

**Memorandum of Agreement
between
Ann Arbor Public Schools
and the
Ann Arbor Education Association (AAEA)**

LAYOFF & RECALL

SECTION I – LAYOFF DECISIONS

Reasons for layoff may include, but are not limited to, financial emergencies, a significant reduction in student enrollment, or a significant reduction in funding.

The Association recognizes that the decision of the Board is final as to whether there shall be reductions in personnel or programs.

Personnel decisions, including layoff and recall, placement, and the filling of vacancies shall be made on the basis of certification, qualifications, and effectiveness of each respective teacher.

1. When it is determined by the Board of Education that it is necessary to conduct a staffing and/or program reduction or any other personnel determination that results in the elimination of a position, the Association and the District will confer to discuss the Board's decision.
2. The District shall determine the positions proposed to be eliminated and shall meet with the Association for the purpose of discussion and reviewing the proposed layoffs and related matters prior to the meeting at which the Board will consider proposed layoffs.
3. Reductions in staff or programs shall be processed after reviewing staff reassignments, both voluntary and involuntary, as well as returns from leave.
4. Bargaining unit employees being laid off shall receive a thirty (30) calendar day notice in writing before the effective date of layoff.

ORDER OF REDUCTION

In general, reductions in staff will occur in the following order ("Layoff Order"); however, other factors listed herein may be considered when teachers have the same evaluation rating.

1. Teachers rated Ineffective (or Needing Support after July 1, 2024) on their most recent Year-End Evaluation.
2. Teachers rated Minimally Effective (or Developing after July 1, 2024) on their most recent Year-End Evaluation, provided there are qualified, certified teachers rated Effective or Highly Effective to assume the remaining positions/assignments.

3. Teachers rated Effective on their most recent Year-End Evaluation, provided they are qualified, certified teachers rated Highly Effective to assume the remaining positions/assignments (this is no longer applicable after July 1, 2024).
4. Employees rated as Effective with documented disciplinary records shall not be retained if:
 - i. Any suspension without pay over the course of employment history
 - ii. Five (5) or more written reprimands over the course of employment history
 - iii. Three (3) or more written reprimands within the last three (3) years.
5. If additional reductions are needed, and where evaluation ratings are the same, the following will be considered:
 - i. Bargaining unit members in the area of identified reductions holding the certifications/endorsement for that area of instruction with the least amount of seniority shall be laid off.
 - ii. In the case of a tie, the last four digits of the teacher's social security number will be used as a tiebreaker. The lower number will have the most seniority.
5. The Board shall give written notice of layoff by sending a registered letter or certified letter and or email to the bargaining unit employee at their last known address or email address. It shall be the responsibility of the bargaining unit employee to notify the Board of any change in address.
6. Bargaining unit employees, on the District insurance, who are laid off shall have insurance benefits continued and paid by the Board throughout the summer recess (August 31st) for layoffs that occur at the end of the school year. For layoffs that occur during the school year, bargaining unit employees shall have insurance benefits continued and paid for by the Board until the end of the month following the effective date of layoff. After that, a laid off bargaining unit employee may continue their insurance benefits in accordance with the Carrier's layoff/benefit continuation policy inclusive of paying the subscriber group rate premium for the Consolidated Omnibus Reconciliation Act of 1985 (COBRA).

SECTION II – RECALL DECISIONS

The Board of Education has the sole discretion to determine: (1) whether a vacancy exists, (2) the certification area, and (3) position in which the vacancy exists.

When it is determined by the Board of Education that it is necessary to conduct a recall the following procedures shall be followed:

If more than one (1) vacancy exists when a recall is initiated, the District and the association will confer to discuss the appropriate assignment(s) of recalled teachers.

The District, as it reinstates programs, shall post the positions as they are established listing the necessary certifications and qualifications.

