



SURPLUS & REDUNDANCY

PURPOSE

The North East School Division may periodically face excess or redundant staff due to budget shortfalls, declines in enrolment, reduced demands for instruction in specialized areas or other unforeseen circumstances. In these instances, every effort will be made to reassign the staff to other vacancies. As such, attrition is favored as the best way to reduce staff when necessary.

The North East School Division will take into consideration known resignations, retirements, and approved leaves of absence, as well as the effect of approved redeployment programs, before implementing procedures for layoff or termination.

However, if no appropriate placements are available in the division, procedures for terminating contracts of employment will be implemented in accordance with the following procedures.

All staff subject to termination under this procedure will be provided with information regarding supportive counseling through the employee family assistance program or other support systems.

BACKGROUND

1. Using the established guidelines for staffing the North East School Division, the appropriate superintendent for each program area and the Superintendent of Human Resources will make decisions regarding staff requirements based on system needs, expected workload and budget considerations.
2. The superintendents assigned to schools in conjunction with the principal of the school shall be responsible to name those teachers who are identified surplus to the needs of the school, paying particular attention to:
 - a. the need to retain staff with the teaching expertise necessary for the maintenance of the total school program;
 - b. availability of teaching positions within the school that falls within the teacher's qualifications;
 - c. past teaching assignments of the teacher.
3. The respective department heads shall be responsible to identify non-teaching staff positions considered surplus to the needs of the division.
 - a. Positions covered by a collective agreement shall be reduced in accordance with the layoff provisions of the respective agreement.
 - b. Other staff shall be reduced with consideration of the needs of the division and the knowledge, skills and expertise of the staff affected.
4. The Superintendent of Human Resources shall provide the director with the rationale used in identifying the staff considered surplus to the needs of the division.

PROCEDURES

When making organizational plans for the school year, the principal or department head, upon receipt of the staff allocation, will make decisions regarding:

1. The instruction to be offered to meet the needs of the school population or department.



2. The way in which the school or department will be organized to best provide the programs.
3. The need to retain staff with the expertise necessary for the maintenance of the total school or department program.
4. The distribution of the assignments among the employees remaining on contract at the school or with the department.

TEACHERS

When the total instructional needs for the projected school population are not sufficient to provide assignments to all the teachers, those teachers are now declared surplus to the school.

1. If a surplus of teachers is identified in a school the principal will make a recommendation with respect to which teachers will be retained. In arriving at that recommendation the principal shall select those teachers considering the following criteria in decreasing order of importance:
 - i. Those possessing the most appropriate training, skills, experience and personal qualities to teach the programs that best meet the educational interests and needs of students.
 - ii. Those deemed relatively more effective, as determined by performance appraisals completed by administrative and supervisory staff.
 - iii. Those with the versatility to teach a wide variety of subjects.
 - iv. Those with the ability and adaptability to teach a number of different grade levels.
 - v. Those with the greatest degree of involvement, as determined by comparative data, in various professional development activities.
 - vi. Those with the greater number of years of post-secondary training in education.
 - vii. The person's suitability to fill anticipated future program needs.

Where application of the above noted criteria do not determine teacher retention, seniority will be the deciding factor.

2. Where a teacher is deemed surplus to the program needs of a particular school, that teacher will be considered for vacancies that may occur in other schools in the division, assuming there is a match between the training, skills, and experience of the teacher and the requirements of vacant teaching assignment.
3. If after filling all the known vacant positions, there is a division surplus of teaching staff, procedures for termination of teaching contracts will be implemented.

The guidelines for termination of teaching contracts are as follows:

- a. The superintendent of learning will identify the teacher(s) whose contract(s) will be subject to termination, by considering the following in ascending order:
 - i. Those possessing the most appropriate training, skills, experience and personal qualities to teach the programs that best meet the educational interests and needs of students.



- ii. Those deemed relatively more effective, as determined by performance appraisals completed by administrative and supervisory staff.
- iii. Those with the versatility to teach a wide variety of subjects.
- iv. Those with the adaptability to teach a number of different grade levels.
- v. Those with the greatest degree of involvement, as determined by comparative data, in various professional development activities.
- vi. Those with the greater number of years of post-secondary education.
- vii. The person's suitability to fill anticipated future program needs.

Where application of the above noted criteria do not determine teacher retention, seniority will be the deciding factor.

- b. A teacher who is identified surplus to the needs of the division under the provisions of section 210(1)(b) of the Education Act, 1995, will be provided with thirty days' notice of termination of contract and will be provided redundancy pay in accordance with the requirements of the provincial teachers' agreement in effect at that time.

SUPPORT STAFF

When the employment needs for the projected school or department are not sufficient to provide assignments to all the staff employed, the superintendent or department head, in consultation with the Superintendent of Human Resources, shall identify position(s) to be declared surplus.

1. Support Staff declared surplus will be considered for placement in other vacant positions within the division. If no suitable placement can be made, procedures for termination will be implemented

The guidelines for termination of employment contracts for support staff are as follows:

- a. Unionized staff will be laid off or terminated in accordance with the layoff and/or termination provisions of the applicable collective agreement.
- b. Out-of-scope staff will be terminated by giving appropriate notice or pay in lieu thereof, in accordance with the employee's contract of employment. Severance pay provisions will be made in accordance with the employee's contract of employment.

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