

# CERTIFICATED STAFF REDUCTION

## Background

The Superintendent will consider such factors as he/she may deem appropriate in determining whether the ability to provide educational services has been affected and, without limiting the generality of the matters to be considered by the Division, the Division may consider any or all of the following factors:

- a. Student enrollments, both current and projected;
- b. Population patterns;
- c. Financial support for education, both current and projected;
- d. Funding from all sources;
- e. Student educational needs, both current and projected;
- f. Curricular content or practices;
- g. Programs offered by the Division;
- h. Changes in function to existing facilities, both current and projected;
- i. Other factors that the Superintendent considers relevant.

The Superintendent recognizes that changes in any of the above-noted factors may have a negative impact on the ability of the Division to fulfill its educational goals within the limits of its financial resources. Should the Superintendent be of the opinion that any of these factors warrant a reduction in the number of certificated staff positions, this administrative procedure may be applied, at the Superintendent's discretion, to a particular school, or the school division as a whole.

In the event that it is determined that the Division needs to implement the certificated staff reduction administrative procedure, the primary consideration shall be to retain staff members who best meet the program requirements in the school and the educational needs of the students.

1. The Board delegates to the Superintendent overall responsibility for the implementation of the staff reduction administrative procedure; including making the initial decision as to whether certificated staff reduction is required and implementing all required procedures.
2. The Superintendent or designate, in consultation with Principals, shall determine staffing levels in their schools. In the event staff reduction is considered necessary, the Superintendent or designate, in consultation with Principals will identify the number of and identity of certificated teachers, that the Superintendent or designate deems to be surplus to the needs of the school and/or Division. The Principal shall also be responsible for alerting the Superintendent to any potential need to implement the staff reduction procedures on a timely basis.
3. If the Superintendent is of the opinion that any of the above-described factors warrant a reduction in the number of certificated staff positions, this certificated staff



reduction administrative procedure may be applied to a particular school, geographic area, or the school division as a whole.

## **Procedures**

1. If the Superintendent deems a reduction in the number of certificated staff employees to be warranted, the Superintendent will endeavor, first, to effect such reduction through voluntary attrition, including, *inter alia* (among other)
  - 1.1 Voluntary resignation;
  - 1.2 Retirement;
  - 1.3 Early Retirement Incentive Plan (ERIP), and/or other additional incentives as mutually agreed upon by the ATA and the Division;
  - 1.4 Voluntary leave of absence;
  - 1.5 Voluntary changes in employment status (i.e. full time to part time);
  - 1.6 Voluntary transfer.
2. If voluntary attrition does not result in the necessary staff reduction, the Superintendent will then endeavor to effect further staff reduction through the transfer of staff to other appropriate assignments. The Principal shall work in collaboration with the Superintendent and make recommendations regarding the staffing needs for the school, including the number of surplus positions, if any, and make recommendations regarding any teaching positions that need to be transferred as a result of the decreased need for teaching staff in that particular school. The Superintendent shall make the final determination regarding any required transfers. Any such recommendations and decisions will be based upon the following considerations:
  - 2.1 The primary consideration shall be to retain staff members who best meet the program requirements of the school and the educational needs of the students. School administration will make recommendations to the Superintendent based upon these factors and will work collaboratively with the Superintendent, who shall be responsible for determining which transfers shall be made in light of the Superintendent's need to meet the program requirements and educational needs of the students;
  - 2.2 Student and program needs, not employee seniority, will be the primary criteria for enacting teacher transfers;
  - 2.3 All provisions within the current collective agreement between the Superintendent and the Alberta Teachers' Association shall be adhered to regarding the transfer of teachers;
  - 2.4 When program requirements and student needs can be equally well met by more than one teacher in a particular school, seniority shall be the



determining factor when making final decisions regarding the transfer of teachers.

3. The Superintendent may vary the amount of time that a teacher under a part-time contract of employment teaches, in a subsequent semester or school year based upon the program requirements of the school and the educational needs of the students, unless otherwise prohibited by contract.
4. If sufficient staff reduction cannot be fully achieved through voluntary attrition, transfer to other assignments or reduction in part-time teaching contracts, the Superintendent will endeavor to effect reduction through termination of contracts of employment.
5. The following criteria may be utilized to determine which contracts of employment will be terminated:
  - 5.1 Teachers on temporary contracts of employment will be the first to be released and in accordance with Policy 11 – Board Delegation of Authority;
  - 5.2 If this administrative procedure is applied on or before January 1<sup>st</sup> of any school year, teachers on probationary and interim contracts may be released next;
  - 5.3 If this administrative procedure is being applied on or after January 1<sup>st</sup> of any school year, teachers on probationary and interim contracts will be the next to be released;
  - 5.4 Seniority based on years of service with the Division will be the primary consideration when determining which contracts of employment are to be terminated. Those most senior teachers will be the last to be terminated, subject to program requirements and student's educational needs To determine years of seniority, the following principles will be used:
    - 5.4.1 Seniority will be determined from the original date of hire to the date of application of the administrative procedure, provided that there has been no break in service, other than as described below:
      - 5.4.1.1 Maternity leaves, sick leaves and education leave will be included as year of services with the Division. Leaves for personal reasons, of a duration of 30 days or longer, will not be counted for determining years of service. Length of service shall be calculated based upon the number of years and full months of service provided to the Division.
    - 5.4.2 Employees who are on part-time continuous contracts will be treated in the same manner as employees who are on full-time contracts;
    - 5.4.3 The Superintendent shall determine whether a seniority list will be used for a particular school(s), or the school division as a whole.



6. Notwithstanding the above, teachers on temporary, probationary, or interim contracts may be retained and continuous contract teachers released if the teacher holds a specialized teaching assignment. For example, in the areas of second languages, special education, specialized career and technology studies programs and essential core subjects at the grade 12 Diploma course level, it may be necessary to retain teachers on temporary and probationary contracts in order to maintain these programs.
7. Teachers on leaves of absence for any reason will not be exempt from the application of this policy.
8. The needs of each school with regard to “specialized teaching assignments” that may include areas such as CTS specializations, Diploma Exam courses, second languages, music and special education will be carefully considered, and a teacher placed in a “specialized teaching assignment” may be considered temporarily exempt from the staff reduction process. Senior Administration will, from time to time, review categories defined as “specialized teaching assignments”: and make recommendations to the Board regarding recognition of the same.
9. The Board delegates to the Superintendent responsibility for applying these criteria and for recommending to the Board those contracts of employment that should be terminated where the Board has not already delegated the authority to terminate such teaching contracts.
10. The Board delegates the authority to the Superintendent to arrive at a mutual agreement with the teacher without necessitating the holding of a hearing if a settlement can be reached.
11. Where required, recommendations for termination of continuous contracts of employment shall be made by the Superintendent to the Board after informing the teacher(s) in writing of:
  - 11.1 The recommendation for termination of the teacher’s contract of employment;
  - 11.2 The reasons for the termination;
  - 11.3 The date, time, and location of the Board meeting at which the Board will consider the recommendation;
  - 11.4 The teacher’s right to attend the Board meeting and be represented by a member of the ATA or legal counsel, or both, and to make representations to the Board in person or through his or her representative, or both.
12. Any notice of termination shall be given in accordance with the requirements of the *School Act*.

Reference: Section 60, 61, 104, 105, 107, 113 School Act  
Policy 14 – Hearings on Teacher Matters  
Employment Standards Code

