



## Seniority, Recall & Human Resources Question & Answer Document

1. Who formally abolishes a teaching position?
  - a. The BOE has the right to abolish, reorganize or consolidate positions. The law indicates that if a position is abolished, the teacher with the least seniority within the tenure area of that position in that school district must be the person dismissed.
2. What exactly is seniority?
  - a. Seniority rights are those rights to job security and priority within a school district based on length of ***actual paid service in a specific tenure area.***
3. What counts towards seniority in a tenure area?
  - a. The courts and commissioner of education have defined seniority in terms of length of actual **paid service** within a tenure area in a school district. Therefore:
    - i. **Paid** Family Medical Leave allows the person to continue to accrue seniority time in their tenure area;
    - ii. Unpaid Family Medical Leave does not accrue seniority time for the person on leave; &
    - iii. Leave of Absence does not accrue seniority time for the person on leave.
4. Do part time teachers receive seniority credit for part – time service?
  - a. Generally, part time service does not qualify a teacher for any seniority rights (except in the case of part – time kindergarten teachers). However, the law indicates that part time service rendered after a full time probationary appointment is included in the calculation of seniority **if the district requests the change in the position but not if the reduction to part time status is at the request of the teacher.**
5. I am currently teaching .6 PE and .4 Health. Which tenure area do I accrue seniority in?
  - a. In this case, you would receive a full year’s credit in both tenure areas. If you are teaching .8 PE and .2 Health, you receive a full year’s seniority credit in PE and not in Health.
6. If a teacher takes a LOA from one tenure area to work in a different tenure area - do they accrue seniority in both areas?
  - a. No. Their seniority is frozen in their 1<sup>st</sup> tenure area.
7. What do the numbers on West Babylon’s seniority chart actually stand for?
  - a. They stand for the number of years and months served at the end of the current school year.
    - i. 1<sup>st</sup> Example: 045012 means 4 years, 5 months, at the end of the 2012 school year.
    - ii. 2<sup>nd</sup> Example: 090011 means 9 years, 0 months, at the end of the 2011 school year

8. Has this coding system changed since the previous 2 Assistant Superintendents for Human Resources?
  - a. No. This is the same coding system used previously.
  
9. What happens if teachers have exactly the same seniority i.e. 090012 listed?
  - a. Even if it indicates the same seniority (i.e. 090012), the order of the list is their actual seniority order.
  - b. When teachers have equal seniority and the same *probationary appointment date*, the most senior teacher is the one whose *BOE probationary appointment* occurred first. But if they were appointed in the same resolution, the law allows a school district to use any reasonable method to establish seniority.
  - c. On March 24, 2009, there was a Board of Education Resolution that indicate the following:
    - i. Consistent with Education Law 2510, whenever the Board of Education abolishes a position, the services of the certificated employee having the least seniority in the District, within the tenure area of the certificated position abolished shall be discontinued. In the event of equal seniority, the following tie breakers shall be utilized:
      1. BOE meeting date at which the employee was appointed to the probationary position.
      2. First date of employment by the District for consecutive employment as either a teacher, teaching assistant or regular substitute.
        - a. Per Diem substitute is not considered in this calculation.
      3. Possession of additional certificates
      4. Salary
  
10. Why are the teachers who were excessed last year still on the seniority list?
  - a. Certificated Staff members who were previously excessed remain “frozen” on the seniority list of their tenure area. They do not lose their seniority time previously accrued because they were excessed.
  - b. The district needs to keep track of the seniority of these teachers because upon return, they will continue to accrue seniority time from that “frozen” time on.
  
11. Why are the teachers who are currently working in a different tenure area still listed in their old tenure area?
  - a. If a teacher is currently working in a second tenure area and their position in this 2<sup>nd</sup> tenure area gets abolished, they may have bumping rights into their “old” tenure area ( *This applies if they have more seniority than others in their previous tenure area*).
  
12. Can I be excessed if I have tenure?
  - a. Yes. Seniority rights are different from tenure rights because they apply to both tenured and probationary teachers.
  
13. Do teachers lose accrued seniority when they “voluntarily” sever service with the district?
  - a. Yes. Teachers lose their accrued seniority when they voluntarily sever service within the district that employs them (i.e. through resignation or retirement)
  
14. What should I do if I feel my seniority is not accurate?
  - a. Complete the Seniority Dispute Form ASAP. The Seniority Dispute Form can be found in the HR webpage. Indicate what you feel your seniority should be and why the seniority listed is inaccurate. The information will be reviewed by the WBTA president and HR. A written response will be provided.

15. What is a PEL list?
- PEL stands for preferred eligibility list. This list is established by tenure area once positions are abolished. A teacher who is excessed because a teaching position has been abolished must be placed on a PEL of candidates for appointment to a similar position for seven years after the position is abolished.
16. What counts towards recall time on the PEL?
- For purposes of determining recall rights of teachers on a PEL, **the length of service in the system is used**, not the length of service within a particular tenure area. This means that if a teacher worked in 2 different tenure areas, time in **both** gets calculated in determining their recall order on the PEL. Per diem substitute time does not count.
17. What rights do I have while under the preferred eligible list (PEL)?
- A teacher who is excessed because a teaching position has been abolished must be placed on a PEL of candidates for appointment to a similar position for seven years after the position is abolished.
18. What rights of reappointment do excessed teachers have?
- The law indicates, teachers/ TAs are only entitled to reappointment **within the same tenure area** in which they are served, even if they hold certification for positions in other tenure areas.
19. Do Teaching Assistants who are excessed have the same PEL rights as Teachers?
- Yes.
20. Once excessed how will I know if there is a position available?
- You will be notified by the Human Resources Office. You will be asked to respond in writing to your acceptance or declination of the position.
21. If I am on the Special Education PEL, what positions will I be entitled to?
- Per §2510 of the law, you will be offered full time position, part time positions and regular substitute positions of at least a five – month duration that are within the **same tenure** in which service was severed. In this specific example, the district would be obligated to contact you for **special education** positions that are full time, part time or regular substitute positions longer than 5 months.
22. Do I lose preferred eligibility if I decline a position within the district or accept a position in another district?
- No.
23. If I am excessed and currently hold a professional certificate, does the State Education Department still require I attend/ log 100 hours of professional development every 5 years?
- Yes and No. You are required to attend and log CTLE - professional development hours. However, SED indicates that you can request an adjustment to the CTLE requirement in terms of clock hours and/or time for completing CTLE hours. Please visit the following website for additional information: <http://www.highered.nysed.gov/tcert/resteachers/ctle.html>
24. Who should I contact if I have additional questions?
- You can always contact Human Resources at 631-376-7010.