

Administrative Procedures Manual	Administrative Procedure 425
	Reduction in Instructional Staff Work Force
Page 1 of 3	APPROVED: September 2013
	AMENDED/REVIEWED: November 2019
LEGAL REFERENCE:	Section 52, 52, 68, 196, 197, 204, 212, 213, 215, 217, 218, 219, 222, 225, 232 Education Act Employment Standards Code Labour Relations Act Collective Agreement

Background

This Administrative Procedure applies to individuals on continuous contracts where it may become necessary to reduce instructional staff. Individuals on temporary, interim and probationary contracts are bound by the terms of those contracts.

Without in any way limiting the factors that may singularly or in combination give rise to the need to reduce instructional staff, the following factors may be some of those, that result in the need to reduce instructional staff, namely:

- Student enrolments both current and projected;
- Government and/or local financial support for education current and projected;
- Student education needs current and projected;
- New or revised curricula current and projected;
- Changes in specialized programming current and projected;
- Changes in the function of existing facilities current and projected; and
- Other circumstances current and projected.

Procedures

1. This Administrative Procedure is designed to provide an orderly mechanism for reduction of instructional staff should a reduction be required. In any circumstances not specifically outlined by this Administrative Procedure, the discretion of the Superintendent or designate and Principal shall govern. It is intended that in order to give as much certainty as possible implementation of this Administrative Procedure will normally occur starting on April 1st and will conclude by May 15th of the then current school year.
2. Staff reduction will be considered to arise and will be dealt with either through the application of this procedure to the Division or to a particular school, at the discretion of the Superintendent.
3. The Superintendent or designate, in collaboration with Principals, are responsible for staffing levels in the school and determining the need for and the number of instructional staff to be considered surplus based on the needs of the Division and individual schools.
4. Prior to the Principal identifying instructional staff considered to be surplus to the needs of the school, the Principal will consider:

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- 4.1 Expiry of time certain contracts/assignments;
 - 4.2 Voluntary resignation;
 - 4.3 Voluntary retirement;
 - 4.4 Voluntary leave of absence;
 - 4.5 Voluntary changes in employment status (i.e. full time to part time); and
 - 4.6 Voluntary transfer of staff between schools.
5. When a change in number of instructional staff is necessary, the Principal shall, by April 15, make recommendations to the Superintendent or designate of the identity of instructional staff that the Principal recommends as surplus to the needs of the school. The Principal shall consider:
 - 5.1 The appropriateness of academic qualifications,
 - 5.2 Experience (subject and grade level),
 - 5.3 Additional training undertaken within the previous five (5) years,
 - 5.4 Specialized teaching assignments, and
 - 5.5 Seniority.
 6. In addition to identifying the instructional staff deemed surplus, the Principal shall identify to the Superintendent or designate how those deemed surplus have been identified.
 7. The Principal shall share the information outlined in section 6 with those instructional staff directly affected by the Principal's recommendations.
 8. Surplus Teachers
 - 8.1 The Superintendent or designate shall, on the basis of information provided by all principals by April 22nd, construct a list of teachers having been identified as being surplus to the particular school in which they are then located.
 - 8.2 In addition, on the basis of information provided by all principals, the Superintendent or designate shall, by April 22nd, construct a list of vacancies existing or anticipated within the Division.
 - 8.3 Those teachers identified on the surplus list may be transferred by the Superintendent or designate to a vacant position for the ensuing school year or, if possible, offered select positions on the vacancy list by April 22nd, or as soon thereafter as possible.

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- 8.4 To the extent possible, the Division will undertake to fill teaching positions internally, prior to any vacancies being advertised externally.
- 8.5 In the event that vacant positions remain for which no transfer has been made by May 10th, those positions will be advertised externally.
- 8.6 After May 10th, teachers still remaining on the surplus list will be able to apply for such positions, even if they have received a notice under Article 8.8, but will not be necessarily afforded any preference.
- 8.7 This Administrative Procedure does not require the Superintendent to assign a teacher whose contract is terminated as a result of the reduction in the teaching staff to any subsequent vacancy.
- 8.8 After May 10th, the Superintendent will determine termination of employment contracts for teachers who have not been placed. If a decision to terminate is made notice can be given without contravening the Education Act (section 217 (1)), as it may be amended or replaced from time to time.
- 8.9 The Superintendent will inform each teacher, in writing, of:
- the termination of the contract of employment; and
 - the right to make representation to the Superintendent; and
 - the right to legal counsel; and
 - the reason for termination.