

It's That Time of the Year: The Ins and Outs of Being Surplussed

Because of a shift of students, the opening of new schools, or cuts in programs or budgets, members may find themselves being notified that they have been surplussed for next year. Being surplussed means **you still have a job within the Lincoln Public Schools**, but most probably at a new location. **It does not mean that you are being laid off!**

Identifying the person who is being surplussed in a building is determined by **district seniority** and by **assignment**. This is why LEA stresses to members every fall to check the LPS Seniority Number and Assignment list to be sure they are accurate. Changes in the listings can be made until the first of the calendar year, but after that time, the lists become final even if there is a mistake in the listings.

Individuals with the lowest **district** seniority number are the first to be selected for surplus. Seniority numbers are based upon when an individual is first hired on a *continuing* contract and the first contract day on which the employee reports for duty. A person's **assignment** also plays a role in the selection of a surplus. At the elementary level most people are in a K-5 assignment and if there is a surplus, the person with the lowest district seniority number in that collective group is first to be surplussed. In middle schools assignment is by subject area and at the high school assignment is by department. Additionally, ProCom (the joint LEA-LPS leadership committee) annually reviews and establishes additional assignment areas that must be considered when a surplus is being considered. These additional assignments require special training, endorsements, or qualifications in which the least senior person can be surplussed if a surplus is necessary. Currently, these special assignments include:

Elementary:

Computer Teacher	Math Support and Math Teacher Leader
Coordinator	Montessori
Excite Teacher & Teacher Leader	Program Facilitator
Gifted Education Facilitator	Reading Recovery Teacher & Teacher Leader
Literacy Support	Reading Teacher Leader

Secondary:

Case Manager	Transportation
Computer Teacher	Math Teacher Leader
Coordinator	Nova Net Teacher
Experiential Learning Teacher	Program Facilitator
Gifted Education Facilitator	Orchestra
Industrial Technology	Reading Teacher Leader
Construction	Specialized Classes: Debate, Drama, Forensics, and Journalism
Engineering/Architecture	Vocal Music 9-12
Manufacturing	

Other/K-12:

Behavior Specialist	Instruction Specialist
Coordinator	Instrumental Music Teacher
ELIS & ALIS Facilitator	School-to-Work Teacher
Focus High School Teacher	Strings Specialist
Interventionist	Vocal Music Teacher K-8

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If You Are Surplussed...

...you need to be proactive and watch the LPS vacancy notices and apply for any position of interest to you.

...you will need to fill out a transfer notice and request for an interview for each vacancy that is of interest to you.

...LPS Human Resources may very well contact you and request that you interview at a specific site where there is a vacancy (you may turn down this request if the vacancy is of no interest to you, but see the next item).

...you must be allowed up to three job **offers** and/or **interview requests by HR** for a specific position before LPS HR can place you at a site of their determination. In other words, if HR asks a surplussed individual to interview at School X and the member declines, that counts as strike one. If the member interviews at School Y and is offered the position, but the member decides not to accept it, that is strike two. After three such interview or job offers, the District has the right to say to the member where their assignment for the following year will be. Thus, LEA's suggestion to surplussed individuals to be proactive in seeking a position they desire.

...you have the right to not only apply for any vacancy for which you are qualified/endorsed/certificated regardless of what your past assignment(s) has been, but you may also directly contact the administration at the site where the vacancy is with a cover letter to help ensure your file is reviewed and that you are granted an interview.

...tenure or seniority plays no definitive role in getting hired or even in being granted an interview in the transfer process. Surplussed candidates, like voluntary transfers, must "sell themselves" to get the position they desire. Thus, up-to-date resumes and references are strongly recommended.

Additionally...

...the contract does allow principals to call for voluntary surpluses—people who are willing to give up their position at the site regardless of their seniority and go looking for a job elsewhere in LPS.

...the LEA-LPS *Professional Agreement* states that "consideration for filling vacancies shall be in the following order: (1) voluntary transfers, (2) surplus/RIF, (3) leave of absence, (4) part-time, and (5) new hires." It should be noted that LPS does extend "open contracts" (the assignment is not necessarily specific to a site) to new hires at times before all surplussed individuals are placed in order to not lose an outstanding candidate for employment.

...the surplus process can take time to work itself out which doesn't always make it easy for the person who has been surplussed, but the process LPS follows as outlined in the *Professional Agreement* has proven to be fair and successful for many years.

