

APPENDIX A

GUIDELINES FOR TIME-IN-LIEU FOR ELEMENTARY TEACHERS AND PRINCIPALS

BACKGROUND

The TCDSB entered into an agreement with the Ontario English Catholic Teachers' Association – Toronto Elementary Catholic Teachers (TECT) regarding the scheduling of planning and evaluation time and the provision of time-in-lieu, in certain circumstances. This agreement was effective February 1, 2015.

Preparation and Evaluation Time

- The Collective Agreement has provisions for Preparation and Evaluation Time for every teacher -- the provision of Preparation Time is mandatory and is built into the timetable of the teacher.
- Each teacher is to receive 240 minutes per week of Preparation & Evaluation Time. This is pro-rated if a teacher has a Basic Time Classification less than 100%.
- For most teachers, the Preparation and Evaluation time is provided through the provision of other teachers who teach part of the curriculum. Some areas of curriculum include Physical and Health Education, Vocal Music, Instrumental Music and French as a Second Language (FSL).

Time in Lieu

- The Collective Agreement also has provisions when a teacher is not able to receive the allocated Preparation & Evaluation time – this results in Time in Lieu.
- Teachers may request the school administration to have the Preparation & Evaluation time allocated in a timely manner prior to accumulating a half-day or full-day of lost time.
- Or, when the Preparation Time for a teacher is not provided, the teacher is required to fill out a Time in Lieu Form. The Time in Lieu Form is initialed by the principal of the school to verify that the Preparation & Evaluation time has not been provided to the teacher.
- The teacher maintains all of his/her Time in Lieu Forms and when sufficient time has been accumulated for a full day or a half-day, the teacher may claim reimbursement of the lost Preparation Time in consultation with the Principal.

Purpose

The Memorandum of Settlement has clarified how Time in Lieu can be claimed, when it can be claimed, and how Time in Lieu will be implemented.

This document seeks to provide answers and clarification to commonly asked questions. If you have additional question or need clarification on a particular issue, you can contact the TECT office or Human Resources at the Board.

QUESTIONS AND ANSWERS

1. When can a teacher claim Time in Lieu?

- A teacher can claim Time in Lieu when preparation and evaluation time is not provided or is cancelled by the principal for the teacher who is actively at work.

2. What does “actively at work” mean?

- A teacher is actively at work if the teacher has reported for duty.
- This does not mean that the teacher is necessarily at their school.
- The teacher could be on an overnight school trip, attending a workshop provided by the Board, or at a meeting scheduled at a different site.

3. Can a teacher claim Time in Lieu if they are absent from school due to illness?

- Yes, if, on the day of absence, the preparation time is greater than 48 minutes.
- For example, if Teacher A is scheduled to receive 60 minutes of preparation time on Tuesdays and Teacher A is absent on Tuesday, and then the teacher may claim 12 minutes of lost P & E time but not 60 minutes. The average daily Preparation and Evaluation Time is 48 minutes per day although it is scheduled in 30 minutes blocks.

4. Can a Teacher’s schedule/timetable be changed if they are not actively at work so that there is no missed Preparation & Evaluation time?

- No - Neither the Teacher nor the school administrator can alter the Teacher’s schedule/timetable or move their Preparation & Evaluation time.
- The teacher can claim any lost preparation time that is greater than the average daily allocation (48 minutes).

5. What can a teacher claim if the teacher has been absent due to illness for the entire week of school (Monday to Friday)?

- The teacher cannot make a claim for lost preparation time.

6. Can a teacher claim Time in Lieu when there is a statutory holiday such as Good Friday or Family Day?

- Yes, the teacher can make a claim for any time over the average daily allocation of 48 minutes.
- If the teacher had 90 minutes scheduled on the day of the statutory holiday, the teacher may claim 42 minutes of Time in Lieu. Although the teacher is not actively at work, no teacher shall lose more than the average daily amount of preparation time (48 minutes daily) when there is a statutory holiday.

