

# Teacher Guide to School Closure and Staff Displacements



**December 14, 2023**

**Office of Human Capital**



## Introduction

The Office of Human Capital has created this guide for employees who anticipate they may be impacted by a school closure and/or displacement.

We understand that school closures, building closures, school grade configuration changes, and general displacements are difficult situations to navigate through. We value our employees' service to the District and will work hard to support you through these changes, working in partnership with your Union.

District budget and staffing is a thorough and lengthy process, and all information (including the particular impact on individual employees) may take more time to determine. **We wish to caution that specific impacts are not known at this time. The intent of this document is to give an overview of Office of Human Capital processes that are impacted by school closure, building closure and reconfiguration changes.**

When a District building closure or other budgetary change impacts your position, you may have certain rights and protections based on New York State law and your respective [collective bargaining agreement](#) (CBA). How you are impacted often depends on your particular circumstances, including your Districtwide seniority. Staff who are displaced, may select options or be placed through the provisions of your respective [collective bargaining agreement](#) (CBA).

Uncertainty can create anxiety and concerns about next steps, and we understand we can't provide all of the answers right now. To the extent further support may be helpful, please note that the District has an Employee Assistance Program (EAP) that can provide individual support. For more information, please visit: <https://www.nexgeneap.com/loginv2>. If you have not logged in before, select register and follow the prompts. The Employer code is 9045.

We also encourage you to connect as needed with your respective Union.

We have assembled the following guidance and frequently asked questions to assist you.

**Human Capital Phone:** 585-262-8597 [humancapital@rcsdk12.org](mailto:humancapital@rcsdk12.org)

**Employee Benefits Phone:** 585-262-8206 [benefits@rcsdk12.org](mailto:benefits@rcsdk12.org)

**Employee Verifications:** [employee\\_verification@rcsdk12.org](mailto:employee_verification@rcsdk12.org)

**OHC Service Guide & Key Contacts**

## Some Frequently Asked Questions

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## **What is displacement, layoff, seniority, and transfer?**

**Displacement:** A displacement means that you are not anticipated to be able to remain in your position at a school or building. This may be due to a school closure, a grade-level phase down (for example, reducing from a K-8 to a K-6), teacher adjustments, or position changes at your school. However, the District anticipates that we continue to have a position for you in the District. You will be displaced from your particular position but may select or be placed in another position in the District. Displacement procedures are controlled by your respective [collective bargaining agreement](#).

**Layoff:** A layoff means that the District anticipates it will not have enough positions Districtwide to keep you in your tenure area. For teachers, layoffs occur by tenure area. If you are impacted by a layoff, you will be placed on a preferred eligibility list (PEL) but will not continue to be paid by the District. Based on state law and your respective [collective bargaining agreement](#), the District will be obligated to contact you in seniority order if positions become available in the future. Layoffs are controlled by state law and based on decisions made by the District and approved by the Board of Education.

**Seniority:** Seniority is the date that drives the order in which displacement and/or layoff decisions are made. Seniority generally starts on the date you are hired into a permanent tenure area position and may be adjusted by things such as unpaid leaves of absence, previous layoff, previous continuous substitute service immediately preceding appointment. Seniority is based on the time in your particular tenure area and is different from the date on which you received tenure. Districtwide seniority is not based on a particular school location, rather it is based on position title and Districtwide seniority.

**Transfer:** Transfer is a procedure defined in your respective [collective bargaining agreement](#). It is the process by which staff may move between schools.

## **Will there be layoffs if my school is closing?**

Not necessarily. Layoffs are not decided based on any particular school closing but based on total positions anticipated by the District in a given tenure area. Factors that influence a layoff include teacher retirements, teacher resignations, promotions into other titles, as these all reduce the number of employees in a tenure area.

For teachers/staff, if layoffs are needed in a tenure area, it is based on seniority Districtwide, not based on teachers at a school location.

It is worth noting that in 2023-2024, we will have many positions filled by temporary or emergency-hired staff/emergency contract substitutes, who do not have rights to a position. For teachers/staff,

those who are fully certified will have greater rights to retain a position, versus those who are not yet fully certified.

### **My school will continue my specific grade/class. Do I get to stay at the school?**

Whether or not you will get to stay at your current school will depend on the number of positions anticipated for the upcoming school year in your tenure area. For example, if your school is projecting 5 math positions for the following school year and currently has 6 math tenure area teachers, the least senior math teacher could be projected displaced. Prior to displacement of a tenure area teacher, emergency contract substitutes will be removed first. Also, the school principal will gather everyone in the tenure area to ascertain if anyone wishes to volunteer to be displaced.

