

# OSSTF/FEESO Position Hiring Practices Appendix A

The Provincial Office's response to the government's invitation to provide feedback will highlight that the individual questions in the consultation paper must be considered in the entirety of the Regulation and that the hiring practices should not be parsed into its various components. Therefore, as a significant portion of our response to the consultation we will be attaching the official position of OSSTF on this matter, the *Guiding Principles with Objectives for Draft Document RE: OSSTF/FEESO Hiring Practices (Reg 274) Implementation*. This document was approved by the Provincial Council in April 2013, reaffirmed by the MAC 224-17 Occasional Teachers Work Group, and presented to Provincial Council in June 2018. This document (attached as Appendix C) clearly states our key principles: Universally Applicable Standards of Fairness (including Fair Access to Work and Transparency), Scope for Some Local Autonomy and Flexibility, Priority Recognition of Seniority and Defense of Statutory Rights Regarding Leave Provisions.

Reminder:

- Please do not answer the separate guiding questions on the Feedback Form. Instead, you will notice in the "Sample Responses" that we have provided speaking points consistent with the corresponding *Guiding Principles* and some supportive comments that are applicable to each of the focus areas from the Final Report of the independent panel that reviewed Regulation 274 in November 2014. (<http://www.edu.gov.on.ca/eng/policyfunding/memos/nov2014/reg274en.pdf>)
- If you are completing this as a local leader, please state your name, job class, and school board at the beginning of the response.
- The following points can be used by District and Bargaining Unit spokespeople when fielding calls from the media.

The Ministry Feedback Form can be accessed at:

[https://efis.fma.csc.gov.on.ca/faab/Memos/B2019/B03\\_attach1\\_EN.pdf](https://efis.fma.csc.gov.on.ca/faab/Memos/B2019/B03_attach1_EN.pdf)

## **Providing for Teacher Mobility**

### ***Guiding Questions***

- What changes could be made to O. Reg. 274/12 to provide greater mobility for relocating occasional and permanent teachers or principals and vice-principals returning to teaching?***
- Is there a need to have both an OT roster and LTO list, or could these be merged together to create one without hindering clarity and transparency?***
- How could teaching experience be made portable for hiring purposes (i.e. recognizing all teaching experience, not just experience with a particular board)?***

### **SAMPLE RESPONSES**

- Make it possible for current secondary school teachers permanently employed to move from one board of education to another. Their experience could be deemed to meet the eligibility requirements of the regulation for access to the OT Roster and the LTO List at a new board.
- A current impediment to teacher mobility is having to forfeit an owed gratuity if the teacher does not retire from the same board. This barrier could be eliminated if permanent teachers were either allowed to have their gratuity follow them to their new boards or to have their gratuity paid out upon departure.

- Allow local school boards and occasional teacher union leaders to determine a set number of teachers for the Roster and the List. This will allow them to address local needs and to permit flexibility for mobility.
- It's still a good idea to keep the two lists. When viewed as a progression or route to permanent employment, the process of having clear requirements for each ensures clarity and transparency. The LTO List is created by the boards and can be expanded to recognize those teachers who are at a point to assume either LTO work or permanent work. As OTs on the roster gain more experience, they too can be added to the LTO List.

### **Interviewing the Most Qualified Candidates**

#### ***Guiding Questions***

- ❑ ***Would increasing the current cap of five teachers to, for example, eight, result in any meaningful and helpful change? Or would this just increase the administrative burden of principals and school boards and add to teacher churn for time to fill vacancies during the school year?***
- ❑ ***If interview list caps were removed altogether, how should interviews be structured?***
- ❑ ***Currently the regulation lists three elements ((i) are the most senior, (ii) have the required qualifications for the position and (iii) have agreed to be interviewed) used to select interviewees. What elements would you like to see in a regulation for selecting a group of interviewees that would maintain consistency and transparency?***

