

EMPLOYEE

Surplus, Transfer and Redundancy of Elementary School Teachers

1.0 Objectives

- 1.1 The objectives of the Surplus, Transfer and Redundancy of Elementary Teachers is to provide the process for surplus, transfer and redundancy.
- 1.2 The District recognizes that protecting and promoting human rights, anti-oppression, anti-racism and respectful learning and working environments are an important part of supporting:
 - Students, community members and employees' sense of safety, well-being, mattering, engagement and belonging
 - a culture of care where students and employees are successful and thrive
- 1.3 The District is committed to providing services, learning environments, employment and working environments that center human rights and equity and are welcoming, respectful, safe, inclusive, equitable, accessible and free from oppression, discrimination, racism, harassment and harm.
- 1.4 Dates contained in this document, not identified in the collective agreement, are meant to provide a general time frame for the events and may be varied as circumstances warrant.

2.0 Definitions

2.1 Programs Requiring Additional Qualifications

Special Education
Library
French Immersion
French (Core)
Instrumental Music

- 2.2 School Surplus Teacher - is a teacher who has been identified as being surplus to a particular school staff for the ensuing school year.
- 2.3 Regionally Surplus Teacher is a teacher who has been identified as being in excess of the elementary staffing requirements of the Durham District School Board for the ensuing school year and who may be declared redundant.

- 2.4 Redundant Teacher - is a teacher who has been identified as being in excess of the elementary staffing requirements of the Durham District School Board for the ensuing school year and whose permanent contract is terminated for this reason.
- 2.5 Vacancy - is a complement position which exists or will exist for the ensuing school year and to which no teacher has been assigned.
- 2.6 Posting - is the written notification inviting applications to fill an existing or projected vacancy.
- 2.7 Twinned Schools - the staff of twinned schools will be considered one staff for purpose of this procedure.
- 2.8 Regional Seniority - shall mean seniority as defined in the Collective Agreement.
- 2.9 Secondment - is where members of the bargaining unit hold temporary positions outside the bargaining unit whether internal to the Board or external.
- 2.10 Teaching Qualifications - shall be those listed on the teacher's Ontario College of Teachers' Certificate of Qualification.

3.0 Responsibilities

- 3.1 Director of Education, Associate Directors, Superintendents:
- Ensure fair administration of this procedure
- 3.2 Administrators will:
- Share allocation, surplus and redundancy information with teachers as outlined in this procedure.
 - Ensure fair administration of this procedure.

4.0 Guidelines and Considerations

4.1 Administrative Transfers

Administrative Transfers are approved by the Associate Director of Equitable Education to accommodate program and system needs.

4.2 Teacher Initiated Administrative Transfer

- 4.2.1 Teacher Initiated Administrative Transfer is a transfer requested by a teacher who is seeking an alternate teaching assignment within the District. Teachers complete a Teacher Initiated Administrative Transfer Form by a date to be determined each year no later than March 31st of each school year and will rank three (3) geographic areas they are seeking assignment in. Once a Form has been submitted to the Human Resources Department, the teacher relinquishes their current assignment and will be placed in an appropriate teaching assignment after all surplus teachers have been placed and at the conclusion of the transfer rounds.

- 4.2.2 Teachers seeking a Teacher Initiated Administrative Transfer may not withdraw their application for reassignment, however, they may apply to positions through the transfer posting rounds and, if successful, only then, will be able to withdraw their application. No more than 5% of the teaching FTE in any given building will be permitted to apply for a TIAT. Where more than 5% of a teaching staff FTE applies the Parties will discuss any extenuating circumstances.

4.3 Teacher Preference Form

The Elementary Teacher Assignment Preference Form will be sent to teachers each year and due back to the Principal of the school on a date to be determined. This voluntary Form will provide teachers an opportunity to identify their teaching assignment preferences each school year. It is understood that the Principal has the sole discretion to organize the school staff and teaching assignments.

4.4 Teachers Returning From Secondments and Leaves

- 4.4.1 Seconded teachers or teachers returning from leaves of absence of two (2) years or less will be placed in the last school they were in before the secondment or leave.
- 4.4.2 Seconded teachers or teachers returning from leaves of absence of more than two (2) years, do not retain their last home school and will be placed into a position upon the conclusion of the transfer posting rounds.
- 4.4.3 Such teachers retain the right to participate in the transfer process.

