
Regulation 274 Questions and Answers

Ontario Secondary School Teachers' Federation
Fédération des enseignantes-enseignants
des écoles secondaires de l'Ontario

60 Mobile Drive, Toronto, Ontario M4A 2P3

TEL 416.751.8300
TEL 1.800.267.7867
FAX 416.751.3394
www.osstf.on.ca



REGULATION 274: WHAT WAS ATTEMPTED ON BEHALF OF OSSTF/FEESO MEMBERS?

OSSTF/FEESO representatives met with Ministry of Education and school board representatives on May 27 and May 28 as outlined in the MOU between the Ministry of Education and OSSTF/FEESO.

OSSTF/FEESO began preparing for the discussions and developed a set of guiding principles, which were approved at the April Provincial Council meeting, and used these to develop a position paper for the meetings on May 27 and May 28.

At the meeting OSSTF/FEESO representatives did not entertain any suggestions that would dilute any rights currently guaranteed under Regulation 274. The school board representatives were also resistant to addressing our issues. Consequently, discussions over the two days were unsuccessful in addressing either the school boards' issues or OSSTF/FEESO's issues with Regulation 274. Both parties agreed to another meeting day on June 17, 2013.

On June 13, 2013 OSSTF/FEESO received notification that the school board representatives were not prepared to move forward in addressing OSSTF/FEESO's issues in any concrete manner and the meeting scheduled for June 17, 2013 was cancelled.

For the foreseeable future, Regulation 274/12 will govern how teachers are hired in Ontario. The following questions and answers may be used to guide your understanding of its provisions.

GENERAL INQUIRIES:

1. How does Ontario Regulation 274/12 work?

Under the regulation, school boards must establish and maintain two occasional teacher lists:

- a roster of occasional teachers (or "**roster**");
- a long-term occasional teachers' list (or "**LTO list**").

An occasional teacher's ranking on the roster is based on seniority. The roster must include the names of all occasional teachers hired by the school board, the day each occasional teacher was placed on the roster, and a summary of each occasional teacher's teaching experience. School boards are required to update their rosters regularly.

2. When can an occasional teacher apply to be placed on the LTO list?

An occasional teacher may apply to be placed on the LTO list once s/he:

- has been on the roster for at least ten months; **and**
- has taught as an occasional teacher with the school board for at least 20 days during a ten-month period. (Note: The ten-month period must have taken place sometime during the five years preceding the occasional teacher's application to the LTO list.)

School boards must grant an interview for the LTO list to every occasional teacher on the roster who meets the conditions established in the regulation. Boards then determine, through an interview process, which occasional teachers will be placed on the LTO list. Like the roster, the LTO list is ranked based on seniority. School boards are required to update their LTO lists regularly.

3. When can an occasional teacher apply for permanent positions?

The regulation stipulates that only occasional teachers on the LTO list who have completed a minimum of one LTO assignment at least four months long, and have both the required qualifications and highest seniority ranking, can be considered for permanent positions.

4. How are LTO and permanent positions to be filled by school boards?

When hiring for LTO and permanent positions school boards must:

- **first**, honour any written agreement, including collective agreement language, governing how teaching positions are offered to teachers whose positions with the board have been declared surplus or redundant;
- **then**, place notice of an available position on their websites for at least five weekdays.

Boards are required to interview five occasional teachers from the LTO list who have agreed to be interviewed, and who have both the required qualifications and the highest seniority ranking.

In the case of an LTO assignment, if the applicants who are interviewed decline the assignment the board is required to advertise the position to occasional teachers on the LTO list and interview a selection of qualified candidates. If interviewed candidates decline the position, the board is required to advertise the position to occasional teachers on the roster and interview a selection of qualified candidates.

5. What rights does an unsuccessful applicant have under Regulation 274/12?

An unsuccessful candidate to the LTO list, an LTO assignment or a permanent position is entitled, on request, to meet with the individual or panel that conducted the interview to discuss her/his performance during the interview and how to improve her/his chance of being successful in future interviews.

MEMBER QUESTIONS:

6. How will permanent part-time and Continuing Education teachers get access to occasional employment under the new rules?

A collective agreement entitlement which provides access to employment would be activated prior to that work being designated as available to those members whose names appear on the OT Roster and the LTO list.

7. I have a number of years of experience as both a day-to-day supply teacher and a long term occasional teacher. Does my LTO experience give me greater entitlement for inclusion on the LTO List?

After meeting the requirement to interview from the OT Roster, the Board, in its sole discretion, may determine which candidates from the Roster comprise the LTO List. More experience as a long term occasional teacher, even with one's own school board, may not be a determining factor for inclusion on the LTO List.

8. My spouse recently became employed in a community in another part of the province. What process must I follow to be hired into a permanent teaching position with a new school board?

The first step in landing permanent employment is inclusion on the OT roster. Then, once the threshold of 20 days in a ten-month period is achieved, the candidate is only eligible to be considered for an interview to be placed on the LTO list. The Board must fill all LTO and permanent positions from the LTO list according to the process outlined in question #4.

9. I hope to exercise my capacity to teach for 50 days next year when I'm on pension. How will I get access to that work?

There is certainly no prohibition to pensioners being hired to OT rosters and working as day-to-day supply teachers after they have executed a "bona fide cessation of employment" from their "home" Board. This step is necessary in order to qualify for a pension. However, any access to LTO positions must be achieved through meeting the 20-day threshold over a ten-month period on the OT Roster, followed by a successful interview for inclusion on the LTO list.

10. I was declared redundant from my teaching position last Spring. What entitlement can I expect to occasional work?

As outlined in question #4 above, when hiring for LTO and permanent positions school boards must first honour any written agreement, including collective agreement language, governing how teaching positions are offered to teachers whose positions with the board have been declared surplus or redundant.

11. I'm almost certain that I was the most senior qualified candidate for a teaching job that was given to someone else (with less seniority and fewer qualifications). What's being done about that?

OSSTF/FEESO is working closely with Teacher and Occasional Teacher bargaining units to monitor how school boards are implementing Regulation 274. Grievances are being launched across the province in response to school board violations of both the provisions of the regulation and any protections afforded by collective agreements relevant to those provisions. These grievances are currently being reviewed by the Member Protection Workgroup so that, as a union, we proceed with those cases that have the best opportunity for success at arbitration. Once we have established precedents on these issues we will be able to enforce the terms of the regulation from a position of strength.

OSSTF/FEESO will continue to lobby the government for changes to Regulation 274 that will respect the principles approved by Provincial Council. Watch the website for further updates to this member bulletin as further clarifications from the government are forthcoming.