7. What happens when there is a Ministry sponsored Professional Development Day?

- **Status:** Currently seven school days are designated as Professional Development Days or Professional Activity Days.
- **Designated Days:** Where the days are assigned and designated to the schools, local accommodations will be made for preparation time.
- **System Wide:** Where all teachers attend a day of professional development, the Board will build preparation time into the schedule when organizing the day. The Board organizers of the event will make the best efforts to place the preparation time either at the beginning of the day or at the end of the day. The work day is 300 minutes exclusive of lunch and breaks and inclusive of Preparation & Evaluation time.
- **Lost Preparation Time:** If any teacher does not receive their preparation time on a Professional Development Day, they can claim the time. If the teacher only receives a portion of their preparation time, the teacher can claim the difference that the teacher did not receive.

8. Can a teacher claim Time-in-Lieu when Mass is scheduled during his /her preparation and evaluation time?

- Yes and no.
- A teacher cannot claim any lost preparation time for a total of four (4) Masses equivalent to 120 minutes of P&E Time.
- The principal will make every effort to try and schedule the Mass at different times during the school year
- A teacher cannot claim the loss of preparation time as a result of attendance at Mass up to a maximum of four (4) masses (a total of 4 thirty (30) minute preparation & evaluation periods). If there is a loss of preparation time after four (4) Masses equivalent to 120 minutes of P&E Time, then the teacher can claim the loss of preparation time through Time-in-Lieu.
- Both the teacher and the principal must keep track of the Mass schedule and the teachers who lost their preparation time.
- For further clarity, 120 minutes of P&E time cannot be claimed if such time was lost due to the Mass schedule to a maximum of 4 Masses.

9. What happens when Program Specialty classes or FSL classes are cancelled for the day because the teachers of those classes are not available?

- The Principal of the school will announce to the school staff that the Program Specialty Teacher or the FSL teacher is not available and that preparation & evaluation time will not be provided. In the same announcement, the Principal will announce that the Time-in-Lieu forms are available in the office for the affected teachers.
- The teacher is responsible to complete the Time-in-Lieu Form and get it initialed by the principal. The teacher keeps the Time-in-Lieu Form until such time as they are ready to claim the lost time.

10. How does a teacher claim Time-in-Lieu?

- The teacher claims the lost preparation & evaluation time in accordance with the Collective Agreement by filling out a Time-in-Lieu Form. The form will have the date of the lost preparation time and the amount of time that was lost. When the teacher has accumulated enough Time-in-Lieu to claim a half-day or a full day, and the teacher makes the decision to claim the Time-in-Lieu, then the teacher submits the Time-in-Lieu forms to the principal and advises the principal on what day he/she wants to use the Time-in-Lieu. The principal and the teacher consult on the request but the teacher makes the final decision on the day to be used.

11. Does a teacher have to accumulate a half-day or a full day of lost Preparation & Evaluation time before they can claim it?

- No. Under the Collective Agreement 5.12 (c) (v) "The Board shall make every reasonable effort to reschedule any lost planning and evaluation time in a timely manner."
- Only the teacher may request that the lost P & E time be made up as soon as possible. Sometimes the school administration is able and willing to make up the lost period of P & E time.
- However, the school administration cannot impose the scheduling of lost preparation time. In addition, there is a restriction that the lost P & E time is not made up by any teacher on staff. Lost preparation time cannot be made up by an Early Childhood Educator, Educational Assistant or a supervisor or parent volunteer. The principal or vice-principal may make up the lost preparation time because the principal or vice-principal is a qualified teacher with an OCT.

12. If a teacher transfers to another school, what happens to their accumulated Time-in-Lieu?

- Time-in-Lieu does not belong to the school. It belongs to the teacher. The teacher brings their accumulated Time-in-Lieu with them to the new school. This is why it is important that the teacher keep a copy of the Time-in-Lieu forms for submission when the Time-in-Lieu is claimed.

13. When should a teacher claim their Time-in-Lieu?

- Both TECT and the Board believe that it is a best practice to use the Time-in-Lieu in the same year that it is accumulated. Notwithstanding the previous statement, teachers have a two year continuous timeframe to claim Time-in-Lieu.

