



# MEMORANDUM

## Programs and Services

July 22, 2020

To: All NLTA Members

Re: Starting Date for the 2020-21 School Year – FAQ

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As announced by government on July 20, the Minister of Education has changed the start date of the 2020-21 school year from Tuesday, September 8 to **Wednesday, September 2**. Under subsection 27(1) of the *Schools Act, 1997*, the Minister has sole authority to determine the opening and closing dates of the school year and is under no obligation to consult with the Association in this regard. It is unfortunate that the Minister chose to wait until after teachers and administrators had been dismissed for the school year to announce this decision.

Not surprisingly, this decision has given rise to numerous questions among NLTA members. While individuals should make contact with NLTA staff for advice/assistance on issues related to their personal circumstances, below are responses to some of the most frequently asked questions received by Programs and Service staff.

**Q1:** Does having to start work before the Labour Day weekend mean that the school year has been lengthened and, if so, should NLTA members see an increase in pay related to this?

**A1:** No. As per Clause 28.01(ii) of the Provincial Collective Agreement (Clause 16.01(a)(ii) of the Labrador West Collective Agreement), there are 195 paid days in a school year comprised of 185 actual teaching days, three paid holidays, two administrative days, one report card preparation day, and four professional development days, one of which is reserved for professional development needs identified by teachers at the school level. The Minister of Education has always had the legislated authority to establish the start and end dates for the school year; however, in between these two “bookends”, the school year for teachers can only consist of 195 days.

Three PD days and one administrative day will be used for September 2-4 and 8, with students returning to school on September 9. The school districts will be required to schedule one PD day, one administrative day, and one day for report card preparation during the rest of the school year. The three paid holidays are applied to Thanksgiving Monday (October 12, 2020), Remembrance Day (November 11, 2020), and Victoria Day (May 24). All other non-teaching

days/periods that fall in between the opening and closing dates for school (Christmas and Easter breaks, any other long weekends or breaks, including the Labour Day weekend for 2020-21) are covered, from a salary perspective, by “holdback pay”.

The change in the school opening date does mean that there will be three more days to be scheduled in as breaks during the 2020-21 school year, and school districts are required to consult with teachers on how/when these will be scheduled. The overall number of work days for teachers – 195 – is not increasing.

**Q2:** Will there be PD time available for other topics, such as new curriculum implementation, mental health, Phase III schools, etc.?

**A2:** The collective agreements establish the minimum number of PD “shutdown” days – four – that must be scheduled during a school year. Additional days may be provided at the discretion of the Minister. However, not all PD occurs on shutdown days – particular teachers in certain schools regularly participate in PD opportunities on an individual basis and are replaced by a substitute teacher for the related period of absence from school.

**Q3:** Does the change in the starting date for the school year have any impact on members’ pay?

**A3:** No. As per Clause 22.01 of both the Provincial and the Labrador West Collective Agreements, NLTA members receive their annual salary in 26 equal installments, and it is not unusual for teachers to receive their first of 26 payments for a school year in advance of school actually starting. As previously noted (see A1), any pay for non-teaching periods during a school year (aside from the three required paid holidays) comes from “holdback”. There are four summer pay periods for teachers, all from holdback, the last of which for 2019-20 is on August 20. This means that, if nothing had changed, the first of the 26 teacher pay days for the 2020-21 school year, on September 3, would have been entirely a holdback cheque. Now, with school opening for teachers on September 2, the first pay day will be comprised of seven days of holdback, and three days of regular pay. This also is not an unusual occurrence. The school year will still consist of 195 paid days with total annual salary spread out over 26 equal installments.

**Q4:** If a member had plans (vacation, travel, etc.) for September 2-4, had made bookings and/or incurred costs, are they expected to cancel these and potentially be out of pocket for cancellation or change fees, etc.? Is there any recourse to recoup such losses?

**A4:** These are important questions and, quite frankly, government should not be surprised by such situations given the late date at which the decision to change the school year opening date

was made and communicated. Where possible, members should make every effort to adjust plans that may conflict with the earlier start date and minimize any losses. That being said, it is the NLTA position that no member should be “out of pocket” for expenses due to having relied upon the start date for the 2020-21 school year that was originally determined and communicated. Such circumstances are best addressed on an individual, case by case basis, and any member who needs assistance in this regard should contact a member of NLTA staff for advice and support prior to incurring any additional cost(s).

**Q5:** What about childcare for members with children not able to stay home alone who do not have childcare arrangements for September 2-4?

