

Memorandum of Agreement

Between
School District #36 (Surrey)
(the “District”)
and
Surrey Teachers’ Association
(the “STA”)

RE: Variance to the Instructional Day

1. The parties agree that this agreement is without prejudice and will apply no earlier than September 1st, 2024, and no later than the last day of the 2024/2025 school year.
2. Article D.22.1.d of the Collective Agreement between the parties is hereby varied with regard to the persons, courses, instructional hours and term duration.
3. The course(s) will be part of the teacher’s instructional week and the teacher will receive equivalent weekly unpaid time off in lieu during the regular timetable. Wherever and whenever possible the teaching time should be consecutive. The teacher will not be required to be on site during this time off in lieu period.
4. It is specifically noted that this variance in no way relieves the District from its contractual obligations with regard to class size and class composition.
5. A teacher teaching on call (TTOC) replacing a teacher covered by this variance for a period of less than 6 days, may accept or decline the assignment for the period covered by the school’s regular instructional day.
6. Where a teacher covered by this variance is absent for less than 6 consecutive days, the teacher will reschedule the class within a reasonable period of time at a time and on a day that is reasonable to the teacher, students and the school. There will be no extra cost to the District, save possibly for #7 herein, as a result of this.
7. When the class rescheduled pursuant to #6 above is taught by the regular teacher, then such teacher will confirm on a monthly basis, in writing to the Principal/Vice-Principal, the duration of the rescheduled class or classes which have been taught by the regular teacher. At the end of the school year, the administrative officer will report to the Payroll Department of the District, with a copy to the teacher, the accumulated amount of sick leave to be credited to the teacher. The amount of sick leave to be credited will be based on the following:

$$\frac{\text{Accumulated minutes of rescheduled time taught}}{\text{Regular daily instructional minutes in the school}} = \text{FTE sick days}$$

The teacher will have until September 15, 2025, to grieve any disagreement with the amount of sick leave credited.

8. In the event that a TTOC is assigned pursuant to #5 herein on a day in which a class is scheduled outside the regular instructional day, then the Principal/Vice-Principal may assign the TTOC during the in-lieu block that is available.
9. In the event that the class is not rescheduled within a reasonable period, then the principal will refer the matter to the Human Resources department of the District and, if necessary, an agreed upon solution will be sought with the STA.
10. (a) In the event that a teacher covered by this variance is expected to be absent for 6 or more days or vacates the position, then the variance will not be denied unreasonably by either party, to similarly apply to the replacement teacher during the term of the variance. This will apply when the teacher covered by the variance is absent for 6 or more consecutive days. A position which includes a variance may only be posted when the teacher covered by the variance is expected to be absent for 6 or more consecutive days or vacates the position.
 - (b) A teacher, whether a TTOC or otherwise, may be offered and may accept the above noted opportunity to replace the absent teacher for the teacher's full instructional schedule including classes outside the instructional day.
 - (c) In the event that a teacher accepts a vacant position posted in Rounds 1 or 2 that had been approved for a variance outside the instructional day, the teacher will complete the Variance application and submit to the Surrey Teachers' Association before June 30, 2024.
 - (d) In the event that a teacher accepts a vacant position posted in Round 3 or is placed in a position that had been approved for a variance outside the instructional day, the teacher will complete the Variance application and submit to the Surrey Teachers' Association by the Friday after Labour Day, 2024.
 - (e) If a TTOC declines an offer pursuant to 10(b) due to classes scheduled outside the regular instructional day, then the TTOC's decision will not be recorded, and it will be without prejudice with respect to the employment relationship of the TTOC with the Board.
11. If a resolution is not achieved with regard to the rescheduling of a class or the implementation, interpretation, application or operation of this Agreement, the impasse may be referred to Joan Gordon for a final and binding determination. In order to expedite the matter, it is agreed that the determination may result from a telephone conference meeting whereby representations are made to Joan Gordon at an early mutually agreed time failing which Ms. Gordon will schedule the hearing.

Dated in Surrey, B.C. this 27 day of September, 2023.

Michele Radomski
Executive Director, Human Resources

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President

The following is a letter sent from the STA to staff reps in December 1995. It outlines the original process for applying for variance. According to the Gordon Arbitration Award dated June 12, 2013 regarding variances, the letter is required to be included in the variance application package.

To: Secondary STARA Reps December 7, 1995

From: Ralph Sebastian

Re: Variances to the Instructional Day

Since last Spring the STA has been trying to reach agreement with the Board on terms of a proposed variance to the instructional day which would accommodate secondary teachers who wish to offer credit courses in the performing arts outside the regular instructional day of their school. On December 6, 1995 the parties agreed to a process to achieve that variance and identify the teachers who are covered.

1. A STARA rep at each secondary school will be provided with:
 - a. This explanatory letter,
 - b. A copy of the application form, and
 - c. A copy of the terms which are proposed to apply to all successful applicants.
2. Each STARA rep is asked to provide those teachers who wish to apply for such a variance with this full package, and to approach the chairperson of the staff committee to facilitate the staff committee's consideration of requests for support from applicants faced with a December 15th DEADLINE.
3. Applicants are cautioned to carefully consider the form and the terms and to complete all sections fully, giving the details requested (e.g., ... I, Mary Jones would like to apply for a variance in order to teach Concert Band 10-12 from 2:45 PM to 4:15 PM on Tuesdays and Thursdays from February 1, 1996 to June 27, 1996. The educationally sound reasons ...)
4. The STA Executive will consider ALL applications at an Executive meeting on December 19, 1995. Those applicants which are approved by the Executive will be forwarded to the Board by the morning of December 21, 1995.
5. The Board will consider the terms and the list of applicants who have been approved by the STA. The Board will inform the STA by January 9, 1996 if the Board has ratified the terms of the variance and, if ratified, will attach the list of those applicants on the list in #4 who have also been approved by the Board.
6. If the Board does not agree to the terms in #1 c, or if a teacher is scheduled to teach a credit course outside the regular instructional day without being on the mutually approved list in #5, then all such teachers and all such credit courses must and will be immediately rescheduled within the regular instructional day.