- A. No positions shall be declared vacant if there are people on layoff status who have the appropriate State licensure, authorization, or certification to be recalled to an available position. The Board will make all transfers necessary to prevent layoffs of bargaining unit employees.
- B. If there are bargaining unit positions that are created and/or vacant, laid off bargaining unit employees who are certified and qualified or licensed for the position(s) will be given the first opportunity to fill such positions. The vacancy or vacancies shall be filled based on the following:
 - 1. Recall of all teachers shall be in the reverse order of layoff; i.e. those laid off last will be recalled first, provided, however, that a teacher, in order to be recalled, shall be certified and qualified for the position for which they are being recalled.
 - 2. Teachers who become qualified and certified in additional areas while on layoff must notify the Human Resource Services Office with appropriate documentation and transcripts to be considered for any position held by a probationary teacher or any subsequent position which is to be filled.
- C. Any laid off bargaining unit employee to whom notice of recall was sent by certified mail, return receipt requested, must notify the Board of the acceptance of the position within ten (10) calendar days of the date the recall notice was mailed from the Board Office. If the laid-off bargaining unit employee fails to accept the offered full-time position, that bargaining unit member shall be dropped from the recall list and will be considered terminated from the district.
- D. It is the responsibility of the laid-off bargaining unit employee to notify the Human Resources Office, either through the eSuite HR employee portal or by certified mail, return receipt requested, of any change in their mailing address.
- E. Seniority will not be gained or lost while on layoff.
- F. Teachers shall possess recall rights for up to three (3) years from the date of layoff.
- G. Teachers who are on leaves of absence will be given notice of layoff if they were scheduled to return to work but no position exists because of a layoff.
 - 1. Such teachers will be placed on the recall list and given notice of recall consistent with this Article.
 - 2. A combined list of teachers eligible for recall and return from long-term leave of absence shall be maintained by the Human Resources Department.
 - 3. A copy of this list shall be provided to the Association President upon written request within thirty (30) days.
- H. In order to be eligible for recall, the teacher must:
 - 1. Have maintained a current address and telephone number with the Human Resources Department.

2. Have notified the Human Resources Department in writing or by electronic mail of periods of time (longer than fourteen (14) days) when they will be away from their current address and how they may be reached or be contacted while away.
 3. Have notified the Human Resources Department in writing or by electronic mail of intent to return to active employment for the following year, except that for laid off employees and employees on long-term medical leaves, it shall be presumed the employee wishes recall. If an employee does not comply with these provisions, their return rights may be terminated for the year. If the employee does not comply for two (2) years, all return rights may be terminated.
 4. Have notified the Human Resources Department in writing or by electronic mail of any changes, lapses, or expirations, or anticipated changes in certification, endorsements, majors, minors, and/or licenses. Such notice must be given prior to if the information is to be used in determining recall or return rights for the following school year. The District may ignore such information for the following school year if it is not provided. It is the teacher's sole responsibility to maintain their certification and to promptly provide documentation of the certification, endorsement, and/or qualification status to the Human Resources Department.
 5. Have the present necessary certification and qualifications as well as the present physical ability to assume the position/assignment at the time the recall offer is made. Teachers who do not possess the present physical ability to assume a vacant position/assignment shall continue to remain on layoff subject to the conditions stated in this Article. Exceptions may be made, subject to the approval of the Superintendent or designee, if the recalled teacher, at the time of recall is eligible for long-term disability benefits through the insurance policy in force in the District.
- I. Notice of recall will be provided to affected teachers by certified mail or email to the last address provided in writing by the teacher to the Human Resources Department.
1. It shall be the responsibility of each teacher to notify the District of any change of address.
 2. A copy of the recall notice shall be sent to the Association President.
 3. The notice shall include the deadline for acceptance, the date the employee must return to work, the position and work location to which the teacher is to report.
 4. The teacher must deliver to the District written notice of acceptance by the date specified in the notice.
 5. The deadline for notice of acceptance or notice of unavailability must be received by the District within ten (10) days of receipt notice of recall or return. The teacher must report for work by the date specified in the notice.

Definitions

Certification: Teacher certification shall be defined as that term is defined by state law and the Michigan Department of Education. It is the teacher's sole responsibility to maintain their certification and to promptly provide written documentation of the certification, endorsement, and/or qualification status to the Human Resources Department.

Effectiveness: Teacher effectiveness shall be based upon the year-end performance evaluation; or the first year probationary teachers shall be based upon the mid-year performance evaluation.

Qualifications: Teacher 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 in grade level relevant experience, relevant classes or training previous ratings, effectiveness and overall performance as a teacher, previous disciplinary history, or any other further factors stated in this Article which places conditions upon decisions regarding reduction in staff or recall.

ANN ARBOR PUBLIC SCHOOLS


Shonta Langford, Assistant Superintendent

Date

7/29/24

ANN ARBOR EDUCATION ASSOCIATION


George Przygodski, 3C Executive Director

Date

7-29-2024