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MEMORANDUM OF AGREEMENT

between

the BCIT FACULTY AND STAFF ASSOCIATION

and

the BRITISH COLUMBIA INSTITUTE OF TECHNOLOGY

GUIDE TO ARTICLE 10.3 - PROFESSIONAL DEVELOPMENT EXPENSE FUND

This document provides guidelines on the application of Article 10.3 of the FSA Collective Agreement. Please refer to Article 10.3 in the FSA Collective Agreement for the specific language. In the event there is a discrepancy between this document and the Collective Agreement, the latter takes precedence.

As members of a publicly funded institution, it is important for all parties to ensure that decisions are fiscally responsible and that the funds are being utilized in accordance with the purpose and intent of Article 10.3.

What is the Purpose of Article 10.3 Professional Development Funds (PD Funds)?

As outlined in Article 10.3.2, the general purpose of Article 10.3 funds is to:

> *Promote leadership in technological education through funding of relevant professional development activities and/or the purchase of equipment or services which maintain currency, flexibility, and professional competence of Employees or augment the professional development of the individual Employee.*

Article 10.3 Funds are for professional, not personal development.

What Criteria Are Used To Assess Whether Or Not The Request Is Consistent With Article 10.3?

In order to assess whether a request for funds is consistent with Article 10.3, the Program Group should consider the following questions:

- Is the activity, resource or equipment relevant to or does it augment the individual's area of professional competence or continuing development?
- Will the activity, resource or equipment provide a measurable benefit to the individual, the Department or the Institute?
- Does the activity, resource or equipment assist the individual to maintain currency and flexibility in his or her area or professional competence?
- Will the expenditure for the activity, resource or equipment promote leadership in technological education?

What Types Of Activities, Resources Or Equipment Are Consistent With 10.3?

Article 10.3.2.2 states that funds are for the purpose of:

- Attending short courses or conferences
- Research
- Costs of Educational/Professional/Technical opportunities
- Internet services charges for a home office (must provide itemized charges from service provider)
- Purchasing tools
- Purchasing equipment, computer hardware or software or
- Defraying the cost of professional fees and expenses. The types of professional fees are listed in Article10.3.3 and include professional association fees which control or licence the individual to practice their profession.

What Types Of Activities, Resources Or Equipment May Not Be Consistent With 10.3?

Each individual request must be assessed in the context of the instructor's area of expertise and decisions will be made on a case-by-case basis. The following items may not be consistent with the purpose of Article 10.3 (this list is not exhaustive):

- charges for cablevision

- pager or cell phone purchases, or service contracts, or pay-as-you-go services
- driving lessons
- luggage
- clock radios
- medical expenses not covered by the Medical Services Plan such as physiotherapy, hearing aids, eyeglasses, laser eye treatment, or eye examinations
- Sun Run clinics, Pilates, yoga, or other exercise classes or programs
- exercise balls to be used in place of office chairs
- establishment of bursary/award for students or
- furniture for the home office (except for a desk, chair, bookshelf and file cabinet).

Who Is Eligible For PD Funds?

Employees who are working on April 1 of the applicable year and who are:

- Regular employees
- Temporary employees whose current term is nine months or more. The nine months could have commenced before April 1 or
- Full-time temporary employees whose current term, when combined with previous terms, totals nine months or more, provided such employment periods are only counted towards one entitlement and the break between the current and the previous term is five months or less.

Part-Time Studies employees are not eligible for Article 10.3 PD funds; however, these employees may apply to their program for funds pursuant to Article 10.3.8.

In accordance with MOU #4, all employees, except those on a General Purpose Leave Without Pay under Article 9.7, shall be granted their full entitlement to individual or pooled PD Funds. Please refer to MOU #4 for more details on PD Funds for employees on leave.

Employees on Long Term Disability (LTD) continue to accrue funds and have access to them if they return to work within five years. Once an employee has been on LTD for five years, the funds are no longer accessible by the employee or the pool.

Upon termination, resignation and retirement, including pre-retirement leave, employees cannot access Article 10.3 funds.

Pursuant to 10.3.8, employees who are not eligible for Article 10.3 funds can apply to the Program Group for funds from the pool. The Program Group shall approve the request if there are sufficient funds and the professional development activity or equipment is consistent with the purpose of the fund.

What Is The Difference Between Pooled And Individual Funds?

Pooled funds are funds shared by a Program Group. Individual funds are funds that are designated for a specific individual. An individual elects whether to join a pool or retain their individual allocation of funds. It is not possible to be in a pool and retain individual funds: a person cannot choose both.

Each Program Group has a pool of funds for professional development for the qualified individuals in the pool. The pool is a sharing of funds based on an annual amount. Program Groups may share pooled funds with other Program Group's pooled funds.

An individual who participates in a pool may be able to access more funds for professional development than individuals who do not pool.

Any funds not used by the pool are carried over to the next year.

Individuals are not entitled to remove or transfer pooled funds to another program. However, an individual who leaves one Program may transfer their individually allocated funds with them to another Program.

When an individual participating in a pool leaves the employment of the Institute, the monies remain with the pool. Individual funds revert to the Program Group pool unless the individual has allocated the funds to another individual or pool prior to departing the Institute.