Thank you for your assistance in getting this information into the hands of those teachers seeking such a variance. Inquiries should be directed to the STA office at 604-594-5353.

1. Teachers applying for a variance must include a rationale statement addressing all of the following criteria:
 - a) The course(s) could not be offered during the instructional day,
 - b) The course(s) is a provincially or locally developed course where students are enrolled. i.e. cannot be a “drop in” or tutorial session,
 - c) The course(s) is multi-grade AND it is educationally sound/appropriate to run it as a multi-grade course, and
 - d) If not multi-grade, the course(s) may be a fine arts foundational course (such as Jazz 8)
2. Teachers must be in a continuing assignment at a school with regular hours (D.22.1.d). The variance agreement does not apply to schools on an extended day schedule and variances will not be considered for such schools.
3. Teachers can apply for a maximum of 2 variances for any one school year.
4. Each variance must be on a separate application.
5. Each application must clearly indicate the days and times of the variance. **Instructional time for each variance must be a minimum of 3 hours per week throughout the school year.** Variances will not be considered if the time is during the lunch break.
6. Teachers must read the Memorandum of Agreement Re: Variance to the Instructional Day. A signature on the application form confirms understanding of the rights and obligations included in the Memorandum of Agreement.
7. Each variance application must be approved at a Staff Committee Meeting and the application for must be signed by the Staff Committee Chair.
8. The minutes of the Staff Committee meeting must be attached to each variance application and **must include the name of the teacher seeking a variance and the course that is to be taught.**
9. A copy of the school's regular bell schedule must be attached to each variance application.
10. Teachers will receive an email from the STA early in 2024 of acceptance or denial of their variance application.
11. If a variance application is denied by the STA Executive Committee, the member may appeal the decision by calling the STA and asking to be added to the agenda of an upcoming STA Executive Committee meeting to provide further information in support of their application.
12. The deadline for variance applications is November 14, 2023.



VARIANCE APPLICATION FORM

APPLICANTS MUST BE IN CONTINUING ASSIGNMENTS

This application for a variance to Article D.22.1.d of the 2019-2022 Collective Agreement (Length of the Instructional Day) must be received by the Surrey Teachers' Association (the "STA") Office on or before **3:00 P.M.** on **November 14, 2023** for the 2024-20245 school year. Applications will not be considered unless SECTIONS 1 and 2 have been fully completed by the teacher and the application is supported by a copy of the school timetable, staff committee minutes and a rationale statement. If the application is not received by **November 14, 2023** it will not be considered.

SECTION 1 - TO BE COMPLETED BY THE APPLICANT: Please use a separate application for each course applied for.

At _____ (School). The regular instructional day is from _____ AM to _____ PM. (Schools with Extended Hours do not qualify for variances under Article D.22.1.d)

(Please attach a copy of the regular student timetable, showing times of period changes.)

I, _____ (Please Print Name) would like to apply for a variance in order to teach _____ (course) from _____ AM/PM to _____ AM/PM on _____ (days of week).

Please complete and submit a rationale statement that addresses the criteria for approval of Variance applications.

In signing this form I agree that the STA may vary the length of my instructional day. This agreement is given of my own free will and voluntarily. I was not asked to agree to this schedule as a condition of employment.

(Signed) _____ on _____, 2023

SECTION 2 - TO BE COMPLETED BY THE STAFF COMMITTEE CHAIRPERSON

The Staff Committee has considered this request for a variance to the Collective Agreement. The attached minutes of the Staff Committee meeting shows that the Staff Committee Concurs/Does Not Concur with this request.

(Signed) _____ on _____, 2023

RATIONALE STATEMENT

Please indicate how your application meets the following criteria:

- The course(s) could not be offered during the instructional day;
- The course(s) is a provincially or locally developed course where students are enrolled. i.e. cannot be a "drop in" or tutorial session;
- The course(s) is multi-grade AND it is educationally sound/appropriate to run it as a multi-grade course; and
- If not multi-grade, the course(s) may be a fine arts foundational course (such as Jazz 8).



APPLICATION FOR A VARIANCE TO THE INSTRUCTIONAL DAY

VARIANCE APPLICATION CHECKLIST

Please use this checklist to ensure you have included all the required documentation for processing your variance application.

Application form fully completed, signed and dated.

Dated signature of Staff Committee chair.

Rationale statement that indicates how the variance meets each of the criteria listed at the bottom of the application form.

Copy of the school's bell schedule.

Copy of the Staff Committee minutes for the meeting at which the variance application was approved. **The minutes must include both the name of the teacher and the course to be taught.**

Entire application package submitted to the STA office, attention Amrit Sanghe, by November 14, 2023.

Note: It is not necessary to submit this checklist with your application.

For all other inquiries, please contact Amrit Sanghe at grieve1@surreyteachers.org or call the STA office at (604) 594-5353.