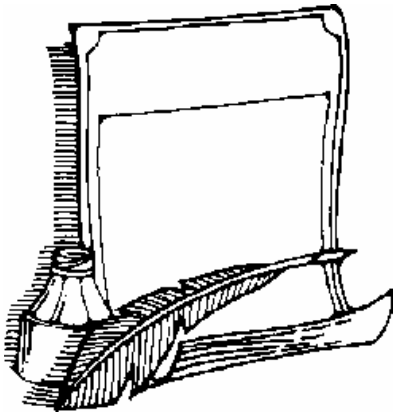


June 5, 2006



Know Your Contract

Article IX, Section D: Surplus and

Unrequested or Involuntary Transfer

Article XXI: Layoff and Recall Procedures

The involuntary transfer process is invoked when lay-off

occurs due to reduction of staff to ensure that the most senior bargaining unit members are retained. The process can also occur when there is a reduction of staff in a building(s) but not necessarily a district-wide layoff. The involuntary transfer process begins prior to the end of the school year with the least senior teachers being surplus from buildings that must reduce staff for the following year.

The first paragraph of this contract section states:

“It is recognized that it may become necessary for teachers to be transferred in the best interest of the District, including, but not limited to, changes in enrollment, etc. However, when such involuntary transfers take place, the teacher who must be transferred will be the teacher with the least seniority. When assignments in a building are being made, the teachers with the least seniority not certified or meeting the North Central standards for an assignment in the building, will be transferred and/or declared surplus.” (After June 30, 2006 a teacher teaching in any of the core academic subjects also must be Highly Qualified as defined by No Child Left Behind.)

Surplus

In the elementary buildings it is very easy to determine who the least senior regular education teachers are to be surplus because everyone can teach all grade assignments in the building. In the secondary it is much more complicated to determine surplus teachers because of certification, North Central requirements, and Highly Qualified requirements. The least senior teacher may not be surplus because he/she is the only person certified for the assignment, and the more senior teacher who is surplus is not certified for the assignment held by the least senior. The second paragraph of the section states: “Secondary principals, in the development of

teacher schedules, will strive to retain the most senior current staff.” At a teacher’s request the WEA checks the secondary schedules and surplus to see if some minor adjustments can be made to retain the most senior. If you have questions about your surplus or the secondary schedule, please call Bob Naski or Judy Locher at the WEA office.

Tenure teachers who are surplus from a building are invited to attend the bid session the third Monday in May. Their names are placed on the bid session list. Non-tenure and laid-off teachers are not eligible to attend the bid session. A teacher is considered surplus from a building until the opening day of the next school year even if he/she bids on an assignment at the bid session.

Involuntary Transfer

At the end of the bid session, there may be surplus tenure teachers who were unable to bid an assignment and surplus non-tenure teachers with enough seniority to hold a job in the district. Before the opening of the school year, they must be placed in an assignment at the discretion of the administration. The third paragraph of the contract reads:

“Also, when transfer procedures under Section C above have been exhausted and layoff is imminent, in order to insure that the most senior teachers in the District are retained, the Board shall have the discretion to implement unrequested transfers without regard to seniority. It is the intention of the Board to make every effort to exercise its discretion herein to retain current staff. Current staff means all staff employed as of the last day of school and staff on the layoff list. When the Personnel Department notifies the WEA that the faculty for the year is established, there shall be a ten (10) work-day period for review of the placements. In the event that it can be shown that a more senior teacher should

continued...

be assigned, such assignment shall be made with retroactive pay to the beginning of the year. No review requests will be accepted after the completion of the ten (10) day review period.

The necessity to place a surplus teacher and determine who will be laid-off causes the involuntary transfer of other teachers in the district. Typically what occurs is that the unfilled vacancies at the end of the bid session cannot be filled by the surplus teachers because they are not certified for the vacancies. The administration, in order to place these surplus teachers, must involuntarily transfer teachers who are both certified to fill the vacancies and hold positions that the surplus teachers are certified to fill. For example, the vacancy remaining at the end of the bid session may be an elementary position. A surplus teacher who needs to be placed can only teach 7-12. Therefore a K-8 certified teacher holding a position that the surplus teacher can teach in 7-12 will be involuntarily transferred to the K-8 position to create a placement for the 7-12 teacher.

It is important to note here that administration may involuntarily transfer “without regard to seniority.” In other words, using the above example, if two K-8 certified teachers both hold secondary assignments that the surplus teacher can teach, the administration is not contractually obligated to transfer the least senior of the two K-8 certified persons. However, throughout the last 30 years, the WEA has urged the Human Resources Administration to transfer the least senior because this is fairer. In every case they have done this.

Layoff

Layoff means removal from the payroll with no employment rights other than retention of seniority status, accumulated personal leave days, and recall rights.

After the involuntary transfer, those to be laid-off are identified in seniority order beginning with the least senior. However someone with more seniority may be laid-off over someone with less seniority because the less senior person holds a position that no one with more seniority is certified to teach, such as vocational or special education. There is no deadline date in the contract when the district must notify those who will be laid-off. It could occur late in the summer or even after the school year begins. The WEA will be urging the Administration to begin the involuntary transfer process after the bid session so that people can be notified of lay-off as soon as possible. When the district notifies the WEA of those laid-off, we will send them a packet of information that explains

recall rights and how to apply for unemployment compensation.

Once layoff and transfer are completed for the opening school year, the administration notifies the WEA that the process is completed and that all staff have been assigned. The WEA then has a ten (10) work-day period to review the placements. If we raise no objections in that period, we are then contractually barred from filing a grievance at a later date. Therefore, it is important that if a WEA member has a question about his/her layoff, surplus, or involuntary transfer, he/she should call Bob Naski or Judy Locher. It is very important that we have all available information when we do the final review.

Recall

Teachers shall be recalled to positions consistent with their certification and qualification, and, in the case of high schools and/or middle schools, with North Central Accreditation standards beginning with the most senior teacher. Tenure teachers and non-probationary bargaining unit members shall have recall rights for 3 years. Laid-off probationary bargaining unit members will remain on a recall list for the length of their seniority to a maximum of 3 years. For example, if someone has 1 year seniority, he/she will remain on the recall list for 1 year from the time of lay-off. It should also be noted that if a position becomes vacant during the school year, the district does not have to invoke involuntary transfer to recall the most senior.