how our collective agreement with BCIT can be improved in the upcoming round of bargaining in spring 2010.

Throughout the fall term, the FSA held bargaining forums for members to provide direction to its Collective Agreement Committee. A general forum on bargaining, held in September, was followed by a series of topic-based forums were held on the issues of benefits and leaves, workload, regularization and job classification, and part-time studies. Other meetings took place with members in various departments to examine their specific needs, members have also forwarded their ideas to the FSA by email and through normal discussions with our Labour Relations Representatives.

In January and early February, the FSA will be continuing to hold these meetings with members. At present, an evening meeting for PTS instructors, as well as for a number of departments and specific job classifications, are planned. Please visit bcitfsa.ca for more information or contact preniers@bcit.ca if you would like to book a meeting for your area.

We encourage members to attend these discussions and to send their ideas for improving the collective agreement to the FSA. Examples of how the collective agreement's language -- or implementation -- affects you, your colleagues and your department are especially useful.



Upcoming FSA Events

Wed, Jan. 20	Bargaining - Research	SW3-3615	2:30 - 4:20
Wed, Jan. 27(Feb. 3)	General Meeting	SE6 233	2:30 - 4:20
Thurs, Jan. 28	Bargaining - Part-Time Studies Coordinators	SW3-1750	2:30 - 4:20
Thurs, Jan. 28	Bargaining - Part-Time Studies Instructors	SW3-1750	4:30 - 6:00
Mon, Feb. 1	Bargaining - Non-Teaching Faculty	SW3-4725	11:30 - 1:20

FSA in No Mood for Concessions

by Paul Reniers

At a recent conference on bargaining in the broad public sector, BC Public Sector Employers' Council CEO Paul Straszak invited negotiators to "unlock the value" in their collective agreements while explaining what amounted to a "net-zero" mandate for the coming round of collective bargaining. What this means is that we can negotiate improvements to our collective agreements as long as

- We find the means to pay for them without a net increase in costs
- There is no change in the sector pay-scale (or our relationship to it)
- There are no further infringements on management rights.

No wonder some employee groups like the SFU Faculty Association have gone ahead and simply extended their existing agreements. The province is leaving very little room to bargain.

In BCIT's current fiscal context, the question has even been raised about whether we might be better off foregoing some pay or benefits to protect some jobs. In Ontario and Alberta as well as in the US, faculty and staff have either agreed or have been forced to take unpaid "furlough" days to help manage institutional debts. Other concessions have also been imposed or negotiated.

BCIT hasn't made that request of the FSA, but we haven't hesitated to tell management that we won't let it happen here. In taking that position, we're guided by comments from members and by BCIT's own strategic plan.

Members continue to demonstrate that our pay and benefits compare less and less favourably with the private sector. If job security is a recruitment issue, that no longer favours us either as the economy shows signs of recovery while our members are being laid off. Pension benefits are eroding for members under the Municipal Plan. In some professions, industry is even beginning to compete with us on vacation and hours of work.

We cannot let our members lose more ground to their industry colleagues on terms and conditions of work.

Indeed, we need to make some of that ground up if BCIT is going to fulfill its promising strategic plan. We can't maintain our high quality of experiential training and continue advancing states of practice if we don't continue to attract leaders in their fields. Stagnant wages and working conditions will defy BCIT's

commitment to support employee ambitions and promote their well-being.

Finding a way to meet the needs of our members and the Institute that will meet the approval of the provincial government will be a challenge. Going backwards on terms and conditions of work is no way to meet that challenge. This spring, we will be bargaining for improvements to our collective agreement.

PD Expenses agreement confirms Programs' judgement

The FSA has settled a general grievance and several individual grievances with respect to PD Expense claims. All of the individual grievances were settled, without prejudice, in favour of the grievors. By way of settlement of the general PD Expense grievance, the Institute and the FSA have signed a memorandum of agreement that sets out guidelines for the application of 10.3. The guidelines provide criteria to be used to assess a PD claim's consistency with Article 10.3. Along with providing examples of activities, resources, and equipment that are consistent with 10.3, the guidelines give a number of examples of types of things that might not be consistent with 10.3.

