

# UniServ Update

## Internal Transfers

All the details and protections for this process can be found in Article 12 A of the Negotiated Agreement.

### Here are some highlights and points to keep in mind:

- The internal transfer process is only open to Tenured teachers unless approved by HR. Non-tenured teachers may only participate if it is their final (third) year of non-tenured status.
- You apply for an internal transfer by applying through the AACPS online job board. You may follow up with that building's principal as needed.
- If you accept a position, you must immediately let your current principal know so they can start the process of filling your current position.
- Your current principal does not need to consent to an internal transfer.
- If your application is denied, you may request specific reasons for the denial in writing.
- You have two (2) business days to accept or reject an offer of internal transfer.
- While the internal transfer process opens in March, positions are posted on a rolling basis as faculty retire, transfer themselves etc.

# UniServ Update

## Excessing

As AACPS continues to review staffing capacity and programs, check out your contract language below to know your rights regarding involuntary transfers.

**Article 12B** of our Negotiated Agreement states, "...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 ...Unit I members shall be selected for involuntary transfer (excessed) according to the following selection procedure:

### 1. Teacher(s) to be Excessed:

- teacher(s) volunteering to be excesses
- rehired retired teacher(s)
- teacher(s) with provisional certificate
- teacher(s) selected by the principal using the following procedure and criteria: [...] 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

Additionally, Article 12C states, "If excessed teachers have not received a new assignment by the last duty day for teachers, they will have priority over applicants and teachers requesting voluntary transfers".



# 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 begins 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.