

USEP COUNTER PROPOSAL #1
ARTICLE VII - WORKING CONDITIONS

January 17, 2019

SECTION F - Involuntary Transfers

1. Staff Reduction

a) – b) SAME

c) In accordance with Florida Statute 1012.33(5), involuntary transfers as described in paragraph "a" shall be based upon educational program needs and the performance evaluations of employees within the affected areas of assignment on seniority in Pasco County. Any required reductions will first be based upon teachers' most recent final summative evaluation rating. Teachers rated as "Unsatisfactory" shall be reduced first, teachers rated as "Developing/Needs Improvement" within the area of assignment being reduced shall be reduced next, teachers rated as "Effective" within the area of assignment being reduced shall be reduced third, and teachers rated as "Highly Effective" within the area of assignment being reduced shall be reduced last. Within the areas of assignment requiring reduction, the employee with the lowest summative evaluation score shall be the first to be involuntarily transferred; the employee with the next lowest summative evaluation score shall be the next to be involuntarily transferred; and involuntary transfers shall continue in a like manner until the needed number of reductions has occurred. The District may not prioritize the retention of employees based upon seniority. The order of reduction within a given performance level shall be based upon experience in the district. The teacher with the least amount of seniority within the performance level among those assigned to the school in which the reduction occurs, within the area of assignment affected, shall be first transferred. In grades Pre-K (K)-5 "area of assignment" shall mean: Pre-K and K, or elementary grades 1-5. The District and Union agree to meet at the beginning of each school year to review, if necessary, the areas of assignment used when the involuntary transfer process is initiated.

d) Teachers transferred under this provision shall not be again subject to involuntary transfer during the same school year in which the transfer occurs.

e) Should a position become available at the same school from which a teacher was involuntarily transferred due to a staff reduction, the teacher shall have the opportunity to return to such school, subject to all of the following conditions:

- 1) The same or similar position needs to be filled no later than the end of the school year following the school year of the transfer.
- 2) The position is in the same area of assignment from which the teacher was transferred.
- 3) The teacher is certified for the position.
- 4) The teacher is qualified for the position in the judgment of the Superintendent.
- 5) In cases in which more than one teacher has been involuntarily transferred from the same area of assignment, at the same school, and meet the above conditions, the teacher with the highest summative evaluation rating score most seniority shall first be given the option to return. In the event more than one teacher has the highest summative evaluation rating, the teacher with the most experience in the district shall be the first to have the option to return.

f) In the event an involuntary transfer assignment results in a specific hardship, the teacher shall have fifteen (15) days from the date of notice to submit an appeal for reason of hardship which may include the following:

- 1) The assignment requires a commuting distance of more than twenty (20) miles from the employee's home, or
- 2) The assignment results in a pay cut due to loss of position-based supplement or hours, or
- 3) The assignment results in an out of field designation, or
- 4) The assignment results in change to daily work hours, or
- 5) The assignment places the teacher into a subject or grade level not previously taught.

The hardship appeal must be submitted to the Director of Employee Relations and the president of USEP for review and approval. Hardship appeals shall be approved within five (5) days of submission, provided the reason for hardship can be verified. Teachers with an approved hardship appeal shall have up to ninety (90) calendar days to notify the Director of Employee Relations and the president of USEP of a currently posted position which would resolve the hardship resulting from the involuntary transfer assignment. A teacher with an approved hardship appeal shall be assigned to the identified position, at which time the placement will be final and no further appeal may be made. Should a teacher with an approved hardship appeal not identify a posted position which would resolve the hardship resulting from the involuntary transfer assignment within ninety (90) calendar days, the appeal shall be withdrawn.

~~Should it become necessary to reduce the number of staff members at an alternative school for disruptive students the school principal after receiving the recommendations relative to the program needs from the staff, will determine the teacher(s) to be transferred. Teachers selected for involuntary transfers shall be given notice of the involuntary transfers and the reason therefore in writing.~~

- g) The procedures described in paragraphs "a" through "f" are not intended to apply to individual involuntary transfers related to performance or other problems.

2. – 5. SAME

For the Board

Date

For the Union

Date