

Administrator Layoff/Recall
Article VII
AAAA Proposed Language & District's Counter Proposal
12/11/2024

- A. In the event of a layoff, the District will retain and recall AAAA members according to their effectiveness, as measured by the District's performance evaluation system and based on the effectiveness factors identified in MCL 380.1248 and in this Article.¹
- B. In the event a reduction in staff is needed, the Superintendent will identify the AAAA member positions to be eliminated and will present his or her recommendations to the Board of Education. The Association will be consulted in all matters of personnel reduction and reorganization affecting AAAA members.
- C. Individual performance shall be the majority factor in making the layoff decisions, along with the other factors of significant, relevant accomplishments and contributions and relevant special training.
- D. Personnel decisions, including layoff and recall, shall be made on the basis of the best interest of the District as well as the certification, qualifications, and effectiveness of each respective AAAA members:
 - a. Length of service or tenure shall not be the sole factor in personnel decisions including layoff and recall. Length of service or tenure may be used as a tiebreaker if a decision regarding reduction in staff or recall of two (2) or more AAAA members and all other effectiveness factors distinguishing those AAAA members from each other are equal.
 - b. Certification shall be defined as that term is defined by state law and the Michigan Department of Education.
 - c. Qualifications shall be defined to include, but not be limited to, an individual's areas of certification, level of degree attained, type of degree attained (major, minor, or area(s) of focus), relevant previous experience, relevant classes or training, previous ratings, effectiveness and overall performance as an AAAA member, previous disciplinary history, or any other further factors stated in this Article which places conditions upon decisions regarding reduction in staff or recall.
- E. Reductions in staff will occur in the following order ("Lay-off Order"); however, other factors listed herein may be considered when AAAA members have the same evaluation rating:

¹ It would be prudent to note that there are no specific statutory criteria for layoff and/or recall of administrators. The definition of "teachers" under MCL 380.1248 only applies to individuals who are "assigned [. . .] to deliver direct instruction to pupils in any of grades K to 12 as a teacher of record."

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- a. AAAA members rated Ineffective (or Needing Support after July 1, 2024) on their most recent Year-End Evaluation.
 - b. AAAA members rated Minimally Effective (or Developing after July 1, 2024) on their most recent Year-End Evaluation, provided there are qualified, certified AAAA members rated Effective or Highly Effective to assume the remaining positions/assignments.
 - c. AAAA members rated Effective on their most recent Year-End Evaluation, provided there are qualified, certified AAAA members rated Highly Effective to assume the remaining positions/assignments.
 - d. AAAA members rated Highly Effective on their most recent Year-End Evaluation, provided there are other qualified, certified AAAA members rated Highly Effective to assume the remaining positions/assignments (this is no longer applicable after the July 1, 2024).
- F. If, prior to their position as an AAAA member, the AAAA member previously acquired tenure in Michigan as a teacher and currently holds a valid teaching certificate, the AAAA member may exercise their right to return to a classroom teaching position in the District pursuant to MCL 38.91(7). However, an AAAA member returning to the classroom is not automatically guaranteed a job and retains the right to position in accordance with this Article and District Policy.
- G. In any necessary reduction of AAAA members, the AAAA member shall be entitled to enter the teacher bargaining unit based on certification, qualification, and years of experience in the Ann Arbor Public Schools.
- H. If the number of teachers exceeds the number of classroom positions available, the Board of Education shall consider the AAAA member along with the pool of actively employed classroom teachers and determine which teacher or teachers will be laid off.²
- I. The Board of Education has the sole discretion to determine: (1) whether a vacancy exists; and (2) the certification area and position in which the vacancy exists.
- J. The District is not required, but may, make involuntary transfers to create a vacancy for a higher senior AAAA member.
- K. The District is not required to, but may, involuntarily transfer an AAAA member to create a vacancy for a probationary AAAA member.

² See *Bebeau v Van Dyke Pub Schs*, TTC 78-37; *Keeton v Board of Education of the Athens Area Schools*, TTC 84-9.