4.5 Staffing Process

- 4.5.1 A regional staffing allocation will be determined as per the elementary staffing formula.
- 4.5.2 If necessary, the determination of regional surplus will be calculated and teachers with the least regional seniority declared regionally surplus by the Superintendent responsible for Human Resources.
- 4.5.3 Principals will be notified by the Superintendent responsible for Human Resources of the school's staffing allocation and the names of the teachers who have been declared regionally surplus.

5.0 Procedures

5.1 Declaration of Surplus Teachers

- 5.1.1 By a date to be determined annually, prior to April 14 where an individual school Principal, having taken into account teachers returning from leave of absence, resignations, teachers going on leaves of absence, retirements, and regional surplus etc. must reduce the school teaching staff complement, the teacher(s) shall be declared surplus to that school on the basis of Regional Seniority, as clarified through the tie breaking process as per the collective agreement.

Programs requiring additional qualifications - Special Education, Library, French Immersion, Core French and Instrumental Music - will be protected in the declaration of surplus teachers subject to this section this Procedure.

Principals will identify and declare school-level surplus or vacant positions to the Human Resource Service Department.

- 5.1.2 In determining surplus staff, the Principal shall first canvass the staff for volunteers to declare themselves surplus. In the event there are more volunteers than the need for surplus, the volunteer(s) holding the most seniority will be deemed as voluntary surplus. If there is not a need for surplus declaration within a school based upon 5.1.1 above, then there is no provision for the declaration of voluntary surplus. The voluntary surplus teacher must apply to at least 3 suitable positions, if available, during the transfer rounds.
- 5.1.3 Where the teaching assignment of a teacher declared surplus to a school is in a program requiring additional qualifications, the Principal shall attempt to assign the program to another teacher on the same staff who is qualified to teach that program. Should the Principal determine that no qualified teacher can be reassigned, the present teacher will remain in that program and the teacher with the next least regional seniority will be declared surplus. If the next teacher is also in a program requiring additional qualifications, this procedure 5.1.3 will be repeated.
- 5.1.4 On the surplus declaration day, the Principal shall notify in writing each teacher who is declared surplus, and a list of surplus teacher(s) shall be sent to the Human Resource Services Department. The notification to the teacher is to be preceded by a conference with the Principal and the teacher including verification of seniority as outlined in collective agreement.
- 5.1.5 The list of surplus teachers, including volunteers, will be shared with the President of the Bargaining Unit.
- 5.1.6 In the declaration of surplus at the school, the staff reduction will be the position(s) of the most junior teacher(s) whose appointment(s) matches or exceeds the declared surplus:

Example - Possible Scenario

A school is required to declare .7 surplus teachers. An examination of the seniority lists shows the following teachers in programs not requiring additional qualifications:

Teacher A is 0.5 FTE – lowest seniority.
Teacher B is 1.0 FTE – next in seniority.

Possible Action

The Principal would declare Teacher A surplus. Teacher B would be given options:

- (i) be declared 0.2 FTE surplus and remain on staff 0.8 FTE
- (ii) be declared 1.0 FTE surplus

If Teacher B chooses option (ii), then Teacher A would be offered recall for 0.5 FTE. There would now be a 0.3 FTE vacancy.

5.2 Regional Surplus/Redundancy Procedure

In the event that there are regionally surplus teachers within the District who may be declared redundant, the following principles shall apply:

- (a) Every effort shall be made to place the regionally surplus teachers through the process of attrition as a result of normal resignations, retirements, and/or leaves of absence, or by the intervention of the Superintendent responsible for Human Resource Services. If the designation of a regionally surplus teacher is changed to surplus by the Superintendent responsible for Human Resource Services before any round of the transfer process, the teacher will be allowed to enter the transfer process at that point.
- (b) If it is not possible to place all regionally surplus staff, the declaration of redundancy will be based on the regional seniority list.
- (c) Teachers who are declared redundant shall be notified in writing by the Superintendent responsible for Human Resources by June 30 that termination of their permanent position will be effective August 31.
- (d) The President of the Bargaining Unit will be sent a copy of each notification.
- (e) Options for teachers declared redundant are covered under the Elementary Teacher Collective Agreement.