It's important to note that any given expense cannot be determined to be inconsistent with 10.3 in and of itself. As the guidelines explicitly state, each individual request must be assessed in the context of an employee's area of expertise. For example, purchasing a video game would not normally be considered an expense consistent with Article 10.3. However, if the particular FSA member submitting the claim for the video game happened to teach into the Digital Animation program, they might well be able to demonstrate that the purchase is one that maintains their currency, flexibility, and professional competence.

The guidelines also set out the procedure for the approval of 10.3 funds. The procedure, while adding a layer of oversight to the process, attempts to preserve the deference given by the Collective Agreement to the Program Group as the best judge of the appropriateness of a colleague's claim to Professional Development. The guidelines restrict the role of Finance to that of flagging a given claim as potentially inconsistent with 10.3. Once flagged, the claim gets sent back to the Program Group for reconsideration. If the Program Group reiterates its approval of the claim, the Institute has the option of either reimbursing the claim or referring it, within five days, to a specially constituted "10.3 Labour Management Committee". The 10.3 Labour Management Committee, composed of three management delegates and three FSA-appointed delegates, then meets within ten days of a claim being referred to it. The Committee then considers the claim and votes on it. Unless a clear majority of the committee vote to disallow the claim, the claim shall then be processed.

We believe that these guidelines will result in a consistent process that acknowledges the right of program groups to determine what appropriate PD expenses are while satisfying the employer's concerns around taxation and audit compliance.

Update on Institute's Olympic Closure

Over the past several months, the FSA office has fielded a number of questions from members regarding BCIT's decision to suspend classes during the 2010 Olympic Winter Games. Here is a list of the most frequently asked questions on this topic:

1) When will classes be suspended?

Full-time and part-time classes will be suspended from Saturday, February 13, to Sunday February 28, 2010. Classes will resume on Monday, March 1. Online and distance education courses may also be suspended during this period, at the discretion of individual departments. Check with your manager or PTS coordinator regarding how your Department is handling online and distance education courses during this period.

2) Will BCIT be closed during the Olympic period?

The Great Northern Way and Aerospace Technology Centre campuses will be closed to staff and students during the Olympic period. The Downtown and Burnaby campuses will be open, although operations will be greatly curtailed. The Pacific Marine campus will be closed to students. Some individual buildings and/or rooms may be locked for safety and security reasons. Members who need access to a locked room should contact the Safety and Security office.

3) If I need to come to work on the Burnaby campus, will I be able to find parking?

According to Glen Magel, BCIT's Director of Safety and Security, all employee lots, with the exception of Lot 7, will be available as usual for BCIT employees. Employees who normally park in Lot 7 will need to obtain a temporary pass for an alternate lot from the Safety and Security office. Watch for an announcement from Safety and Security

later this month about how to obtain a temporary pass.

4) Will I be required to take vacation during the Olympic period?