### **How does the District decide teacher impact following budget approval?**

That depends on everyone's particular circumstances. Generally, the District looks at the total need for teachers, by tenure area, throughout the District. We also look at need, by tenure area, by school. From here we begin to project displacements from buildings and/or layoffs from the District.

These decisions will begin getting finalized with the budget approval process. After that, the District's transfer days will be used to determine where District staff will be placed for the upcoming school year.

### **When will I know further information about teacher impacts?**

The Office of Human Capital team is working closely with District leadership. The [final plan for reorganization](#) was approved by the Board of Education and now we are working on staff planning and anticipated impacts. Please keep in mind that any staffing impacts can change based on employees resigning, retiring, return rights to a tenure area, promotions into non-teaching positions, and other relevant changes—day to day the impact can change. This entire process will be fluid and the Office of Human Capital will work with Union leadership and District leadership to keep impacted staff updated on changes.

## **What if I am not a fully certified teacher?**

Uncertified teachers do not have rights to a position. If you are uncertified, your position may be available to certified staff through the transfer process. If there are additional positions after all certified teachers are placed, then uncertified staff will be considered to fill the remaining vacancies. Please note, uncertified staff do not have seniority, so job offers will not be based on seniority but rather the best fit for the position that is available. Uncertified teachers may not participate in transfer day, nor will they be eligible to apply for voluntary transfer. If an uncertified teacher fulfills all certification requirements and has a fully completed application submitted to the New York State Education Department prior to the spring Transfer Day, then the teacher may be permitted to participate in the displacement round of the transfer process if displaced.

If an uncertified teacher obtains certification prior to the spring Transfer Day and their position is still allocated at their current school, then will remain in the position unless their school is closing. If the school is closing, then the newly certified teacher would select a new school during the Transfer Day process. The Office of Human Capital will contact anyone impacted.

We will continue to support teachers working toward obtaining certification as it is an important lever for our *grow our own* initiative to build tomorrow's teachers today. We will continue to utilize this recruitment lever.

## **What control will I have over my position for next year? What steps can I take?**

All certified teachers are encouraged to take advantage of the voluntary transfer application process, which allows one to apply for placement to a new school building for the 2024-2025 school year. Transfer Day is held in the spring. Tenure changes are not allowed during this process; rather, this process is for those continuing within the respective tenure area.

The online voluntary transfer application period opens in December. Please note that you do not actually transfer until you have been called and you accept a new position which will be confirmed via email. The transfer process occurs in spring.

## **What is the Transfer Day Process?**

Transfer Day is an annual virtual event held toward the end of the spring semester for certified teachers who want to change school buildings voluntarily and/or because of a displacement due to allocation changes, school closures/phase outs, or involuntary displacement from a receivership school. Only probationary or tenured teachers, both of whom are fully certified, can participate in this event.

For 2024-2025 only, teachers at elementary schools will have option to select up to 7 schools for transfer, teachers at secondary schools will have option to select up to 7 schools for transfer and K-12 teachers will have option to select up to 11 schools for transfer.

### **How do I know what schools to apply to in the transfer application site?**

Your application should be based on schools where you would like to work. Vacancies will not yet be fully known during the voluntary application process, they become apparent after the RCSD budget process, retirements, resignations, later in the spring semester.

### **What if I do not choose a school during Transfer Day?**

Following the Transfer Day process, certain positions may become available on the Hotline, a process identified in the RCSD-RTA [collective bargaining agreement](#). Directions are provided during Transfer Day. Teachers may apply to positions within their current tenure area and will be selected to fill such positions by seniority.

If you do not choose a school during the processes identified above, and you were not displaced, you will remain at your current school. If you do not choose a school during the process identified above and you are displaced, a placement in a school will be made for you based on your certification and tenure area. If positions are still open in receivership schools, an interview with the principal will likely occur before placement. The District contacts returning teachers to place each in an available position, by early August.

### **How are Transfer Day placements determined?**

The voluntary transfer process allows teachers to apply to transfer to schools of their choice. School-Based Planning Teams screen and rank based on applicants. The school may also opt to fill vacancies by seniority.

Transfer Days are held virtually by teacher tenure area. There are multiple rounds for transfer:

- 1) Voluntary, based on rankings and vacancies (Round 1).
- 2) Displacement round consists of multiple rounds.
  - a) Phase out/school closings (Round 1b).
  - b) Allocation reductions/receivership displacement (Round 2).
- 3) Final round, for those who did not select during the above rounds (Round 3).

**Please note that a separate staffing process and day applies to Receivership, exempt, and new 2024-2025 schools.**

### **What if I am absent on Transfer Day?**

Prior to teacher Transfer Day, reach out to the RTA office to provide a proxy for you. This allows the RTA to register your selection for you on the actual Transfer Day. As Transfer Day is virtual, one can participate through any electronic mobile device.

