

UniServ Update

Special UniServ Bulletin – Involuntary Transfers (“Excessing”)

AACPS recently released a memo describing various staffing adjustments they intend to implement next school year. Their message has, understandably, caused a lot of questions and anxiety among our members. This bulletin comes directly from your TAAAC UniServ Directors and is intended to educate you about your rights under our contract as well as answer some common questions.

Below is the contract language quoted in full (Article 12 B):

B. Involuntary Transfer

Except in emergencies, Unit I members involuntarily transferred shall be notified in advance of the intended transfer and afforded the opportunity to discuss such transfer. Reasons for selection shall be provided, in writing, to the Unit I member by the Building Administrator.

Whenever involuntary transfers occur as the result of declining or shifting school populations, Unit I members shall be selected for involuntary transfer (excessed) according to the following selection procedure:

1. Teacher(s) to be Excessed:

- a. teacher(s) volunteering to be excessed
- b. rehired retired teacher(s)
- c. teacher(s) with provisional certificate
- d. teacher(s) selected by the principal using the following procedure and criteria:

All teachers in the school who are teaching in the subject area(s) or certificated in the grade level(s) designated by the principal to be reduced in that school shall constitute the excess teacher pool.

If additional teachers must be involuntarily transferred after steps a., b., and c. have been effectuated, the principal will list all teachers in the excess pool in accordance with their total years of service calculated from their latest date of employment as certificated employees in the AACPS, excluding lost time. Ties will be broken by the date on which the contract was signed. Remaining ties will be broken by total AACPS teaching experience. Subsequent remaining ties will be broken by total teaching experience.

The teacher(s) with the least service will be the excess teacher(s) unless the principal determines that instructional program needs (as defined) require the retention of that teacher, in which case the next least senior teacher will be excessed.

This language grants AACPS the right to move Unit 1 staff to other assignments based on the needs of the district and grants our members a clear, protected, process for how those changes occur. **Excessed Unit 1 staff are guaranteed employment, they are not terminated or laid-off.**

Management must begin by requesting volunteers from among the pool of staff in the grade level (elementary), subject area (secondary), or department (non-school based) in question. If not enough staff volunteer, then they move to any 'retired-rehired' staff. If excessing is still required, management may then transfer provisionally certified staff. Finally, if the need remains after these steps, management may only excess staff in reverse order of seniority. Seniority is defined as total time worked at AACPS, not total years in the profession or in other counties.

The final paragraph allows the administration to make an exception to this seniority requirement on a case-by-case basis. The burden of proof rests on the administrator to demonstrate that the instructional program would be so severely damaged by the transfer of a less-senior employee that a more-senior employee is the only option to maintain integrity of instruction.



Frequently Asked Questions

My admin told me my department is being excessed. Is there anything I can do to stop it?

No, you cannot stop it, but you can mitigate it. If you have any interest in changing schools or jobs, you can take advantage of the voluntary transfer process that began on March 1. By applying early, you can pick from a broader selection of positions rather than a more limited set later in the year. If you volunteer to transfer, it also might help a colleague who is less-senior but unable/less-willing to transfer by removing the need to excess anyone.

My administrator is pressuring me to volunteer to be excessed. Can I refuse?

Yes, but only if your administrator is still at the first step of the excessing process requesting volunteers from all eligible staff. If the need for excessing remains, AACPS can ultimately require you to transfer if you are less-senior than the other staff in in the excessing pool.

Can I be reassigned to a position outside of my certification area?

Yes. Maryland law (COMAR 13A.12.02.02) enables the Superintendent to reassign staff to positions outside of their certification area.

I'm SPED certified but haven't taught SPED in a long time. Can I be assigned to SPED?

Yes. AACPS has the power to assign you to any position within your certification area and may also assign you a position outside of your certification for a limited time (see question above).

I don't like that I've been excessed. Can I file a grievance?

Only if management failed to follow the process in Article 12 B. The burden of proof rests with AACPS to demonstrate they followed the correct process prior to excessing you.

I'm a 12-month employee. Can I be reassigned to a 10-month position and lose salary?

Potentially. AACPS owes you a Unit 1 position, not necessarily the same job title or work-year. As discussed below, you will have priority in applying for other 12-month positions as an excessed employee, but it is not guaranteed.

I have a hardship and need to work close to home. What can I do?

You should work with your colleagues to see if you can reach an agreement amongst each other about who is willing to be excessed. You may also choose to voluntarily transfer and apply to other positions near your home. If this fails, you can appeal to your administrator about your hardship. Unfortunately, AACPS does have final authority to excess teachers based on need and seniority.

If I'm excessed, am I competing with other internal transfers and new applicants?

Yes, but as an excessed employee you have priority over others in hiring decisions. Specifically, if by the last teacher duty day of the year you have not secured a new position, AACPS must select you over other internal or external applicants for a given position.