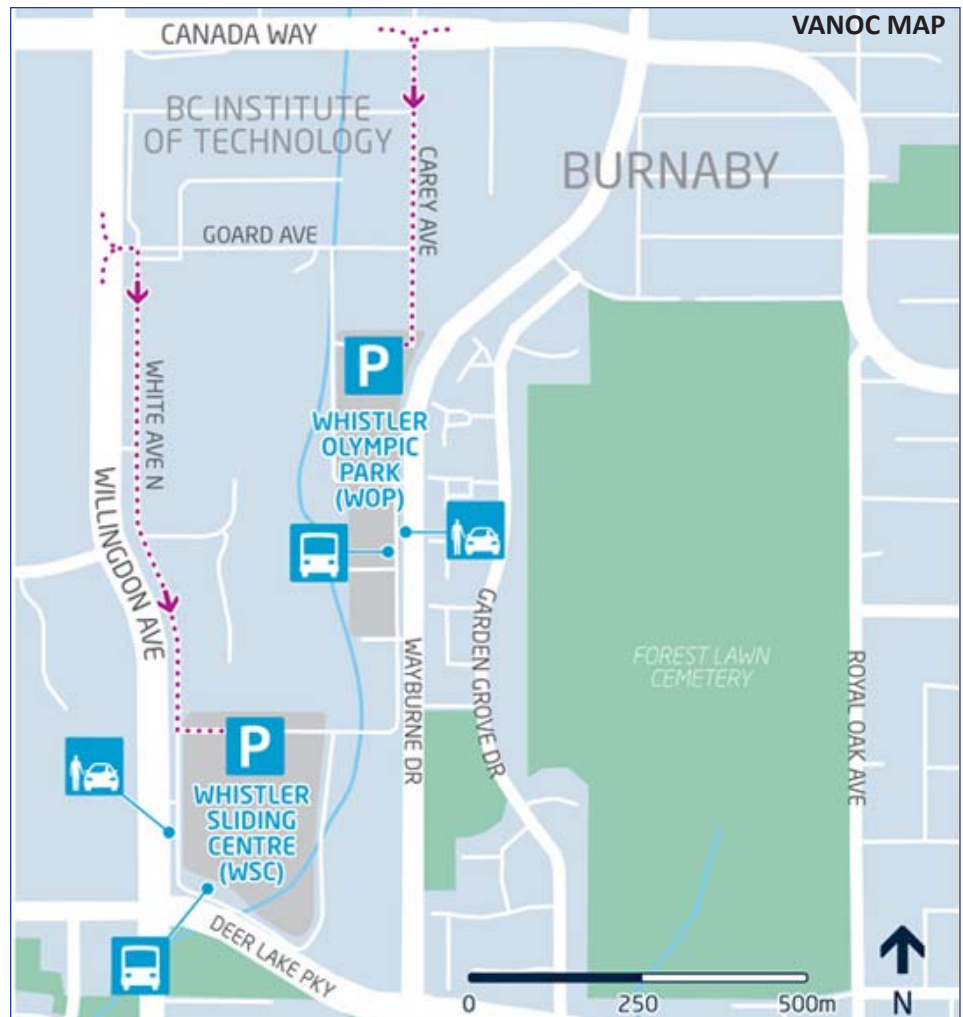
Members are not required to schedule vacation during this time period. However, members may take vacation during the Olympics, subject to the operational requirements of their Department.

5) If I am not taking vacation, will I be required to work during the Olympics?

Decisions regarding minimal staffing levels and coverage of duties are made on a department-by-department basis. Subject to the plans of your Department, you may not be required to be

on campus during a portion or all of the Olympic period. Members who are not on an approved leave and who are not required to be on-campus will be considered "on-duty-off-campus". Subject to departmental plans, members in this situation may be engaged in specific activities such as:

- Checking email and phone messages and responding to enquiries
- Course and program development
- Marking and course planning
- Working on special departmental projects (e.g. conducting research, revising brochures and other marketing material etc.)
- Professional development activities





Former FSA Director Jennifer Orum, Executive Director Paul Reniers, Labour Relations Representative Elinor Hudon and President Amy Fell at the BCIT retirement dinner. EILEEN CHABAN PHOTO

Two long-serving builders of the FSA retire

Jennifer Orum

With her retirement from BCIT, we say good bye to Jennifer Orum as a member of the FSA Executive Committee. Jennifer has served on the Staff Society and FSA executives for a total of about 25 years going back to 1982 and was president in the 1990s. Jennifer's time with the FSA saw enormous changes in the union, including its first strike, the hiring of labour relations staff, and the comings and goings of at least six president's of the Institute.

