

STAFFING, TRANSFERRING, CLOSING SCHOOLS, HIRING, LIST OF CATEGORIES, WORK SITUATIONS FOR REGULAR TEACHERS

In order to give you a sense of how procedures work for staffing a school, we have prepared an outline of what happens, starting from the point in December when the School Council is consulted by the school administration on planning the educational programme for the next year.

We have integrated a number of different issues (assignment and transfer of teachers, procedures when schools are closed, filling of vacancies once teachers with regular contracts are assigned) all into this explanation, to try to give you the big picture.

Where appropriate, we also have provided the clause references for what we are explaining. If the clause number has a **P** after it, it comes from the **P**rovincial contract. If it has an **L**, it comes from the **L**ocal agreement.

And please note, as a general rule, when we talk about the seniority of teachers, there can often be ties among two or more teachers in terms of their seniority with the school board. When two or more teachers have equal seniority, the teacher who has the most teaching experience shall be considered as having the most seniority; and, of those with equal experience, the teacher who has the most schooling shall be considered as having the most seniority. (5-21.13 L)

In December

1. The School Council and school administration meet to discuss the educational objectives of the school and the types of teachers needed to meet these objectives. (4-2.09 a, b and c L)
2. If the School Board has passed a notice of intent to close a school or schools, the governing boards concerned are given the opportunity to present briefs to the Council of Commissioners.

In January and February

3. In January, the School Board decides on whether or not to close any schools where a notice of intent to close had been passed. (5-3.09.100 L)
4. By February 15th, the EMSB polls the parents of students in closing schools to see where the students are going to attend school for the following year. Based on the results of this, teachers in the schools to be closed acquire the right (proportionately) to go with their students. (5-3.09.102 c L)
5. Teachers can then choose whether or not to avail themselves of this right. (5-3.09.102 g L) The MTA President and/or Staff visit all such schools to explain the procedures, and to help all teachers involved in this process. Teachers who choose to go with their students to a “receiving” school (one which gets at least 10% of the students of the closing school) are transferred to the receiving school. Such teachers are considered part of the staff of the receiving school, and must be so notified by March 1st.
6. The School Board writes to teachers on leave of absence to ask them their intentions for the following school year. (5-15.11 L)
7. The School Board also goes through a process to verify the categories and schools/centres of all teachers with regular contracts. Theoretically, this is done only after consultation with MTA about the list of categories used the previous school year. Please see page 51 of this handbook for a list of categories.

8. For all teachers who are in more than one school, the school is considered to be the one where the teacher works for more of their time. Similarly, for teachers who teach in more than one category, the category is the one in which the teacher teaches for the most time. In the case of a tie in either of these situations, the teacher can choose which school, or which category, but must answer the Board's request for info within 20 days, or the Board gets to make the choice for the teacher. (Appendix II P)

By March 1st

9. Teachers on leave of absence must respond to the School Board about their intentions. (5-15.11 L) The MTA writes to all such teachers, and provides a form for teachers to use to respond to the School Board. Teachers returning from leave of absence are considered to be part of the staff of the school to which they were last assigned, and in their same category. They are then subject to the same assignment and transfer procedures as everyone else.
10. All teachers with regular contracts indicate to the school administration in writing their desired assignments for the following year. (5-21.12 L) (These preferences are "taken into account" by the school administration.) The clause goes on to say: **"In elementary schools, this shall generally mean that most teachers shall remain in their existing levels from year to year. In secondary schools, this shall generally mean that most teachers shall remain in their existing category from year to year."**
11. Regular tenured teachers, may request voluntary transfers to 100% posts at schools. These posts must be in the same category as their current category. Any approved requests for transfer will be conditionally granted until April 30th that is, the completion of the process of excess. Any teachers who are affected by the process of excess will not be eligible for voluntary transfers.

Before April 1st

12. The situation for itinerant teachers travelling between two or more schools must be resolved. We have already mentioned that each itinerant teacher will be considered to be in one school (where they spend more of their time, or if equal time, where they choose). Itinerant teachers will not be excess if the total assignment for the following school year **in the combination of the schools** to which they have been assigned in the current school year is at least equal to a full-time assignment. They will be excess only if the total assignment foreseen is less than 100%.

Before April 30st

13. The School Board forecasts its personnel needs for the next year and determines whether there is an excess of personnel in each category. In doing this calculation, the School Board takes the total number of teachers this year, adds the number of teachers returning from leave of absence, subtracts the number of teachers known to be going on leave for the entire following year, and any known and processed resignations or retirements. The School Board then verifies the number of teachers needed in the category for the following year. If there is an excess, the School Board prepares a list of the least senior teachers in each category in which there is an excess, equivalent to the number of teachers forecast to be in excess in the category. (5-3.10 + 5-3.11 P)

If there is a tie in seniority, then previous teaching experience is counted. If teaching experience is tied, then scholarship is used to break the tie. If everything is tied, there is a "lottery".