5.3 Transfer Process

5.3.1 Apply to Education Profile

This profile must be completed by all teachers who wish to apply to posted positions within the transfer process and who are eligible to do so.

- 5.3.2 Before each round of transfer postings, a list of vacancies, will be sent to the Human Resource Services Department and uploaded to Apply to Education by each Principal for verification. Vacant positions will be posted for three (3) working days. An email will be sent to all teachers notifying them once the postings are live on Apply to Education.
- 5.3.3 Teachers may apply to a maximum of five (5) vacancies by applying directly to the vacancies using Apply to Education.
- 5.3.4 All teachers may apply to the transfer process with the following exceptions: regionally surplus teachers and teachers under review.
- 5.3.5 After the postings have closed, Principals will shortlist candidates and hold conversational interviews with each shortlisted candidate. At a minimum, 50% of the qualified applicants should be offered an interview. Where there are more than eight (8) qualified applicants a minimum of four (4) applicants should be offered an opportunity to enter the selection process.
- 5.3.6 Once Principals have chosen a successful candidate, they shall confirm their selection with the Human Resource Services Department and prepare an email to offer the candidate the position. Where the chosen candidate declines a position offer, the Principal will prepare an email to offer to the next shortlisted candidate who is successful through the interview process. The emailed offers of positions will be sent

based on the following schedule:

- First round of offers emailed out on day 1 between 7:30-8:30am; Teachers accept/decline offers by 12:00pm;
- Where candidate declines, second round of offers emailed out between 12:00-1:00pm on that same day; Teachers accept/decline offers by 4:30pm;
- Where candidate declines, third round of offers emailed out on the following day between 7:30-8:30am; Teachers accept/decline offers by 12:00pm;
- Where candidate declines, fourth round of offers emailed out between 12:00-1:00pm on that same day; Teachers accept/decline offers by 4:30pm;

- 5.3.7 Once a teacher accepts an offer made by a Principal, the Principal will confirm the position has been filled with Human Resource Services Department. The Principal will also send out emails to the unsuccessful candidates notifying them the position has been filled.
- 5.3.8 Teachers will be made aware of these position offer dates and timelines and must monitor their emails accordingly to accept position offers. Where a teacher has teaching and/or supervision duties during the entirety of an offer block, their administrator will work with them to ensure their ability to respond to offers.
- 5.3.9 All subsequent rounds of postings will follow this same process listed above.
- 5.3.10 After each round of transfer postings, Principals will review any resulting vacancies and will recall school-level surplus teachers in accordance with required qualifications and in order of seniority. Where recall has been accepted or declined by the surplus teacher, the Principal will confirm same with the Human Resources Department.
- 5.3.11 The President of the Bargaining Unit will be advised on any recalled staff and any updates to the list of remaining surplus staff.
- 5.3.12 All staff successful to posted positions are ineligible to apply for subsequent posted positions for a minimum of one (1) year with the following exceptions:
- (i) medical necessity
 - (ii) the direction of the Superintendent responsible for Human Resources
 - (iii) promotion/secondment/central positions
 - (iv) new system programs
 - (v) positions of a greater FTE
 - (vi) where a teacher's assignment substantially changes from the original posting
- 5.3.13 Upon the completion of the first round of the transfer postings, the surplus placement process will commence.

5.4 Surplus Placement and Recall

- 5.4.1 Upon completion of the first round of postings, Principals will identify their list of outstanding vacancies to be filled. This list will be sent to each school-level surplus

teacher who will be instructed to rank a select number of positions in order of their preferred placements and send the list to the Human Resource Services Department. This list will also be provided to the President of the Bargaining Unit.

- 5.4.2 A list of remaining surplus teachers will be sent to the Principals with identified vacant positions for consultation on placements.
- 5.4.3 Surplus teachers will be assigned to vacant positions in accordance with their rankings, qualifications and seniority. Placements will be confirmed with teachers in writing with a copy to the Union.
- 5.4.4 Should all staff not be placed during the surplus placement process, the Superintendent responsible for Human Resources or designates will place the remaining staff as vacancies become available. The President of the Bargaining Unit will continue to be apprised of placements as they occur.
- 5.4.5 Surplus staff to be declared redundant must be notified in writing prior to the last Board meeting before June 30.
- 5.4.6 A surplus teacher who has accepted a position through the transfer process retains their recall rights to their school. The right of recall for surplus teachers ends on June 16 every school year.

