

That Manager's Bad Decision Might be Mine?

Departmental planning powers in an environment of collegial governance.



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An Associate Dean makes last-minute assignments of work, or a Director imposes surprise alterations to coverage during Winter break, or management tries to control the creation and approval of vacation plans: What do all of these incidents have in common?

They stem from a Department's failure to understand its rights regarding planning. A well-functioning Department meets regularly, and democratically strategizes for the future. It determines

before a school year begins the amount of prospective work, and the allocation of assignments, and builds a vacation schedule such that members know when and how to obtain their vacation days and their month free of teaching (if they are teaching faculty).

When a Department fails as a group to meet and plan, often one or two individuals assume the Department's powers. Problems arise when lack of proper discussion leads to confusion or unanticipated problems around work assignments or leave.

The answer to these problems lies in a Department's ability to fully flex its rights under the Collective Agreement. In one Department FSA members grew weary of management attempts to control the assignment of work, and the flow of departmental meetings. Rediscovering the power to plan their own meetings, they used voting software to formulate and pass resolutions. This was done in the face of stiff management resistance.

What do FSA members need to know about Departmental powers?

You need to know that you have a right to be consulted in the formation of departmental objectives and plans. And that the entire Department must devise a plan to determine service coverage, allocation of professional

duties, a vacation schedule, and break periods including the month free of teaching (where the Department has instructors).

Departments at times acquiesce, allowing their managers to take on the role of sovereign who fails to consult with their subjects. Perhaps this is due to ignorance about the rights that FSA members have, or due to the heavy demands placed on members by their roles, including administrative tasks and work on committees. In rare cases, this delegation to one person has actually been decided by the Department as a whole at some point in the past. If that is the case, the Department has the right to oversee any individual who is exercising the Department's powers, and to take back those powers and place them in the hands of the entire Department. (See Articles 1.8.5.2 and 14.4.)

A quick look at the Collective Agreement shows FSA departmental members have serious muscle:

- Article 14.1 requires managers to determine a Department's objectives by consulting with the Department. Consultation is defined in Article 1.8.4 as the serious exchange of information and ideas before action is taken.
- Article 14.2 is even stronger than the consultation right found in 14.1. It states that the Department "shall" devise a plan that deals with coverage of services, allocation of professional duties, creating a vacation schedule, and planning break periods and month free of teaching. These are typical of the rights FSA members can oversee and claim as a Department.
- Others departmental powers include workloading (Articles 8.8 and 8.9), vacation scheduling (Article 9.2.3.1), approving General Purpose Leaves Without Pay (Article 9.7.1) and Professional Development Leave Without Pay (Article 10.7.1). And the list goes on.



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What happens if the FSA members in a Department are locked in a dispute with their manager regarding departmental plans? Article 14.3 requires a three-member panel be created: one member appointed by FSA members in the Department, one appointed by their manager, and those two panelists chose a dean or other manager to act as a chair. The panel makes recommendations to the disputing parties.

There are other nuggets hidden in the Article 14's circumscription of departmental objectives and operations:

Article 14.3.4 is clear that any management action done under this article (i.e. regarding departmental planning) must be “reasonable, fair to each Employee.” Failure to be reasonable and fair is grievable. Employees may consider using individual grievances under Article 3.4 to enforce this language.

Article 14.5 mandates that each Department shall have a procedure, approved by a majority, “through which appeals of departmental decisions may be processed.” By creating such a procedure, each Department may ensure members are treated fairly, and not simply delegate such powers to managers.

Please reach out to your Tech Reps if you want to know more about departmental planning powers.

What is a Department?

Departments under Article 1.8.5 include all the FSA members plus the manager of a departmental unit. Thus, managers only have one vote in the exercise of departmental rights. To find out what department you belong to, have a look at the list of departments in Appendix 3 near the back of the Collective Agreement—a copy of which is available at bcitfsa.ca under the Employment Agreements tab.