14. How much Time-in-Lieu is needed to claim a half-day or a full day?

- A half-day consists of 150 teaching minutes including Preparation & Evaluation time and a full day consists of 300 minutes including Preparation & Evaluation time.
- If a teacher is claiming a half-day and 30 minutes of P & E time is scheduled in that half day, then the teacher will require 120 accumulated minutes to claim a half-day.
- If the teacher is claiming a full day, then the teacher needs to subtract the amount of P&E time that is assigned on that day. If 30 minutes of P & E time is assigned, the

teacher needs 270 minutes of accumulated time. If the teacher had 60 minutes of P & E time on that day, the teacher would need 240 minutes of accumulated time.

15. Does the teacher need to stay at school when the Time-in-Lieu is scheduled?

- When the teacher schedules the Time-in-Lieu for a full day, the teacher does not need to report to the school or to the work site. The teacher must advise the principal during the consultation that the teacher will not be at school on that day.
- When a teacher schedules the Time-in-Lieu for a half-day, the teacher may consult with the principal to see if another teacher on staff is interested in using their accumulated Time-in-Lieu. If both teachers want to schedule the same day off, one in the morning and one in the afternoon, using the same Occasional Teacher, then neither teacher needs to remain at the school for their Time-in-Lieu.
- If there is no agreement or the teacher wants to use the half-day of Time-in-Lieu without coordinating with another teacher, then the teacher remains at the school. The teacher must advise the principal which half-day they wish to use for their Time-in-Lieu during the consultation process. The teacher may request to remain off-site and this may be approved by the principal.
- In both instances, the decision as to which day is to be scheduled for Time-in-Lieu is a teacher decision with consultation with the principal. However, the decision as to whether the teacher remains on site for the half-day is the decision of the principal.

16. Is consultation with the principal mandatory?

- The collective agreement states that Time-in-Lieu will be “scheduled by the teacher in consultation with the principal”. The consultation is mandatory however the selection of the date for using the Time-in-Lieu is the teacher’s decision.
- The consultation process assists both the teacher and the principal to review what is planned for the school in the time period that the teacher is considering for claiming Time-in-Lieu. For example, the school may be having a special event that the teacher may not be aware has been scheduled. The teacher may decide to change the date she/he was considering because she/he wants to be present for the presentation. After the consultation, the teacher makes the decision on the date.

17. Is there a cut-off date for the use of accumulated Time-in-Lieu?

- Yes. A teacher has two calendar years from the date of the first accrual of time to claim use of the time. Teachers who accumulate up to a half-day or a full day of Time-In-Lieu shall make the claim for use as each half-day and/or full day is accumulated in accordance with the Collective Agreement and the Memorandum of Settlement.
- The two calendar year window is a moving continuum. If the teacher fails to use the accumulated Time-in-Lieu within the period, the teacher may lose access to some of the accumulated time.

18. When does this new application commence?

- The new application commenced on February 1, 2015. This means that the new rules for attendance at Mass will be applied in February for the 2014 -15 school year as well as any other exemptions such as Union business.
- The old rules are applied for the period up to January 1, 2015. There were no exemptions prior to January 1, 2015.

19. What happens to any accumulated Time-in-Lieu that is already beyond the two year timeframe?

- A teacher will have the opportunity to use Time-in-Lieu that has been accumulated and is outside the two year window until January 30, 2017.

20. What happens to Time-in-Lieu if a teacher goes on an approved Leave of Absence?

- The length of time of the Leave of Absence would be suspended from the two year continuous window.
- Approved Leaves of Absence are leaves, such as but not limited to, maternity leave, parental leave, medical/illness leaves, Leaves of Absence without pay approved by the Board such as sabbatical leaves, personal leaves, Long Term Disability and others.
- It is important for the teacher to keep a record of any Leave of Absence so that Time-in-Lieu will not be lost.

21. Are there any other exclusions or exemptions regarding claiming Time-in-Lieu?

- No. Only those specific events that are mentioned in the Memorandum of Settlement are not eligible for a Time-in-Lieu claim. All other reasons for when a teacher does not receive the required Preparation and Evaluation Time are eligible for a Time-in-Lieu claim by the teacher.
- However, if circumstances change, TECT and the Board will continue to discuss and review what is not eligible for a Time-in-Lieu claim.