5.5 Other Teaching Placements

- 5.5.1 Upon completion of the transfer rounds, teachers who applied for a Teacher Initiated Administrative Transfer will be placed into positions in accordance with the submitted Forms and subject to position availability. Teachers to be administratively transferred will also be placed at this time as well as teachers returning from a leave or secondment of more than two years. These teachers shall be assigned prior to any increases to FTE for part time teachers and any external hiring.
- 5.5.2 There shall be no external hiring prior to the completion of the Surplus, Transfer, and Redundancy process, except for programs requiring additional qualifications for which present staff do not meet the need. Permission may be granted by the Superintendent responsible for Human Resources, after consultation with the President of the Bargaining Unit, to hire an agreed upon number of staff.

5.6 Rights of Part-Time Teachers

- 5.6.1 The rights of part-time teachers applying for full-time positions are as outlined in the Collective Agreement.
- 5.6.2 Part time teachers will be able to apply to posted positions during the last round of transfer postings if they are seeking an increase to their FTE. Outside of the transfer rounds, part time teachers may complete an application to increase their teaching time (FTE). Application Forms must be submitted by a date to be determined each year no later than March 31st of each school year. Teachers seeking to increase their FTE will have the ability to rank a select number of positions from a list of available positions and will be assigned to vacant positions in accordance with their rankings, qualifications and seniority.

5.6.3 Forms and placements will be considered after all surplus teachers have been placed and at the conclusion of the transfer rounds. Increases to FTE at a teacher's current school will be considered where available and prior to the ranked listing. Increases will not be approved where the teacher is split between two schools.

5.7 Review

The President of the Bargaining Unit of the Durham District School Board may request for review of the procedure. Changes will be made to this procedure upon approval by Administrative Council.

6.0 Reference Documents

Appendix:

Teacher Preference Form

Teacher Initiated Administrative Transfer Form

Effective Date

2024-03-28

Amended/Reviewed

2017-01-20

2023-03-28



**Durham District School Board
Teacher Assignment Preference Form**

Name:	
Current Assignment:	
Grade/Assignment Preferences for the 20___/20___ school year:	
First (1st) Choice:	
Second (2nd) Choice:	
Third (3rd) Choice:	
Additional information regarding request: 	
Qualifications as per Certificate of Qualification (OCT): (check box)	
Primary ☐	Junior ☐ Intermediate ☐
Additional Qualifications: 	
If you anticipate changes to your employment status for next school year including applying for a leave of absence, please identify below to assist in facilitating staffing: 	

Durham District School Board Teacher Initiated Administrative Transfer (TIAT) Form

* Required

1. Email *

2. Name: *

3. Current Location: *

Please rank order three (3) geographical areas you wish to be placed in:

*NOTE: If all of your three (3) selections are Brock, Scugog and Uxbridge, please select a fourth (4th) option to ensure an appropriate amount of opportunities for placement are considered.

4. Option 1: *

Mark only one oval.

- ☐ Ajax
- ☐ Brock*
- ☐ Oshawa
- ☐ Pickering
- ☐ Scugog*
- ☐ Uxbridge*
- ☐ Whitby

5. Option 2: *

Mark only one oval.

- ☐ Ajax
- ☐ Brock*
- ☐ Oshawa
- ☐ Pickering
- ☐ Scugog*
- ☐ Uxbridge*
- ☐ Whitby

6. Option 3: *

Mark only one oval.

- ☐ Ajax
- ☐ Brock*
- ☐ Oshawa
- ☐ Pickering
- ☐ Scugog*
- ☐ Uxbridge*
- ☐ Whitby

7. Option 4*:

Mark only one oval.

- ☐ Ajax
- ☐ Brock*
- ☐ Oshawa
- ☐ Pickering
- ☐ Scugog*
- ☐ Uxbridge*
- ☐ Whitby

8. Qualifications as per Certificate of Qualification (OCT): *

Check all that apply.

- ☐ Primary
- ☐ Junior
- ☐ Intermediate

9. Additional Qualifications:

10. Additional information regarding request:

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