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January 2008

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FOCUS is printed by the New Brunswick Teachers' Federation

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FOCUS is published as an information newsletter and is intended for guidance; however, before acting on any information contained in **Focus**, teachers should contact a member of the Federation Administrative Staff.

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ISSN 1710-4238

# FOCUS



## The Replacement of Absent Teachers

The replacement of absent teachers has been at the center of the NBTF's caseload for some time now. The Federation administrative staff can report that a resolution to this matter has been achieved. But first, a bit of history:

Because the districts had taken the position that they would no longer replace some absent teachers, the NBTF filed a complaint with the Labour and Employment Board. After a hearing, the Board found that the Employer was in breach of a past adjudication decision and ordered the Employer to make a reasonable effort to replace all absent teachers. The Employer referred the Board's decision to judicial review where a judge indicated that the Board had properly directed the Employer on this very issue. However, because the districts still did not abide by that order, the Federation returned before the Labour Board. On June 13, 2007, the Employment and Labour Board filed a decision which stated that the Employer had failed to implement the Board's previous decision / order to make a reasonable effort to replace all absent teachers. The legislated remedy for that situation was for the said Board to send a report to the Minister of the Post-Secondary Education, Training and Labour. In turn, the Minister had to file the report before the Legislative Assembly. This process was deemed unprecedented. The NBTF could only assume that once the report became known to the Legislative Assembly, government would face tough questions as to why it decided not to follow the Board's decision.

Meanwhile, the Department of Education filed a grievance on Article 21.01 of the Collective Agreement seeking an interpretation of the word "absent". The Employer's position was that a teacher who is attending in-service or meetings outside the school cannot be deemed to be absent. The Federation would have argued that when a teacher is not at school, he/she is considered absent. The adjudication was scheduled for November 8, 2007.

As expected, the Board of Management had concerns about this going to the Legislative Assembly. Thus, the Department of Education has since decided to withdraw its grievance and to direct all districts to make a reasonable effort to replace all absent teachers no matter the reason for the absence or the teacher's assignment. The Employer has advised the Federation that this issue would be discussed at the bargaining table.

**Therefore, as of January 7, 2008, districts have been directed to make a reasonable effort to replace all absent teachers with certified supply teachers, regardless of assignment or reason for absence from school.** The Federation fully expects the districts to abide by the Department of Education's directive. Any comments should be directed to the Federation administrative staff.

## The NBTF Board of Directors Approves the Final Asking Package

The NBTF Board of Directors approved the final asking package for the upcoming round of bargaining at its October 26, 2007 meeting. The Federation Committee on Terms and Conditions of Employment had met earlier in the fall to review all the submissions from teachers and to prepare a draft of bargaining proposals for the Board's consideration.

In accordance with the legislation, the Federation filed its notice to bargain on January 2<sup>nd</sup>, 2008. It is anticipated the parties will meet later this month for the initial exchange of proposals. All members will receive a written communiqué following this first meeting outlining each side's respective bargaining positions. The communiqué will also include information regarding scheduled bargaining sessions and the negotiation process. The NBTF Co-Presidents and Federation Administrative staff recently attended public labour forums with the Premier and the new



Minister responsible for the Office of Human Resources. Among the principal concerns advanced from several groups was the length of time required to reach a settlement. The Federation shall make every effort to hasten the process under the Public Service Labour Relations Act and to reduce to the extent possible the time it takes to negotiate a satisfactory Collective Agreement. Members are urged to visit the Federation's Member Only Web Site regularly for updated information on bargaining: [www.nbtf-fenb.nb.ca](http://www.nbtf-fenb.nb.ca)

### The NBTF Negotiating Team



**From left to right:** Brent Shaw (NBTF Co-President), Kevin Sheehan (NBTF Deputy Executive Director and Chief Spokesperson), Marcel Larocque (NBTF Co-President), Noreen Bonnell (NBTA Vice-President) and Monique Caissie (AEFNB Vice-President) make up the New Brunswick Teachers' Federation Negotiation Team.

### The NBTF Strategies Committee



**Seated:** Noreen Bonnell (NBTA Vice-President), Brent Shaw (NBTF Co-President), Marcel Larocque (NBTF Co-President), Monique Caissie (AEFNB Vice-President),  
**Standing:** Marilyn Boudreau (NBTF Labour Relations Officer), Kevin Sheehan (NBTF Deputy Executive Director and Chief Spokesperson), Larry Jamieson (NBTA Deputy Executive Director), Louise Landry (AEFNB Executive Director), Robert Gagné (NBTF Executive Director). Absent from picture: Bob Fitzpatrick (NBTA Executive Director).



## YOUR CYBERCONDUCT COULD AFFECT YOUR EMPLOYMENT

Are you one of those persons who peers into the Web? What you probably don't know, is that the Web also peers you... You surf, you blog, you make "friends", share e-mails, messages, videos and pictures? You create friendships? Well you also leave trails of your cyberconduct. Without being totally aware of it, you are actually building yourself a Net reputation... not always pure.