...members should contact LEA with any questions, especially if they are concerned regarding whether or not the correct person has been identified for a surplus at their site.



When Using Leave Can Become Sticky

LPS Board of Education Policy 4640 states "Regular attendance is an essential function of every position in Lincoln Public Schools. Employees are expected to be at work on a regular basis." LPS Regulation 5760.1 states in

part “It is the expectation of this District that all certificated staff shall comply with the ethics standards set forth by the Nebraska Department of Education.” Principle V of the *Code of Ethics* contains the following commitment: Educators “shall use time on duty and leave time for the purpose for which intended.” LPS Policy 4640 also acknowledges “there are legitimate reasons for being absent from work and several types of leaves are provided to employees to accommodate these needs. Employees are expected to be at work or use appropriate leave.” **For the vast majority of Lincoln Public School educators**, the existence of these District policies and regulations does not come into conflict with the use of leave.

There are rare times, however, when an individual’s use of leave can raise eyebrows or concerns with the District and lead to questions being asked of the member or even a meeting request. Recently, LPS Human Resources have asked principals to report individuals who are using a lot of leave, especially those with no leave other than unpaid leave available to them. Perhaps two key words to consider with the use of leave are “**pattern**” and “**quantity.**”

Problematical Patterns

Although individuals on Option B are allocated eleven days of “no questions asked” leave each year, if there begins to be a pattern to a person’s leave that brings into question the individual’s commitment to their professional responsibilities, members may find themselves being questioned by their administrator or personnel from Human Resources. If, for example, a member tends to use their leave days on a number of occasions in association with breaks built into the calendar thereby *frequently* giving themselves extended vacations or additional days added to the weekend, concerns could be raised. Yes, it is everyone’s right to exercise their use of “no questions asked” leave, but one must ask themselves if the exercise of that right is beginning to appear to conflict with one’s dedication to one’s job and possibly even raise concerns related to job performance?

Using a Lot of Leave

Quantity comes into play when an employee uses their full amount of annual leave (or nearly all of it) on a regular, annual basis. Sometimes this occurs through no fault of the individual. Illness and accidents can arise unexpectedly in an individual’s life and if they are the care-giver for family members, illness and accidents involving family members can also take its toll on a person’s leave. Such use of leave **is** exactly what leave is for. Members finding themselves in these kinds of situations, however, should not be taken by surprise if they are contacted by LPS Risk Management with a request for a meeting involving a Health Care Response Team. LPS will want to know if the employee has on-going medical concerns that could impact the employee’s ability to perform their duties. Additional documentation from the employee’s physician may be requested, and the employee may be asked if there is a need for any medical accommodations at the work site to enable the employee to perform their duties. Members in this situation are entitled to representation at any such meeting from LEA staff, and are encouraged to contact the LEA before participating in such a meeting.

Members should be aware that LPS Policy Regulation 4640.1 declares “All health-related absences of five or more days require a written statement from the treating physician stating that the employee is physically able to return to duty. Supervisors may request a release to return to work at any time they deem circumstances warrant. The release must be presented to Human Resources for approval to return to work.”

ProCom (the joint LEA-LPS Professional Committee) in the past committed to and has continued to commit to “delivering a quality education to Lincoln’s students. [ProCom] believe[s] a critical element in quality education is the presence of the professional teacher in the classroom delivering instruction.” Employees who are or have been faced with the medical need to utilize a lot of leave should probably take into account that by having to miss a lot of contract days due to illnesses, that taking *additional* discretionary days off in the same year is likely to raise questions or concerns with the building and/or district administration. This is

especially true of any employee who is **out of leave** and wishes to go on unpaid leave for a day or a few days. **Unpaid leave during the year has to be approved by the District and is really not an employee option based upon individual desire.** Genuine need can drive an employee to request unpaid leave, but members are always advised to weigh carefully the reasons for their request to be granted unpaid leave to avoid any perception that they are not fulfilling or are incapable of fulfilling their professional responsibilities. [Employees requesting an unpaid leave of absence for a semester or a year also have to have that leave approved by LPS.]

Members are reminded that if they are out of leave and there is a medical need for leave, they may borrow from their next year's leave for sick leave purposes with LPS approval. In cases involving catastrophic illness, donated leave may also be requested from colleagues.

Members are always encouraged to visit with the LEA staff to discuss questions regarding the use of leave, categories of leave, requests for leave, requests for donated leave, etc.

