

1981 BILL 98

Third Session, 19th Legislature, 30 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 98

TECHNICAL INSTITUTES AMENDMENT ACT, 1981

THE MINISTER OF ADVANCED EDUCATION
AND MANPOWER

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 98

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1981

TECHNICAL INSTITUTES AMENDMENT ACT, 1981

(Assented to _____, 1981)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

1 *The Technical Institutes Act is amended by this Act.*

2 *Section 3 is amended*

(a) *by repealing subsection (6)(a) and substituting the following:*

(a) shall do 1 or both of the following:

(i) designate categories of employees as academic staff members of the technical institute;

(ii) designate individual employees as academic staff members of the technical institute;

(b) *by adding the following after subsection (6):*

(7) An interim governing authority may, after consultation with the academic staff association, change a designation made by it under subsection (6).

3 *Section 5 is amended*

(a) *by repealing subsection (1) and substituting the following:*

5(1) A board shall consist of the following members:

(a) the following persons appointed by the Minister:

(i) 2 students nominated by the students council,

Explanatory Notes

1 This Bill will amend chapter T-3.1 of the Statutes of Alberta, 1981.

2 Section 3(6)(a) presently reads:

(6) Notwithstanding anything in this Act, an interim governing authority

(a) shall designate

(i) categories of employees as academic staff members, and

(ii) individual employees as academic staff members

of the technical institute;

3 Section 5 presently reads in part:

5(1) A board shall consist of the following members:

(a) the following persons appointed by the Minister:

(i) 2 students nominated by the students council,

(ii) 2 academic staff members nominated by the academic staff association, 1 of whom shall be an instructor in a trade designated pursuant to The Manpower Development Act, and

(iii) 1 member of the non-academic staff;

(ii) 2 academic staff members nominated by the academic staff association, and

(iii) 1 member of the non-academic staff who is not engaged in the administration of the technical institute;

(b) 10 persons appointed by the Lieutenant Governor in Council, 1 of whom shall be designated as chairman;

(c) the President of the technical institute.

(b) in subsection 6(c) by adding “or becomes engaged in the administration of the technical institute” after “technical institute”.

4 Section 7(d) is repealed and the following is substituted:

(d) may, after consultation with the academic staff association, do 1 or more of the following:

(i) designate categories of employees as academic staff members of the technical institute;

(ii) designate individual employees as academic staff members of the technical institute;

(iii) change a designation made under subclause (i) or (ii) or under section 3.

5 Section 12(5) is repealed.

6 Section 27 is amended by renumbering it as section 27(1) and by adding the following after subsection (1):

(2) Notwithstanding subsection (1), the board shall make such further reports as the Minister requests.

7 Section 29 is amended

(b) 10 persons appointed by the Lieutenant Governor in Council, 1 of whom shall be designated as chairman.

(6) The term of office of a member of the board terminates when

(c) in the case of a person appointed from the non-academic staff, that person ceases to be a member of the non-academic staff of the technical institute.

4 Section 7(d) presently reads:

(d) may, after consultation with the academic staff association, designate categories of employees as academic staff members, designate individual employees as academic staff members and change the designation of the categories and individuals designated under section 3 or this section.

5 Section 12(5) presently reads:

(5) The president shall receive notice of meetings of the board and attend meetings of the board but is not entitled to vote on any matter dealt with by the board.

6 Section 27 presently reads:

27 The board shall annually on or before the date specified by the Minister prepare and transmit to the Minister a report containing

(a) a description of the services provided by the technical institute during the preceding fiscal year,

(b) an audited financial statement for the preceding fiscal year, and

(c) any other information the Minister requires.

7 Section 29 presently reads in part:

(3) A board may, subject to an agreement,

(a) in subsection (3) by striking out “an agreement” and substituting “any existing agreement”;

(b) by repealing subsections (4) and (5).

8 Section 31 is repealed and the following substituted:

31(1) The business and affairs of an academic staff association shall be managed by an executive, the members of which shall be elected by the academic staff members.

(2) The academic staff association shall, with the approval of the academic staff members, make by-laws governing its affairs and those by-laws shall contain provisions governing at least the following matters:

(a) the election of members of the executive of the academic staff association;

(b) the number of persons and the officers of which the executive is to consist, and their duties, powers and remuneration;

(c) the calling of general and special meetings of the academic staff association and of the executive;

(d) the conduct of business at those meetings referred to in clause (c), including the number constituting a quorum at a meeting and the method of voting;

(e) the charging of membership fees and the amount of those fees;

(f) the acquisition, management and disposition of property of the academic staff association;

(g) the audit of accounts;

(h) the manner of making, altering and rescinding by-laws;

- (a) determine the salaries or remuneration of academic staff members,*
 - (b) prescribe the duties of academic staff members, and*
 - (c) prescribe the term of employment and the terms and conditions of employment of academic staff members.*
- (4) A person shall not be appointed to, promoted to or dismissed from any full-time position on the academic staff at the technical institute, except in accordance with an agreement.*
- (5) Subject to an agreement, the President may, in his discretion, suspend from duty and from privileges any academic staff member at the technical institute and shall forthwith report his action and the reasons for it to the board.*

