



Teachers and Surplus

LPS is conducting staffing conferences for sites early this year which means there may be notices of teachers being surplussed earlier this year than usual. Indeed, some teachers have already been tentatively notified they may be up for a surplus. Just what does it mean if you are surplussed and what are the procedures? This special issue of the LEA Insider is devoted to this topic so members are well informed.

What Is a Surplus?

Because of a shift of students or cuts in programs or budgets (and therefore building staffing points) that could be preliminary or permanent, members may find themselves being notified that they have been surplussed for next year in the coming weeks. 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 RIF'd (Reduction in Force—laid off)!**

How Is a Person Identified as Being a Surplus Teacher?

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. **This year's seniority and assignment list is now final.**

If a person has been at more than one LPS site for their assignment, it does not matter how long an individual has been at their current LPS site when it comes to surplussing. **District seniority** is the determining factor in surplussing at a site.

Individuals with the lowest **district** seniority number (those who have most recently been hired by the District) are the first to be selected for surplus at a site that has to reduce staff. 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. Note: LPS will not take a full-time person and reduce them to part-time if a person with greater seniority is surplussed part-time at the same site. The part-time surplussed person will have to enter the surplus pool regardless of their seniority.

A person's **assignment** also plays a role in the selection of a surplus at a site. At the **elementary** level most people are in a K-5 assignment in the building and if there is a surplus in that group, 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 Professional 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. Surplussed individuals not already in one of the "special assignments" cannot move into one of these "special assignments" and force someone else out.

What Should I Do If I am Identified as Being a Surplus Teacher?

1. It is important that you ascertain that you are the properly identified individual and no

one with less seniority than you has been overlooked. Individuals identified as being surplussed should work with their principals to be certain the appropriate person has been identified for surplussing. Contact LEA if you have concerns about the determination of the surplus in your building.

2. You need to be **proactive** and watch the LPS vacancy notices and apply for any position of interest to you for which you are qualified to teach by certification and/or endorsement.

3. LPS Human Resources may eventually 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).

4. By contract, 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.*

5. 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 introducing yourself and why you think you would be a good fit for the announced vacancy. This may help ensure your file is reviewed and that you are granted an interview.

6. 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.

And...

...the LEA-LPS *Professional Agreement* states that "prior to declaration of a surplussing in an assignment, the Principal shall make a request for a volunteer to accept surplussing status and/or the Principal may exercise his/her right to reassign current staff to an anticipated vacancy within that school" (6-3). Sometimes there are individuals who are looking for a change and who are willing to give up their position at their site regardless of their seniority and go looking for a job elsewhere in LPS, possibly sparing the need for a surplus at the site.

...the LEA-LPS *Professional Agreement* states (6-2) 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 on a one-year-only "assignment" can be moved from a site regardless of their seniority since their assignment at that site was guaranteed only for a year. Members on a one-year-only "contract" have no rights for the following year and have their ties to LPS severed at the end of the school year *unless* they are rehired.

...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.