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- L. A probationary AAAA member who is rated as effective or highly effective on his or her most recent Year-End Evaluation is not subject to being displaced by a non-probationary AAAA member solely because the AAAA member is non-probationary.
- M. Length of service or tenure status shall not be factors in considering the effectiveness of each AAAA member. However, if the layoff decision involves two (2) or more AAAA members and all other effectiveness factors distinguishing those AAAA members from each other are equal, then the length of service or tenure status may be considered as a tie-breaker.
- N. The Board of Education shall provide written notice of layoff to the affected AAAA members 90 days prior to the last day of the school year, if practicable.
- O. Any necessary reassignment of position shall not contravene the AAAA member's right to the AAAA member's contractual salary (based on duties and work year) for the period of their current individual contract.
- P. A laid-off administrator will be included on a recall list for three (3) years after the last date of release by the District.
- Q. Upon recall, an AAAA member will have restored all accumulated benefits, including accrued unused vacation, unused sick leave, step position, and seniority, to which the AAAA member was entitled at the time of layoff.
- R. If a position is eliminated as a result of reorganization or reduction in staffing the following apply:
1. An AAAA member may be transferred to a like or similar position based on certification, qualifications, program and/or school needs, available positions, evaluation status and years of experience an administrator in the Ann Arbor Public Schools.
 2. Any layoff pursuant to this Article shall automatically terminate the individual employment contract of all laid-off administrators and shall suspend for the duration of the layoff the District's obligation to pay salary or fringe benefits and any individual or supplemental employment contract as well as all benefits under this Agreement.
 - a. However, no senior AAAA member will suffer a loss in pay while a less AAAA member holds an AAAA position for which the more senior AAAA member is certified and qualified. This protection against loss in pay will be for a period of two (2) years from the date the AAAA member is affected by the elimination of their position.
 3. The rights and benefits of Article VII shall not apply to an AAAA member who:
 - was offered and refuses a job within the bargaining unit for which he/she is certified and qualified;

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- refused a job offer after a reasonable effort to assign that AAAA member to a position outside the bargaining unit commensurate with his/her background and experience;
- does not have a satisfactory performance record or
- is involved in the Administrative Improvement Plan

- S. An AAAA member is eligible for recall to a vacant position if the AAAA member is certified and qualified to fill the position as determined and defined by the District's respective job descriptions. It is the AAAA member's responsibility to maintain their certification and to provide documentation of the certification and qualification status to the District.
- T. When the Board of Education has identified the position(s) in which a vacancy exists, the Superintendent will issue a notice of recall to the vacant position after consideration of the effectiveness of each AAAA member on the recall list who is certified and qualified for the vacant position.
- U. Individual performance shall be the majority factor (at least fifty-one percent (51%)) in making recall decisions, along with the other factors of significant, relevant accomplishments and contributions and relevant special training.
- V. When it is determined by the Board of Education that it is necessary to conduct a recall from a staffing or program reduction or any other personnel determination resulting in the elimination of a position, or in hiring after a staffing or program reduction or any other personnel determination resulting in the elimination of a position the following procedures shall be followed:
- a. Recall of all AAAA members shall be in the reverse order of lay-off; i.e. those laid off last will be recalled first, provided, however, that an AAAA member in order to be recalled, shall be certified and qualified for the position.
 - b. An AAAA member who was rated as needing support shall not be recalled over an AAAA member who was evaluated as developing or effective.
 - c. A probationary AAAA member who was rated as effective or highly effective on his/her most recent Year-End Evaluation is not subject to being displaced by a non-probationary AAAA member solely because the AAAA member is non-probationary.
 - d. Length of service or tenure shall not be utilized as the sole factor in personnel decisions under this Article. Length of service or tenure status shall not be a factor in considering effectiveness of an AAAA member. However, if a recall decision involves two (2) or more AAAA members and all other effectiveness factors distinguishing those AAAA members from each other are equal, then the length of service or tenure status may be considered as a tiebreaker.

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- e. If more than one (1) vacancy exists when a recall is initiated, the District has sole discretion to determine the appropriate assignment(s) of recalled AAAA members.
- W. Notice of recall will be provided to affected AAAA members by certified mail to the last address provided in writing by the AAAA member to the District or by delivery in person. It shall be the responsibility of each AAAA member to notify the District of any change of address. The notice shall include the deadline for acceptance, the date the employee must return to work, the position and work location to which the AAAA member is to report. The AAAA member must deliver to the District written notice of acceptance by the date specified in the notice. The deadline for acceptance may not be less than ten (10) calendar days after the notice of recall is mailed or delivered in person. The AAAA member must report for work by the date specified in the notice.
- X. Termination of recall rights may be expressed or implied. Termination may result from but is not limited to, failure to provide timely notice of acceptance recall, failure to report from layoff to an assigned position in a timely fashion, rejection of recall, does not have a satisfactory performance record, or is involved in the Administrative Improvement Plan.
- Y. An AAAA member's recall rights will not be terminated for refusing recall because of a contract with another school district if the AAAA member informs the District, in writing, of the date on which that contract will terminate.
- Z. An appeal from a decision on reduction in staff or recall made under this Article shall be as follows:
 - a. The AAAA member must file a written request for a meeting with the Superintendent or their designee within seven (7) calendar days of the knowledge of the facts upon which the appeal is based. The Superintendent or their designee shall make a written decision on the appeal within five (5) calendar days of the meeting.

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