



Province of Alberta

TEACHING PROFESSION ACT

# TEACHER MEMBERSHIP STATUS ELECTION REGULATION

**Alberta Regulation 260/2004**

With amendments up to and including Alberta Regulation 28/2018

Office Consolidation

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(Consolidated up to 28/2018)

**ALBERTA REGULATION 260/2004**

**Teaching Profession Act**

**TEACHER MEMBERSHIP STATUS ELECTION REGULATION**

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**Definitions**

**1** In this Regulation,

- (a) “association” means The Alberta Teachers’ Association;
- (b) “board” means a board as defined in the *School Act* and includes the Regional authority of a Francophone Education Region established by the Minister under section 255(1) of the *School Act*;
- (c) “election” means the written decision by a teacher under section 5.1(1) of the *Teaching Profession Act* with respect to the teacher’s membership status;
- (d) “membership status” means the status of a teacher in the association;
- (e) “school jurisdiction” means school jurisdiction as defined in the *School Act*;
- (f) “teacher” means a teacher as defined in the *School Act*.

**Identifying teachers eligible to make election**

**2** For the purpose of identifying teachers referred to in section 5(1)(b) of the *Teaching Profession Act*, a board shall identify a teacher who

- (a) occupies a permanent central office administrative position for that board,
- (b) is not engaged in carrying out teaching functions, and
- (c) performs or is authorized to perform any one or more of the following functions at the school jurisdiction level:
  - (i) providing consultation, supervision or coordination of educational programs and services, including but not limited to managing religious education, special education or student services, Alberta Initiative for School Improvement projects, First Nations, Metis and Inuit programs and services, curriculum or instruction, home education programs, distance learning programs, on-line programs or outreach programs;
  - (ii) managing fiscal resources;
  - (iii) managing human resources;
  - (iv) strategic planning or developing policy;
  - (v) collective bargaining or advising in the area of collective bargaining;
  - (vi) providing direct assistance to the superintendent or senior school administrators;
  - (vii) acting on behalf of the superintendent in the absence of the superintendent;
  - (viii) providing advice to a board as a member of a senior administrative team;
  - (ix) supervising or evaluating certificated or non-certificated staff;
  - (x) exercising responsibility for technology administration;
  - (xi) exercising responsibility for planning and reporting;
  - (xii) providing public relations and communications support.

**Notice to teachers of eligibility to make election****3(1)** A board shall provide notice

- (a) to any teacher identified by the board under section 2 of this Regulation or described in section 5(1)(c) of the *Teaching Profession Act*, and
- (b) to the association

that the teacher is eligible to make an election.

**(2)** A notice under subsection (1) must be in the form prescribed in the Schedule.

**(3)** The notice under subsection (1) must be provided

- (a) within 120 days of the coming into force of this Regulation where a teacher is eligible on that date to make the election, or
- (b) where a teacher becomes eligible to make the election after the coming into force of this Regulation as a result of
  - (i) coming into an existing position, or
  - (ii) coming into a newly created position,within 60 days of that occurrence.

AR 260/2004 s3;9/2005

#### **Election**

**4(1)** Within 60 days of receiving a notice under section 3, a teacher must provide written notice to the association and the board of the teacher's election with respect to the teacher's membership status.

**(2)** A notice under subsection (1) must be in the form prescribed in the Schedule.

**(3)** A teacher who does not comply with this section is deemed on the expiration of the 60 days referred to in subsection (1) to retain the teacher's existing membership status.

#### **Fees**

**5** If a teacher elects under section 4(1) not to be a member of the association, the teacher is responsible for the payment of membership fees to the end of the month in which the notice of the election is provided by the teacher pursuant to that section.

**Appeal**

**6(1)** The affected teacher or the association may appeal an identification of a teacher by a board under section 2.

**(2)** An appeal must be made to the Labour Relations Board and must be dealt with in accordance with the *Labour Relations Code*.

**(3)** The Labour Relations Board has jurisdiction to review an identification of a teacher made by a board under section 2 and to substitute its own identification in place of the board's identification.

**7** Repealed AR 28/2018 s18.

**Coming into force**

**8** This Regulation comes into force on December 1, 2004.

**Schedule**

**Form 1**

**Notice to Teacher Regarding Eligibility to Make an Election**

(pursuant to section 3 of the *Teacher Membership Status Election Regulation*)

From:

School Board: \_\_\_\_\_

Address: \_\_\_\_\_

To:

Name of Teacher: \_\_\_\_\_

Address: \_\_\_\_\_

Position: \_\_\_\_\_

This provides notice that, under the *Teacher Membership Status Election Regulation*, you are eligible to make an election regarding your membership status in The Alberta Teachers' Association.

Notice must be provided by you to the ATA and the board within 60 days of receipt of this notice. A copy of the form to be signed by you is enclosed.

If you fail to make an election, you will be deemed to have made an election to remain as an active member of the ATA in

accordance with section 4(3) of the *Teacher Membership Status Election Regulation*.

Further to the provisions of the *Teaching Profession Act*, if you make an election, you will have no opportunity to re-elect while you remain in the position you are currently in.

Cc The Alberta Teachers' Association

**Form 2**  
**Notice of Election**

(pursuant to section 4 of the *Teacher Membership Status Election Regulation*)

From:

Name of Teacher: \_\_\_\_\_  
Position: \_\_\_\_\_  
School Board: \_\_\_\_\_

To:

The Alberta Teachers' Association      School board  
\_\_\_\_\_ (address)                              \_\_\_\_\_ (address)

I have been advised by written notice that I am eligible to make an election regarding my membership in The Alberta Teachers' Association (ATA).

This serves as written notice that I wish to:  
(Choose one option only)

- be an active member of the ATA
- be an associate member of the ATA
- not be a member of the ATA

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

AR 260/2004 Sched.;9/2005;16/2005



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