8 Section 31 presently reads:

- 31(1) The business and affairs of the academic staff association shall be managed by an executive, the members of which shall be elected by and from the academic staff members as provided in the by-laws of the academic staff association.*
- (2) The academic staff association may, with the approval of the majority of the academic staff members present and voting at a meeting of the association, make by-laws*
- (a) respecting elections of members of the executive of the academic staff association;*
 - (b) prescribing the number of persons and the officers of which the executive is to consist;*
 - (c) governing the calling of meetings of the academic staff association, of the executive and respecting the conduct of business at those meetings;*
 - (d) authorizing the charging of membership fees and the amounts of those fees;*
 - (e) governing the acquisition, management and disposition of property of the academic staff association;*
 - (f) respecting any other matter pertaining to the administration of the affairs of the academic staff association including, without limitation, the promotion of the general welfare of the members of the academic staff association consistent with the purposes of the technical institute.*
- (3) After the end of each year the executive of the academic staff association may prepare and submit to the board a report on the professional activities of the academic staff association during the year.*

- (i) the preparation and custody of
 - (i) minutes of meetings of the academic staff association and of the directors, and
 - (ii) books and records of the academic staff association;
- (j) the time and place, if any, at which the minutes, books and records of the academic staff association may be inspected by members.

9 *Section 32(2) is repealed and the following is substituted:*

(2) An agreement shall with respect to the employment of the academic staff members contain provisions respecting at least the following matters:

- (a) establishment of salary rate and wage rate schedules for the purpose of setting the salaries or wages payable;
- (b) procedures for fixing sick leave, vacation leave, leave of absence or other leave to be allowed;
- (c) procedures for determining conditions governing probation, term of employment, performance review, promotions, reassignment of duties, suspension and dismissal;
- (d) procedures respecting the settlement of differences between the parties arising from the interpretation, application or operation of the agreement;
- (e) procedures for determining rights relating to copyrights and patent matters involving discoveries made in the course of employment;
- (f) procedures respecting negotiations of future agreements.

10 *Section 35 is repealed and the following is substituted:*

35 The provisions that were contained in an agreement pursuant to section 32(2)(d) or the provisions of section 36, as the case may be, shall apply to a difference arising between a board and an academic staff association during the period between the date of termination of an agreement and the date of entry into a new agreement as if the agreement had remained in effect.

9 Section 32(2) presently reads:

(2) An agreement shall with respect to the employment of the academic staff members contain provisions respecting at least the following matters:

(a) procedures for determining and methods of assigning teaching responsibilities and related duties;

(b) the establishment of salary rate and wage rate schedules for the purpose of setting the salaries or wages payable;

(c) procedures for fixing sick leave, vacation leave, leave of absence or other leave to be allowed;

(d) procedures for determining conditions governing probation, term of employment, performance review, promotions, reassignment of duties, suspension and dismissal;

(e) procedures respecting the settlement of

(i) differences between the parties, and

(ii) grievances,

arising from the interpretation, application or operation of the agreement;

(f) procedures for determining rights relating to copyrights and patent matters involving discoveries made in the course of employment;

(g) procedures respecting negotiations for future agreements.

10 Section 35 presently reads:

35 If a difference arises between a board and an academic staff association during the period between the date of termination of an agreement and the date of entry into a new agreement between them, the provisions that were contained in the agreement pursuant to section 32(2)(e) or the provisions of section 36, as the case may be, apply to the parties and the difference as if the agreement had remained in effect.

11 Section 36 is amended by striking out “32(2)(e)” and substituting “32(2)(d)”.

12 Section 37 is repealed and the following is substituted:

37(1) A board

(a) may make application for pension coverage under the appropriate pension plan for its academic and support staff, and

(b) is authorized to make the appropriate employer contributions to the plan.

(2) For the purposes of this section “appropriate pension plan” means a pension plan

(a) established under 1 of the pension Acts as defined in section 5(1)(a), (c) or (f) of the *Pension Fund Act*, or

(b) designated by the Lieutenant Governor in Council as an appropriate pension plan.

13 Section 43 is repealed and the following substituted:

43 *The Financial Administration Act, 1977 is amended*

(a) in section 2(5) by adding the following after clause (b):

(b.1) the board of a technical institute under the *Technical Institutes Act*;

(b) in section 2(5.1) by adding the following after clause (b):

(b.1) section 27(1) of the *Technical Institutes Act*;

14 The following is added after section 44:

44.1 *The Private Vocational Schools Act is amended in section 2 by adding the following after clause (b):*

(b.1) the board of a technical institute under the *Technical Institutes Act*;

15 *This Act comes into force on Proclamation.*

11 Changes a cross reference.

12 Section 37 presently reads:

37 A board may provide for its officers, employees and academic staff members retirement plans and pension plans approved by the Provincial Treasurer and may make contributions to any plans so provided.

13 Section 43 presently reads:

43 The Financial Administration Act, 1977 is amended

(a) in section 2(5) by adding the following after clause (c):

(c.1) the board of a technical institute under The Technical Institutes Act;

(b) in section 2(5.1) by adding the following after clause (c):

(c.1) section 27 of The Technical Institutes Act;

14 Amends chapter 62 of the Statutes of Alberta, 1979.