

**What are seniority
rights?**

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.

Seniority rights are different from tenure rights because they apply to both tenured and probationary teachers.

**How do tenure areas
affect seniority rights?**

Seniority within a specific tenure area is the determining factor in establishing seniority credit prior to excessing a teacher following a school board's decision to abolish a position.

If a teacher has an appointment in separate tenure areas, the teacher accrues seniority separately in each area.

**Do teachers lose accrued
seniority when they
“voluntarily” sever service
with the district?**

Yes. However, when a teacher's service is "involuntarily" severed because the teacher's position is eliminated, the teacher retains any accrued seniority upon returning to service within that district when recalled on the preferred eligible list (PEL).

**May a school board abolish a
teaching position?**

Yes, if the position is no longer necessary to the school system. Both the courts and the commissioner of education have given school boards broad latitude to abolish, reorganize, or consolidate positions.

However, abolishing a position may not be used as a way to fire a teacher.

Does a teacher whose position is being abolished have the right to take the job of a less senior teacher?

Yes. 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.

**What rights of reappointment
do excessed teachers have?**

A teacher who is excessed because a teaching position has been abolished must be placed on a preferred eligible list of candidates for appointment to a similar position for seven years.

Teachers are only entitled to reappointment within the tenure area in which they served, even if they hold certification for positions in other tenure areas.

What constitutes a “similar” position for the purposes of reappointment from a preferred eligible list?

Two positions are similar if more than 50 percent of the duties are the same.

However, a teacher on a preferred eligible list is not entitled to reemployment if he or she is not certified to teach in the position sought.

Must teachers on a preferred eligible list be offered substitute and/or part-time position?

Yes. Teachers on the preferred eligible list must be offered regular substitute positions of at least five-month duration.

Declining an offer of such a position does not extinguish the teacher's preferred eligibility rights.

**Is there any particular order
for recalling excessed
teachers?**

Yes. When several different teachers have been excessed, they must be offered reappointment in order of seniority.

For the purpose of recall rights, seniority is determined by length of service within the district rather than service in a tenure area.

How is seniority calculated?

The courts and the commissioner of education have defined seniority in terms of length of actual paid service within a tenure area to a school district.

Example:

Teacher serves 50% of the time as a math teacher and 50% of the time as a science teacher for five years. The teacher then teaches 100% of the time in math for two years. The teacher would have seven years of seniority for the purpose of reappointment to either a math or a science position.

Contractual Seniority Rights

Article VII

Seniority and Layoff

Seniority shall be defined as the length of continuous service in the employ of the District in the classifications contained in the bargaining unit. It shall be computed from the most recent date of hire in the unit or in a position which would currently qualify the unit member for inclusion in the unit. Notwithstanding this definition, where conditions which determine layoff, recall, return from leave, promotion or transfer bear important relevance to the area of certification, the seniority unit shall be the certification area.

Article VIII

Assignment and Transfer

...other factors being equal, seniority shall be used to determine voluntary and involuntary transfer.

Article IX

Other Employment Opportunities

- For both vacant and occupied positions, the District shall give due weight to the professional background and attainments of all applicants. Other factors being substantially equal, first consideration shall be given to the most senior applicant from the District, as defined in Article VII.

Article XXIII

Part-Time Unit Members

- Unit members with any full-time seniority credit are not subject to this article.
- Part-time unit members so employed will be credited for seniority and tenure purposes on the same percentage basis as the salary is calculated in Section A of this article.
- Part-time unit members shall have their seniority applied only against other part-time members.
- When the District is hiring for vacant full time positions, part-time unit members who have seniority under this section and Article VII shall have a preference only over outside applicants.
- Part-time staff who accept probationary or tenured full-time employment shall be credited with accrued part-time seniority.
- In the event of layoff, the part-time unit member shall be placed on a recall list for a period of three years.