### **How will I know the date of my transfer session?**

An email will be sent to all teachers with a calendar of all events. For displaced teachers, and/or who have submitted a voluntary transfer application, a Zoom link/calendar invite will be sent to you several days prior to the online event.

### **What if I change my mind and decide to stay in my current school after I have already been selected during Transfer Day?**

Once you have made your selection, this will be your assignment for the upcoming year.

### **How is the Receivership/Exempt Transfer process conducted?**

Receivership/Exempt programs and schools have a separate online transfer process prior to the non-Receivership process. Teachers may apply to these schools during the voluntary transfer application process to be considered, but teachers who do not apply can still be reached, selected and extended an offer from the school. Offers are communicated via email, for immediate acceptance or declination.

**Please note that a separate staffing process and day applies to Receivership, exempt, and new 2024-2025 schools.**

### **What if I want to change tenure areas, can I do this during Transfer Day?**

No. If you want to change tenure areas to a subject area that you are certified in, you must fill out the [Teacher Tenure Change Request Form](#). This process will happen in the months of July/August based on anticipated vacancies and performance. You are not guaranteed a change in tenure area as a position must at least be available and in some cases mutual consent between teacher and principal.



## **If my position is ending, when do health/dental insurance benefits end?**

**10-month employees:** If you work until the last day of school, your health insurance will remain in effect through August 31, 2024. If you leave before the last day of school, please see the rules for 12-month employees, below.

**12-month employees:** Your benefits will be effective through the last day of the month in which you stopped working. For example, if your last day worked is June 30, 2024, your benefits will end that same day (end of June). Note: BENTE employees will receive their benefits through August 31, 2024, whether they are 10 or 12 month staff provided they work on the last day of the school year.

**For all employees:** a week or so after your benefits terminate you will receive information from Lifetime Benefits Solutions regarding COBRA benefits. Under COBRA, you are allowed to continue your medical and dental benefits for up to 18 months and will be billed at the COBRA rate (102% of the plan cost). This coverage is optional and the information from Lifetime benefits Solutions will give you details on how to enroll, what you should do if you DO NOT want the COBRA benefits, and details on the cost for you given your plan and family size.

## **What are COBRA benefits?**

COBRA is a federal law that allows you to elect to continue to receive health and/or dental insurance benefits for 18 months following cancellation due to termination. If you elect to receive benefits under COBRA, you will be responsible to pay for 100% of the premium cost plus a 2% Administrative fee. Anyone Medicare eligible should contact the Benefits department directly to discuss benefit options that are available to them.

## **Are there other benefits for employees affected by reductions in force?**

Yes, there is an Employees Assistance Program (EAP). The NexGen EAP Employee Assistance Program services will be available until your last day of employment. EAP offers unlimited confidential phone counseling 24/7 by calling 1 (800) 327-2255 at any time of the day or night. Certified counselors staff the phone line, and every conversation is confidential between you and the counselor. You can also request an in-person counseling session if you prefer.

**You can also access EAP online at [www.nexgeneap.com](http://www.nexgeneap.com)**

1. You will need to launch this website using Google or Chrome.
2. If you are registering for the first time you will need the company code: 9045.
3. Enter your name and click next.

4. You will need to enter your email and create a password. You will then click next.
5. At the next page, you will need to enter the last 4 digits of your social security number, your zip code and your date of birth. Then click next.

### **What will happen with my Flexible Spending Account (FSA)?**

Your FSA will be terminated on your last day of employment. Claims incurred before your last day of employment must be submitted for payment within three months of the date of your termination.

You can continue to participate in the health care expense portion of the FSA plan by enrolling in the FSA COBRA. Information regarding FSA COBRA will be provided in the COBRA continuation letter you will receive from Lifetime Benefits Solutions.

### **What happens to my insurance if I move from a 12-month employee to a 10-month employee?**

12-month employees pay for medical and dental in equal payments all year whereas 10-month employees pay the full year premium over the 22 regular paychecks they receive. Therefore, when an employee moves from a 12-month position to a 10-month position the District temporarily covers the cost of the health insurance during July and August. This ensures there is no gap in coverage and the employee can continue using their insurance throughout the summer. In September, when the 10-month employee begins working, the Employee Benefits team will deduct the July and August premiums over the course of 4 equal deductions. The additional deductions made will also be pre-tax just like your regular premium deductions (unless you have requested post-tax deductions).

### **If I am laid off, will I be eligible for Unemployment benefits?**

RCSD does not make determinations on unemployment eligibility. Anyone who is laid-off should visit the NYS Unemployment website - <https://www.ny.gov/services/unemployment-0>. Here you can get information on unemployment and apply if you feel you qualify. Once you apply, NYS will evaluate your situation and decide on whether or not you will receive unemployment benefits.