I don't know anyone who would dare walk naked on Main Street or on the highway during rush hour, except for a few streakers. Nonetheless, everyday, this is what an significant number of people do while surfing from a blog to a virtual community, from a discussion forum to chat rooms, from dating sites to on line petitions as they "google" anything and everything, even about their more intimate passions...

If this resembles your cyberconduct you might be reminded that Internet is the most traveled highway in the world. Often you place information on the Net to make your friends laugh, while forgetting the public. This could result in a disciplinary measure being imposed by the employer.

A survey conducted in the fall of 2006 by the job site [Careerbuilder.com](http://Careerbuilder.com) involving 1500 employers, indicated that 26% of companies now use the new search engine created by Google and Microsoft (the same research engine used by Interpol to capture the famous Canadian pedophile Christopher Neil hidden in Thailand) to gather information on potential employees or on present employees. These employers now visit blogs and social networks (My Space, Facebook, etc.). They are no longer satisfied with having the authorities run a security check. More often than not, the information they find does not always paint a positive picture of the employee.

Therefore, be aware that certain employers could discard your application for future employment or could discipline your present cyberconduct because of your virtual identity. If some of your traces could be questioned, or if you believe them to be cause for concern now or in the future, it would be wise to undertake steps to have them erased. [Reputationdefender.com](http://Reputationdefender.com), for a few sound dollars, pledges to erase your virtual identity. It is also possible to communicate with Facebook, You Tube and My Space and have them erase your traces. Those, of

course, that could be prejudicial to your career or reputation.

Caution is the word, be it with your three-dimensional conduct or with your cyberconduct. If you place information anywhere on the Web that should not appear on the front page of a newspaper, it would be wise to take the necessary steps and have it removed. It would also be wise to reflect seriously on your actual cyberconduct.

*(Ref: Jobboom, Vol.8, no. 8, Sept 2007)*

**Teachers  
Must Always  
be Mindful  
That on the  
Net...  
Nothing is  
Anonymous!**



The New Brunswick Teachers' Federation wishes to remind all teachers under contract to visit the NBTF Member Only Web site at [www.nbtf-fenb.nb.ca](http://www.nbtf-fenb.nb.ca).

This site will provide regular updates on the status of negotiations. To access the Member Only Web site, teachers need to enter their association member number and their date of birth. This will generate an automatic password that should not be shared with anyone.

Get your information first hand. Log on regularly.

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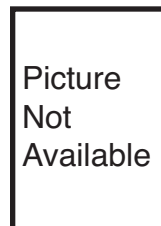
**Heather Ingalls**  
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1021



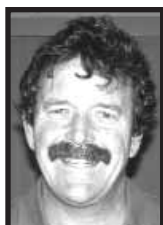
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**Gilles Saulnier**  
0151

### The NBTF Labour Education Workshop Meets All its Objectives

The NBTF held its Labour Education Workshop on October 26 and 27, 2007 and invited Directors and Branch Presidents to attend. Guest speakers for the event were Robert Gagné (NBTF), Kevin Sheehan (NBTF), John Staple (CTF), Myles Ellis (CTF), Bernard Belliveau (ÀPropos Communications), Blake Robichaud (NBTA) and Nicole Dupéré (AEFNB).

108 teachers took part in the event. They felt they had received sufficient information and were now better able to inform their branch members about the negotiation process. The ratings received in all the categories indicate that the 2007 Education Workshop met its objectives and should be repeated before the next round of bargaining with some minor adjustments. The detailed report is available by contacting any member of the Federation administrative staff. Here are

some of the results on a scale of 1 to 5:

- The workshop met its objectives: 4.7
- The format was appropriate: 4.5
- The various topics provided useful information: 4.6
- Kit content: 4.3

Participants felt that the speakers' input help them understand the negotiation process and the situation surrounding bargaining in other teacher organizations in Canada and in the Atlantic Provinces.

The NBTF wishes to thank the invited speakers for their generous contribution and their insightful presentations. A special thank you to all the participants who gave their precious time to attend this workshop.

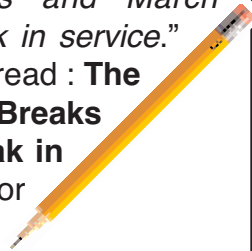
### A gathering of NBTF's Finest Leaders: Board Members and Branch Presidents



### Contract Entitlement for Supply Teachers- Sorry our Mistake!

In the September / October Edition of FOCUS, Page 7, we write: *"The continuous service has to occur during the same school year since the summer is considered as a break in service. The Christmas and March Breaks constitute a break in service."*

The last sentence should read : **The Christmas and March Breaks do not constitute a break in service.** Our apologies for the misprint.