Article 5.4.1 confers the right of a regular employee who has left the Institute, but who is re-employed as a regular employee within three months, to retain all previous rights and benefits. This would include previous unspent individual PD funds. Therefore, the Program Group administering individual funds for a regular employee who leaves BCIT should reserve the unspent individual funds for three months before taking them into the pool.

How Much Money Is Allocated To Article 10.3 Professional Development?

Each year, on April 1, $1418.00 is allocated for each qualified member of the Program Group. Any qualified employee at, or above, Faculty Step 12 shall receive an additional amount of $502.00.

Eligible individuals receive $1118.00 and, if at or above Faculty Step 12, $502.00 for their individual fund.

The amount is prorated for part-time employees. Please refer to Article 10.3.7.2 for the calculation of contribution amounts for part-time employees.

Finance will provide the Program Group coordinator with an annual summary of allocations and carried forward balances. The Program Group Coordinator reviews the summary and identifies any problems for Finance to correct. This is necessary as Finance tracks Professional Development funds for the Institute as a whole, not specific Program Groups.

What Are The Tax Implications Of Receiving Article 10.3 Funds?

Please refer to the CRA guidelines for official information regarding the tax implications or receiving PD funds under Article 10.3. You may also contact the Supervisor of Accounts Payable.

Process for Request and Approval of Article 10.3 PD Funds:

1. The Program Group selects a Coordinator who has signing authority for approved PD Expense fund requests. It is the responsibility of the Coordinator to track the fund amounts, reconcile balances and administer the amount of funds allocated to individuals. The Coordinator is also responsible for posting the prior year's approved PD expenses in some manner to ensure the transparency of the process.

2. An individual submits a request for PD funds in the format required by the Program Group (this may be email or formal written request).

3. The Program Group considers the criteria outlined in the Collective Agreement and these Guidelines to determine whether the request is within the purpose of Article 10.3. Additional supporting information may be required from the individual seeking funds. The Program Group also considers which individual accesses the funds pursuant to Article 10.3.4.

   Program Groups should only consider reimbursement of funds expended within the previous 24 months and incurred while the individual was an employee of BCIT.

4. Once approved by the Program Group (or earlier if required by the Program Group), an individual completes a Travel/Professional Development Expense Statement and attaches all original receipts. On this form the individual **must** specify how the activity, resource or equipment is consistent with the purposes of Article 10.3.

   Claims relating to travel, such as airfare, hotel, mileage, must be made in accordance with BCIT's Travel Policy.

5. The form is then submitted to the Program Coordinator for signature. If the Coordinator is unavailable, the alternate Coordinator will sign the request.

6. After the Program Group reviews the request and the request is signed by the Coordinator, it is sent to Finance. Finance reviews the request to ensure the request is consistent with Article 10.3 and these Guidelines and ensure that the original receipts are provided. **A claim will not be processed without original receipts.** Finance will return original receipts when requested for warranty purposes only.

7. If there are questions regarding the request, the Institute may seek additional information from the individual. The Institute will attempt to seek this additional information in a timely manner.

8. If there are questions regarding the appropriateness of the request, the Institute will refer the request back to the Coordinator to review with the Program Group. The Program Coordinator then notifies Finance of the Program Group's decision to approve or not approve the claim (the claim may need to be re-submitted, depending on the circumstances).

    a) If further questions remain regarding the appropriateness of the claim, the Institute will notify the individual. If the individual still wishes to pursue the claim, the individual may refer the claim to the 10.3 Labour Management Committee within five (5) days of such notification by the Institute, by submitting the attached 10.3 Request Form to the Manager of Labour Relations and the FSA Office.

    b) The Manager of Labour Relations, or his/her designate, will then schedule a 10.3 Labour Management Committee Meeting. The individual will be expected to attend and make a short submission to the Committee as to the appropriateness of the claim. The 10.3 Labour Management Committee will consist of three (3) representatives chosen by the Institute and three (3) representatives chosen by the FSA. For the purposes of Article 10.3 PD Claims, the Labour Management Committee will consist of the following members:

- Three representatives of the Institute which will include:
    - The Associate Dean of the relevant area and two of the following individuals:
        - Vice President of Human Resources or his or her designate;
        - Manager of Labour Relations or his or her designate;
        - Dean of the relevant area or his or her designate.

- Three representatives of the FSA which will include
    - o An FSA representative from the FSA Executive or Staff;
    - o The Program Group Coordinator of the relevant Group; and
    - o An FSA member from a different Department who is not a member of the FSA Executive.

The 10.3 Labour Management Committee will meet no later than ten (10) business days from the notice of referral, or later with mutual agreement.

c) The Labour Management Committee will consider the individual's submission and the Institute and FSA Representatives will vote to approve or not to approve the claim. If a majority of the Committee vote to allow the claim, or if there is a tie, then the claim will be processed. If a majority of the Committee vote to disallow the claim, the claim will not be processed.

9. Once per year, Finance will send to each Program Group a summary report containing:
    - o Allocations
    - o Spending in the year
    - o Funds remaining

10. Once per year, Finance will send to the Program Coordinator the allocation by individual for the year.

John Hardie

for Paul Reniers
Executive Director
BCIT Faculty & Staff Association

DECEMBER 8/09
(date)

Clodine Sartori
Manager, Labour Relations
BCIT

December 15/09
(date)