#### **SAMPLE RESPONSES**

- Regulation 274 has enhanced the consistency, transparency, clarity, and reduced the administrative burden in the interviewing process.
- It has also provided for a more diverse pool of candidates that have been afforded an interview and as a result has contributed to greater equity in the interview process which has positively impacted student learning.
- Interview caps should not be removed as having a prescribed number helps decrease the administrative burden.
- School boards that moved to a central hiring process ensured more a consistent, transparent process that also alleviated principals of the administrative burden of conducting interviews for each vacant position.
- Interviewing the most qualified senior/experienced candidates ensures that school boards do not miss out on opportunities of interviewing the best candidates for LTO and/or permanent assignments. Regulation 274 has raised the bar in selecting the best teachers to the LTO list.
- There is no need for additional elements in the interview process because Boards have complete discretion in putting people on the LTO list. It is fair to assume that these OTs are all qualified and meet the board's standards for quality of teaching and commitment to students. By then using seniority to shortlist the candidates for a specific position bias is reduced. Principals retain the ability to select from the short-list which allows them to base the final decision on the needs for the specific position.

## **Determining the Basis for Hiring**

### ***Guiding Questions***

- How can the current focus on seniority-based hiring be changed so that hiring practices consider impact on student success, quality of teaching, diversity and transparency, while remaining consistent and fair?***
- How can hiring practices that are not seniority-based prevent bias from entering into the hiring process?***
- Other than seniority, what components would you like to see in hiring practices for teachers?***

### **SAMPLE RESPONSES**

- Seniority is the only way to ensure that hiring practices are fair and consistent. Previously there was a strong preference for new teachers straight from the faculties of education to be hired immediately into LTO or permanent positions. Often there appeared to be some reluctance to employ individuals who have been occasional teachers for many years or who weren't known to the principal with the opening. These individuals often weren't aware of the opportunity and weren't considered. Now teachers know of the opportunities and must be considered. Administrators have since discovered that there are outstanding teachers on the OT and LTO lists.
- Research has shown there is a strong correlation between teachers' experience and efficacy. Teaching experience is positively associated with student achievement.
- As well, under the new rules, those hired who are related to or have some other connection to administrators or other educators (including teachers) are now seen as legitimate hires based on their seniority and qualifications rather than being suspected of benefiting from their connections.
- Seniority is blind and hence will ensure that there is diversity in the hiring process. Prior to Regulation 274 principals primarily interviewed teachers that they knew and hence limited themselves to a very narrow pool of teachers. A seniority based interview approach will ensure that a broader and more diverse list of qualified teachers are interviewed which will only enhance and positively impact student learning.
- Because Boards have complete discretion in putting people on the LTO list, it is fair to assume that they are all qualified and meet the board's standards for quality of teaching and commitment to students. By then using seniority to shortlist the candidates for a specific position bias is reduced. Principals retain the ability to select from the short-list which allows them to base the final decision on the needs for the specific position.
- Seniority must continue to have the most significant weighting in determining the successful applicant for both LTO or permanent assignments. If other factors or guidelines for weighting need to be considered, they must be done centrally, but subject to flexibility if agreed to by local school boards and unions. In doing so, a consistent framework will exist across the province while finer details may be altered to reflect local components.

## **Applying Hiring Practices Across the System**

### ***Guiding Questions***

- Can a consistent set of hiring practices work effectively across the province? If yes, why? If no, why not?***
- Could there be a parallel set of hiring practices for vice-principals who return to bargaining units?***
- What hiring practice criteria can work if applied across the province (e.g. minimum posting requirements)?***

## SAMPLE RESPONSES

- Implementation of the regulation has resulted in levels of fairness and transparency in hiring processes that were not seen consistently across the system. We've seen an enormous increase in the number of positions posted. Before the Regulation, occasional teachers didn't know what positions were available.
- The requirement to meet minimum standards to be eligible to apply to the LTO list has resulted in increased confidence that applicants and appointees are appropriate for positions.
- The issues giving rise to Regulation 274 and the implementation challenges faced by unions and boards were substantially similar across all sectors (French Catholic, French public, English Catholic and English public). In addition to the desire for fairness and transparency, many boards had not previously seen an orderly path to permanent teaching with occasional teaching as the normal or primary point of entry to the profession. In addition, consistent hiring practices give occasional teachers some ability to plan for the longer term – they can see a path to obtaining long-term assignments and eventual permanent employment.
- For the reasons noted above, having a hiring practice that is applied across the province helps ensure a fair and transparent process.