Whatever the issue, Jennifer insisted on and contributed to a rigorous examination of the principles involved and the consequences for members. Jennifer provided a link to the origins of the collegial governance model at BCIT and staunchly argued for the Institute's obligation to consult with the union and its members. She participated directly in negotiating many agreements recognizing the specific circumstances of individuals and departments. Her sensitivity to individual and departmental circumstances while maintaining a collective vision contributed greatly to the balance that makes our collective agreement unique and serves both our members and BCIT so well.

Like other FSA leaders, Jennifer contributed to our independence as a union by working with other organizations and seeking out the resources and relationships that would ensure we had the ability to take care of our own needs while being heard by the entire sector.

Jennifer's professional achievements go well beyond her work with the FSA and even BCIT. However Jennifer recently noted that, when she looks back at her successful career at BCIT, the moments that stand out for her are moments when she was representing the FSA and its members. That says something remarkable about our union and about Jennifer.

Elinor Hudon

After nearly 33 years working for both the BCIT Faculty & Staff Association and Institute, Elinor Hudon is retiring.

Elinor joined BCIT as a Medical Laboratory technician in March 1977 and quickly became involved as a tech rep for her department. She joined the Staff Society executive in 1987 serving as a director (1987-89) Vice President (1989-91), President (1991-94), and Past President (1994-96). She was involved in grievances, consultations, bargaining negotiations and strikes, as well as filling in for the General-Secretary during periods of transition for the union.

When the Medical Laboratory department was phased out and the staff laid off in 1996, was hired by the FSA as a Grievance Officer. Elinor advocated for FSA members for 13 years, giving them access to her vast knowledge of the collective agreement and her database-like knowledge of past practice and examples as well as the benefit of her pragmatic idealism.

Elinor's career has been a tribute to the dignity and honour that comes from serving one's colleagues. She has been tireless in finding the means to deliver the greatest benefits and best solutions to everyone who comes through her office door. We could try to count the hundreds of FSA files attributable to Elinor, but we could not count the number of members whose work at BCIT has been enhanced by her efforts. None have benefited more than her colleagues in the FSA office whom she has unfailingly educated, amused, cared for, and supported.

Please drop by to say goodbye to Elinor on Tuesday, January 26 from 1:00 to 3:00 pm in Town Square C

New Senior LRR joins FSA as Hardie returns to HEU

John Hardie, the FSA's Senior Labour Relations Representative for the past 12 months has returned to work at the Hospital Employees Union from which he had taken a leave of absence.

John's year with the FSA was extremely fruitful. John negotiated resolutions to a variety of grievances and issues. In addition to representing several members, John provided invaluable guidance to the FSA Executive Committee and leadership to our other reps. He also brought a high level of organization to our representation work which we will benefit from for years to come.

John also graced us with tremendous integrity and character. Those qualities are actually reflected in his choice to return to the HEU, the union of which he was formerly a member and which hired him after he retrained as a union rep following an occupational injury.

John Hardie is as outstanding a colleague as he is a rep. We're grateful for the time he gave to us.

We are pleased to announce that Heather Neun will be joining us as our new Senior Labour Relations Rep on January 11, 2010. Heather was called to the bar in 1998 after graduating with her LLB from UBC. She practiced labour, human rights, and disability law with one of Vancouver's premier labour side firms from 2001-2008. She spent the last year in Costa Rica studying human rights law and



John Hardie.

PAUL DAYSON PHOTO

Spanish. She also as a Masters of Philosophy from the University of Sussex and worked for two years as a Teaching Assistant at SFU. Heather comes to us with glowing recommendations and will be an excellent complement to the strengths of the existing FSA staff.

Arbitrator rules on use of green, yellow contracts

In October, 2009, the FSA and BCIT appeared before Arbitrator David McPhillips in a Collective Agreement arbitration. The arbitration was the final result of a grievance the FSA filed with respect to the rights to regularization of a member in New Media. The FSA grieved the application of Article 4.6.2 by the Employer upon the member's regularization in 2008. Article 4.6.2 states:

Where a Temporary Employee becomes eligible for conversion to a regular status and where the subsequent term of employment is three (3) months or less

- 4.6.2.1 the Employee shall be made regular, however that Employee shall be considered to have received individual layoff notice.
- 4.6.2.2 In this event the individual shall be paid severance pay in accordance with the entitlements in Article 18 and be eligible for rehire as a Regular Employee but shall not fall under the layoff avoidance options and rights provisions.

