



## Displacement of SEA-Represented Staff Frequently Asked Questions

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### Q1: Who decides which staff are displaced?

**A:** When the school's projected enrollment drops (e.g. kindergarten goes from 3 to 2 classrooms, or students identified for resource goes from 46 to 32), there is generally little choice where displacements occur. School leaders will look at the projections and should notify all staff who may be displaced. This must happen to meet contract and district policy. The BLT should still have the information and consider it in their budget work.

In the partnership agreement in Article II, Section A.4, the Building Leadership Team (BLT) is charged with creating and sharing the budget with building staff. Ideally, the budget numbers should be shared with the BLT at the earliest opportunity for consideration. The BLT is also charged with creating and implementing the Continuous School Improvement Plan (CSIP) so if changes must be made to basic education programming and any additional offerings, the BLT should discuss options. These options may include how to implement displacements while maintaining discretionary programming supported by building staff.

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### Q2: How is it determined who will be displaced?

Building Leadership Teams and Central management staff determine the job title or category to be reduced based on budget allocations. Managers ask for volunteers within this job group and if none came forward, they identify the least senior employee in the job title for displacement.

\*Note: Cert Staff may only voluntarily displace if there is a reduction in their position/category within the building. Certificated staff seeking a transfer may apply for vacant positions in Phase 1 of the Three phase Hiring Process (Article VIII, Section B)

Displacement decisions are based upon seniority within job title and categories. (Article XIII, Section C, 1)

Categories are established to ensure the qualifications of employees assigned to ensure the qualifications of employees assigned to retained positions. Each year prior to staffing for the following year, certificated staff has an opportunity to review categories and request additional categories for which they qualify. (Article XII, Section C, 4)

Job performance is not a factor in displacement, nor is the number of years worked in a particular department. The overall District seniority (Article XIII, Section B) is used to determine displacement within category and job title.

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### **Q3: What is the difference between displacement and RIF (reduction in force)?**

**Displacement** occurs when a budget reduction requires a reduction of represented positions in a school or program. The position is identified, volunteers are requested, and if no volunteers come forward, the least senior employee within certificated teaching category or classified job title, is displaced from the school or program. While the school cannot retain the employee, they are displaced and may be eligible for other positions for which they qualify. (Article XIII, Section C, 1 & 4)

**Reduction in Force or RIF** occurs among represented positions after district-wide staffing is completed and the District determines there is probable cause to not renew the employment contract of an employee for the following year. RIFs are almost always tied to District enrollment and budget because there is a greater number of staff than funded positions. By state law, the District must notify the employee in writing on or before May 15. RIFs are determined by category/job title and the least senior employees within the category/job title are identified for layoff. They are not based on performance. (Article XIII, Section C, 5)

Displacement occurs within a building or department and RIF is district-wide.

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### **Q4: If a teacher or classified employee is funded by a specific grant that is no longer available, is that teacher the one displaced?**

Funding is not a factor in displacement decisions; only category and seniority. If the teacher funded with grant funds that will be discontinued is least senior in the category identified for reduction, they would be displaced. If not, the least senior teacher in that category would be displaced regardless of funding. However, if the teacher is located at a school but funded out of a Central department, their displacement is determined by the Central department, not the school.

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**Q5: If a certificated employee is funded centrally, but assigned to a school location, is the employee included in the school or Central department displacement process?**

An employee staffed in a Central department is included in the staffing of that department rather than the school in which they are assigned.

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**Q6: Are displaced staff members more vulnerable to RIF?**

RIF decisions are determined based upon seniority and category (certificated) or job titles (classified). Displacement or leave or leave status does not affect these decisions.

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**Q7: What is the exemption process?**

The exemption process provides the opportunity for principal/program managers to advocate for retention of represented staff identified for layoff/RIF. (Article XIII, Section C, 2)

In order to retain a workforce that includes racial, gender, linguistic and equity literate educators in times of displacement and/or reduction in force, SPS may, as allowed by law, take action on a principal/program manager's recommendations for exemptions to displacement and lay-off (reduction in force) using the following three (3) specific criteria:

- a. Critical program and/or organization function: a position which is unique or essential to maintaining at least a minimum continuity level of a critical or legally mandated SPS program or function.
- b. Special and unique skills and expertise: unique expertise or training in critical instructional or educational support areas as demonstrated by training, specific experience and education.
- c. Use of the Racial Equity Analysis Tool points to an adverse impact on students furthest from educational justice when making staffing, budgetary or displacement/layoff decisions.

SPS shall notify SEA within five (5) working days of any exemption recommendations that are approved. The notice shall include the following information: The exemptions granted, the positions involved, the name(s) of the incumbent(s), the rationale for granting the exemption(s), and the person(s) affected.

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**Q8: What is the Right to Return? Who has the Right to Return?**

If you have been recalled, and you accepted a position at a different school/program within the District, you still have the "right to return" to your previous school/program if a position opens up later in any category you hold. Human Resources will call you to offer you the newly vacated or created position. (Again, this applies AFTER you've been recalled. It's not likely to affect very many people.)

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**Q9: How does recall from RIF work?**

The recall period for laid-off employees shall be renewable on an annual basis by the former employee for a two-year length of time. Recall of employees is in seniority order by category and job title.

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