**A5:** As notice of the change in date has been provided, members in such circumstances should be making every effort to obtain childcare for the dates in question. That being said, the Association has raised this concern with the school districts and will advise of any employer response. In some cases, accommodation through work from home arrangements may be possible. As we get closer to September 2, any member who is unable to secure childcare should contact the NLTA staff for advice/assistance as necessary. Members are advised that, in such circumstances, they should be able and prepared to provide proof of their efforts to obtain childcare services for the dates in question.

**Q6:** Has government provided any rationale for why they decided to change the opening date for schools instead of looking at other options?

**A6:** During earlier discussions with the EECD, before there was any indication that the Minister was considering changing the opening date for schools, NLTA had proposed that three of the four PD days guaranteed in the collective agreements be used at the beginning of the school year. The goal was to provide teachers and administrators with more time to prepare for the return of students, which would have been moved to September 14 had our suggestion been accepted. This would have achieved the same results, there would still have been 195 days in the school year, without moving the start date or introducing three more days for “breaks” during the school year. While the Association cannot speak for government, our impression is that this was a matter of “optics” for our political leaders. They felt that parents would look more favourably upon an approach that would not delay the date for students returning to school, even if it led to more or longer non-teaching periods during the school year. Clearly, the Minister and government did not consider how disrespectful this late notice of change would be to NLTA members.

**Q7:** Can the NLTA challenge this decision by government? Can a grievance be filed to contest this?

**A7:** The Association was not consulted on the Minister's decision and had proposed, within the parameters of the collective agreements (see A6), a plan that would have allowed teachers and administrators the opportunity to better prepare for the return of students, which would have resulted in a later student return date of September 14 with no extra or longer breaks from instruction during the school year. However, the Minister of Education decided to exercise his legislated authority to make this decision. A grievance is, by definition, an alleged violation of the collective agreement. While the collective agreements do require the school districts to consult with teachers regarding the school year holiday schedule, there is no contractual obligation on government to consult on decisions around the opening and closing dates for schools. Since this issue is not addressed in the collective agreements, the Minister's recent decision is not one that can be grieved.

**Q8:** Will these changes affect the start and end dates of my maternity/adoption/parental leave?

**A8:** There are no changes to the maximum period of time permitted for these types of leave (58.5 weeks or 292.5 days while school is in session). Members may wish to change the start and/or end dates of their leave to account for the earlier start date of school or to ensure that their return date still falls within the maximum amount of leave permitted. In such cases, members will need to submit a request to their school district for changes to their leave dates. Members requiring assistance with such requests can contact NLTA staff for advice/assistance as necessary.

**Q9:** I am a substitute teacher. Will these changes affect my Employment Insurance claim?

**A9:** The Association shares changes to the school year calendar annually with Service Canada so they are aware of when the summer non-teaching period ends and the teaching period resumes. As such, with an earlier start date, September 2-4 will no longer be part of the summer non-teaching period and will now be considered teaching days for EI purposes. The Association is preparing a survey for substitute teachers to further assess the effect the suspension of in-school classes has had on EI eligibility and other financial impacts.

**Q10:** Can I access sick leave or family leave during the first week of school (September 2-4)?

**A10:** Yes, this is possible. Access to sick leave and family leave is non-discretionary. Members should be aware of the eligibility criteria for both types of leave, which are established in the collective agreements:

**Sick Leave** – Provincial (Clause 15.01) and Labrador West (Clause 27.01) Collective Agreements

*A teacher is eligible for sick leave with pay when the teacher is unable to perform duties because of illness, injury or other disability provided the necessary sick leave credits have been accumulated and provide the other requirements of this Article have been complied with.*

**Family Leave – Provincial (Clause 18.03) and Labrador West (Clause 29.03) Collective Agreements**

*A teacher shall be granted leave with pay, not exceeding three (3) days in the aggregate in a school year to attend to the temporary care of a sick family member; needs related to the birth of the employee's child; medical or dental appointments for dependent family members; meetings with school authorities or adoption agencies; needs related to the adoption of a child; or home or family emergencies.*

Sick leave can be accessed for attendance at medical/health care appointments. Inability to secure childcare for September 2-4 would be covered by family leave; however, any member who finds themselves in such circumstances is encouraged to contact NLTA staff for assistance in seeking an accommodation from the employer, such as working from home.

NLTA members who have questions or concerns regarding how this late decision and announcement by the Minister of Education impacts their personal circumstances are encouraged to contact an NLTA Administrative Officer in Programs and Services via [mail@nlta.nl.ca](mailto:mail@nlta.nl.ca).