In this case, the Employer invoked 4.6.2, laid off the mem-

ber, and proceeded to offer the work the member had been performing under a temporary 'green' contract to other people in the form of various auxiliary ('yellow') contracts. The FSA grieved what it saw to be the misuse of 4.6.2 as a means to avoid a regularization rather than as a means to deal with a situation in which a member regularizes but there is a legitimate shortage of work for the member to perform.

The arbitrator found that the use of 4.6.2 was appropriate given the circumstances of this case. However, the arbitrator explicitly limited the scope of his decision to these rather unique circumstances. Arbitrator McPhillips emphasized that, in this case, the work in question had always been performed under auxiliary contracts before the member's temporary full time position was created. McPhillips clearly distinguished this from "a situation where the Institute was attempting to remove green sheets from a [sic] regular day program work". In other words, this decision does not "open the floodgates" for the Employer to avoid the regularization of FSA members by unilaterally converting work to auxiliary contracts.

Canada Research Chairs at BCIT

In 2000, the Government of Canada created a permanent program to establish research professorships—Canada Research Chairs—in eligible degree-granting institutions across the country. BCIT recently became eligible for this program, and earlier this year we were informed that we have been allocated one Tier 1 Chair, for an outstanding researcher acknowledged by peers internationally as a leader in their field, and one Tier 2 Chair, for an exceptional emerging researcher acknowledged by peers as having the potential to lead in their field. BCIT's Chairs are a special allocation, and can be used in any area of research. BCIT does have the option to convert the Tier 1 Chair into two Tier 2 Chairs.

BCIT is holding an internal competition to determine which nominees BCIT will put forward in response to this opportunity. Notices of Intent to apply have been submitted, and the deadline for applications for the internal competition is Jan 14, 2010. Once applications are received they will be reviewed internally to determine the best candidates to put forward, either for an Apr 26, 2010 deadline, or Nov 10, 2010.

This is a significant opportunity for BCIT, to enhance our research profile, bring external funding into the institution, and provide research experience and training for students.

A full description of the Canada Research Chairs program can be viewed at: <http://www.chairs-chaire.gc.ca/>



Childcare Committee needs Chairperson

At the last round of bargaining the parties agreed to form a Childcare Committee to look at the potential for priority access to childcare for BCIT's faculty and staff. This committee met a few times and started looking into this possibility. Unfortunately, due to other commitments, the chair of this committee has been unable to continue on in the role and the FSA is looking for someone to take on the organizing and running of this committee.

It is expected that the chair would end up having a meeting a month with the committee and that, given the restrictive terms of reference, that the committee could finish the specific items in the terms of reference within about six to eight months.

If you are interested in helping out -- or chairing -- the committee, please contact Taco Niet at Taco_Niet@bcit.ca.

FSA GENERAL MEETING

Wednesday, January 27, 2010
2:30-4:30 PM
Telus Theatre (SE6-233)

The BCIT Faculty and Staff Association Team

Executive Committee

- Amy Fell, President
- Terry Gordon, Vice-President
- Teresa Place, Treasurer
- Joe Boyd, Director-at-Large
- Neil Cox, Director-at-Large
- Steve Finn, Director-at-Large
- Colin Jones, Director-at-Large
- Taco Niet, Director-at-Large
- Silvia Raschke, Director-at-Large

Staff Members

- Paul Reniers, Executive Director
- Heather Neun, Senior Labour Relations Representative
- Elinor Hudon, Labour Relations Representative
- Christine Nagy, Labour Relations Representative
- Ian Stockdale, Labour Relations Representative
- Eileen Chaban, Financial Administrator
- Paul Dayson, Communications Officer
- Marian Ciccone, Office Assistant

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