14. The school administration informs the School Council of the total provisional staffing needs for the next year. (5-3.12 P)

15. The School Board has the right to state that certain positions have 'particular requirements' either because of a special clientele (hearing impaired, visually impaired, etc.) or the special nature of the subject or combination of subjects taught (e.g., violin, math. and art). These declarations of 'particular requirements' must be determined after consultation with the Union. MTA may consult with the representative in any school concerned to verify the exact nature of the post and, in the case where a teacher is being protected from transfer, whether or not that teacher is the only one in the school capable of doing the job in question. MTA may also consult QPAT when questions of legality arise. (5-21.05 & 06 P)
16. If there is an excess in a category, the declaration is made in inverse order of seniority, except in cases where 'particular requirements' (see #14) are declared. Teachers are informed in writing, and the school administration also attempts to fill any vacancies from among teachers on staff.
17. There is a provision in our Local Agreement for teachers who want to substitute for the excess teacher. (5-21.14 L)

"Within two (2) work days of the posting of the list of such categories, following the application of Clause 5-3.13, any regular teacher in the school classified in the same category in which a teacher has been declared excess by virtue of the application of Clause 5-3.13 may substitute for the excess teacher. Should there be more than one teacher who wishes to make the substitution, the teacher shall be selected respecting seniority. The regular teacher who has thus substituted by virtue of this clause shall be considered as having been declared excess, and shall be subject to all the rights and obligations of an excess teacher, which include completing a form as per Clause 5-21.19 within five (5) work days of the posting of the list."

If two or more teachers volunteer, the teacher with more seniority is declared excess. If no one volunteers to be excess, the teacher with the least seniority in that category is excess. **Remember that the teacher volunteering to be excess does not get to see the list of vacancies before volunteering.**

If there are staff needs in any of the categories, the school administration shall attempt to fill these needs from among the teachers in the school. The school administration shall take into account assignment criteria and **shall fill these needs respecting seniority.** (5-3.13 + 5-3.14P; 5-21.15 L)

18. The list of provisional staffing needs is posted in each school (aka the vacancy list). (5-21.18 L)

Within 5 days of posting of vacancy list

19. Excess teachers fill in the vacancy selection form. In addition, excess teachers can indicate preferred areas of the city, or preferred schools, in case there are not sufficient vacancies, so that the School Board can take these preferences into account. (5-21.19 L)

The applications made by regular tenured teachers before March 1st will be considered before excess teachers are placed. Teachers are also given a second opportunity to request a transfer after the placement of excess teachers.

Before June 1st

20. Proceeding by order of seniority, the School Board decides on the transfer of excess teachers to vacancies. (5-21.20 L)

In June

21. Teachers who have been transferred are notified of their assigned school for the following year. (5-3.18 P)

By June 15th

22. The School Board prepares a new vacancy list and shall invite the teachers on the priority of employment list (aka Recall list) to the relevant placement meeting(s) giving the pertinent information of time, date and location, along with a brief explanation of the process to be followed.

Before June 30th

23. Before June 30th the School Board shall schedule the first placement meeting.

By July 15th

24. The School Board will notify teachers who are on the recall list of the date of the August hiring hall.

In mid-August

25. The final hiring hall for teachers on the recall list shall take place.

In the Fall

This procedure is found in our local agreement – 5-21.23 to 5-21.31. The only contractual date is October 15th – all other dates are decided by the School Board each year.

26. If there is a need to reduce the number of teachers in a school in the fall, the first teachers whose jobs may be in jeopardy are those who are not yet under contract. These include newly-hired teachers, potential list teachers, and recall list teachers, and in general, that is the order used if jobs are cut.
27. If there are still posts to be cut, the school administration announces the category or categories where there is an excess of personnel, and asks for volunteers for compulsory transfer from among the teachers within any such category. If more volunteers for "compulsory" transfer come forward that are needed, then greatest seniority at the School Board level prevails to determine those who will leave school.
28. If not enough volunteers for "compulsory" transfer come forward then the teacher(s) in the category in question with the least seniority at the School Board level will be subject to compulsory transfer. The School Board has the right to state that certain positions have 'particular requirements' (5-21.06 P) after consultation with the MTA. The teachers who are subject to compulsory transfer will be officially informed.
29. The school administration will post in the staff room a list of all known vacancies in the system, unless there is an agreement to the contrary between the Board and the Union based on the number of excess teachers. The list of vacancies will include all legitimate vacancies currently filled by substitute teachers, including part-time vacancies.
30. Excess teachers submit vacancy selection forms listing their choices and will be assigned by the School Board according to those choices, starting with the most senior excess teacher. Teachers will be informed by phone of their assignment and later will receive a written confirmation. Newly-assigned teachers will be permitted to visit their new school while the former teacher remains in place for the day.