### Electronic Communications Advice from the NBTF

The NBTF is becoming more and more concerned about teachers' electronic communications and cyberconduct. As a first response to a growing number of complaints, the Federation administrative staff has put together an information pamphlet for teachers. This pamphlet will be available to all Federation members. Contact your school representative or call any member of the Federation staff. The pamphlet will also be available on the Federation web site at [www.nbtf-fenb.nb.ca](http://www.nbtf-fenb.nb.ca) under Publications.



## STORM DAYS

### *Frequently Asked Questions*



#### What is the situation for a teacher who is on leave when there is a storm day?

The NBTF and the Employer have agreed on an interpretation for a teacher who is on sick leave at a time when the school is closed because of inclement weather. If the teacher is in school the day previous to the storm day or the day following that storm day, then it will be assumed that the teacher would have been at work during the storm day. A sick day will not be deducted in such a situation. For example, if the storm day is on a Thursday and the teacher was absent for health reasons on the Wednesday but is at work on the Friday, then it is assumed that the teacher would have been at work on the Thursday which was the storm day. The day will not be deducted as a sick day.

For any teacher who is on sick leave both on the day before and the day after a storm day, it is assumed that the teacher would not have been at work on the storm day. That day will then be deducted from a teacher's accumulated sick leave.

#### What about other situations involving a long-term leave?

Obviously, if the teacher is on a paid leave and there is a storm day, there won't be any consequence since this day is already remunerated. Some leaves which fall into this category are educational leaves, paid leaves under Articles 35.02, 34.01 and 32.03, or when a teacher has been subpoenaed to testify in court. However, for teachers who are on unpaid leave, it is not

expected that this storm day would be paid. The Employer has already accepted to grant a leave but the condition at the outset was that it would be without pay. Essentially, a storm day cannot make it such that a teacher would be in a better financial position than if it had not occurred.

With regards to compassionate leave, the same type of interpretation should be applied. For example, the Collective Agreement states that a bereavement leave must be taken at the time of the situation requiring the leave. There again, the NBTF has agreed with the Employer that a bereavement leave must be taken within the period of 7 days following the time of the event (death). Saturdays and Sundays count but statutory holidays don't. A storm day would then be counted as any other day.

#### Are substitute teachers paid during a storm day?

*Policy 202* (Article 6.6.1) indicates that if a substitute teacher who teaches more than ten (10) consecutive teaching days in the same assignment in a school that is closed due to a storm will be paid for that storm day in accordance with Article 16.02 of the Collective Agreement provided that the storm day occurs during the assignment, including the first and last scheduled day of the assignment.

**For other questions related to storm days, please call a member of the Federation administrative staff at 452-1736**



## Best Wishes for the New Year from the Federation Group Insurance Trustees

The Federation Group Insurance Trustees wish you a healthy 2008. The year 2007 saw a market study and thanks to the competitive market out there, it was possible to secure good rates and additional benefits.

As you probably noticed, the year began very well since no premiums were taken from your checks to cover your health plan for the months of December 2007 and January 2008. These premiums will be taken from the surplus accumulated during the last few years. However, when the premiums resume again in February, you will notice a slight increase in health insurance for all active teachers (\$8.00 a month). Also, the salary continuation plan surpluses will cover the premiums for 6 months, from January until June. Other improvements were included in the other plans but with very little changes premium wise. A communiqué explaining these details was sent out to all members in late November of 2007.

Overall, the news is good for the Group Insurance plan. We are reminded that a premium holiday was also afforded in January and February of 2006 on the health and dental plans.

The experience with retired teachers is not as favorable however, and the Trustees had to make major changes in the way the health plan is structured in the three categories of retired teachers. For some (less than age 60 and from 60 to 64), this means a significant increase in premiums. For others (age 65 and over), this implies an important reduction in premiums. The Trustees remain confident that the new methodology better reflects the financial realities and the experiences in claims of the different groups, but also that the overall plan is more fair and equitable.

It has been a busy year for the Trustees in which difficult decisions had to be made. We wish to thank the members for their cooperation and for their suggestions on the group insurance. The Trustees will continue to offer the best possible plans at the best possible premiums.

### NBTF Group Insurance Trustees for 2007-2008



**Seated:** Robert Gagné (NBTF Executive Director), Katherine Soucy (Chair Person), Brent Shaw (NBTF Co-President), Marcel Larocque (NBTF Co-President).

**Second Row:** Gaétane Levesque-Dupont, Robin Anderson, Nicole Boudreau, Ruth Keswick, Ellen Wright, Rick Hayward.

**Third Row:** Edouard Allain (NBTF Liaison), Kevin Sheehan (NBTF Deputy Executive Director), Léonce Dubé, Dale Weldon (Johnson Inc.), Randy Moore.

**The Federation administrative staff had a chance to salute retired NBTA Executive Director, Richard Caissie, for his dedication on behalf of teachers at a banquet given in his honor by the AEFNB. In picture Kevin Sheehan (Deputy Executive Director), Richard Caissie, Marilyn Boudreau (Labour Relations Officer) and Robert Gagné (Executive Director).**

