

Know your transfer rights

Article 15 and 17 from the ATF/APS [Negotiated Agreement \(NA\)](#) speak to the process as we head into this time of declining enrollment. You can download these two articles in their entirety at atfunion.org.

Article 15 of the Negotiated Agreement defines seniority as follows:

A. Seniority

1. *Seniority shall be based upon the educator's continuous length of service with the District within the bargaining unit.*

a. *Time spent on sabbatical leave or advanced study leave granted for the purpose of gaining an additional endorsement/certification and completed under the provisions of Article 18, O.2.a.4. shall be counted for seniority purposes and shall not break continuous service. Time spent on all other leaves of absence shall not be counted for seniority purposes but shall not break continuous service.*

b. *Time spent in a District position that requires an educational license shall be counted for seniority purposes and shall not break continuous service.*

c. *In the event educators have the same date of hire, the date on which the position was offered shall prevail for seniority purposes.*

In short, your seniority is based on your most recent date of hire with APS within the ATF bargaining unit. There is no such thing as seniority at individual school sites. Also, EA experience doesn't count toward seniority within the ATF bargaining unit. This is different than what APS recognizes towards step in salary from prior experience.

To involuntarily transfer staff, APS must follow the language found in Article 17.C. which states:

C. Involuntary Transfer (Must Hire)

1. *Consideration for involuntary transfer shall be solely based on the instructional program needs of the school and seniority in the District. Program needs being equal, District seniority of full-time personnel will control with the least senior person being selected for placement on the "must hire" list. The criteria for determining program needs shall be the following:*

a. *educator licensure/endorsement(s);*

b. *affirmative action goals;*

- c. *extracurricular and/or co-curricular needs;*
 - d. *verifiable instructional program requirements; and*
 - e. *full-time equivalency needs of the school.*
2. *Prior to the involuntary transferee(s) being selected, educators will be encouraged, in consultation with the principal, to volunteer for said transfer before the involuntary transferee(s) is/are selected. If a sufficient number of volunteers are not identified, transferees will be identified on the basis of program need and seniority in the District as stated in paragraph 1 above.*
 3. *Educators on intensive evaluation shall not be considered for involuntary transfer.*
 4. *If the reason(s) for the involuntary transfer becomes nonexistent ten (10) calendar days before the reporting date for educators, the educator shall have the right to return to the previous school.*
 5. *Transferee(s) shall not be identified nor shall involuntary transfers be made prior to consultation between the principal and educator(s) affected. Involuntary transfers made after the start of the school year shall allow for a minimum of two (2) days written notice prior to the transfer and allow for a minimum of one (1) day prior to assuming the assignment at the new location.*

Each school must ask for volunteers to transfer out before anyone is identified for an involuntary transfer. If no one volunteers, the process above, according to seniority and program need, will control who is placed on the “must hire” list.

Must Hire List Timeline, Questions and Answers

Must hires, are also referred to as priority hires. That is a designation for employees whose positions have been cut from a school or a program but who are still entitled to a job in APS.

- March 17th is the date principals will submit names for the must hire list.
- APS will start posting open jobs on aps.edu in mid-April.

[Here are answers to the most asked questions we've received so far.](#)

Q: What is the must hire list?

A: When a school loses enrollment, staff who are guaranteed employment with the District are placed on the must hire list. This list is made available to all principals.

Q: How do I know what jobs are open?

A: Open positions will be on [aps.edu "jobs"](https://aps.edu/jobs) in mid-April. They change often, keep checking.

Q: What if I interview for a position, and I am offered the position, do I have to take it?

A: Yes. If you want to retain employment with APS, the best move is to take the first job you are offered. Otherwise, the district can classify your refusal as a refusal of employment, and you are not necessarily guaranteed a job with APS next year.

Q: After I have accepted a job offer, can I continue to look for a different, more desirable position?

A: If you accept the first job you are offered, you are still eligible to shop around. This is because your union fought to maintain your transfer rights. If you are interested in a particular position for which you are qualified, we encourage you to personally call administrators at the site where you are interested in working.

Be involved in your school's budget process

APS recently sent administrators your school's projected budget for next school year. This is a public document, and you have the right to see it. **The whole thing**, not just pieces of it, not just predetermined choices.

Our contract is clear: your school's Instructional Council has the right and responsibility, in collaboration with the whole staff, to set spending priorities for your school's discretionary monies. (Read the APS/ATF Negotiated Agreement at atfunion.org. You can find a description of these rights in Article 7.G.)

H. Instructional Councils: Connection to Budgeting

1. School budgets are open and public documents. School budgets and budget projections shall be distributed to all staff at each respective school each year prior to budget decisions being made.
2. It is the responsibility of the Instructional Council to work in collaboration with the staff to set priorities for discretionary/at risk funds in the school's budget and in developing and overseeing the implementation of a budget that places resources where they will effectively support the school's goals.
3. When using discretionary money for a full or partial FTE, in order to ensure decisions are program-based, a change in the agreed use of that money must wait until the

current position is vacated. In the event of programmatic need to change or eliminate a full or partial FTE funded through discretionary money and the position has not been vacated, the school may request a contract waiver according to the process set forth in Appendix L: Process for Obtaining a Waiver.

Each school was allocated \$70,000 in discretionary funding several years ago. There are many employees whose positions have been funded by this money. However, now that the level-3 minimum is 70,000, schools will have a difficult time keeping these people in the same position. This issue will also impact positions funded with Title 1 dollars.

At-Risk monies are provided based on the number of ELL students, student socioeconomics, and student mobility. This funding can be used to provide for the social emotional needs of students, including paying for position FTEs such as counselors, social workers, nurses, librarians, etc. Some examples of how the funding can also be used: student health services, Career and Technical Education (CTE) programs, restorative justice materials, staff professional development, and community programs.

When setting spending priorities for these funds, schools should be able to describe how their spending priorities help the at-risk students the money is intended to help. Keep in mind that if your school has already spent some of this money on a position FTE, that position cannot be changed or taken away from that person until the position is vacated or the funding goes away.

Principals were not provided written guidance in their budget calls about At-Risk Funding. The process told to principals is that they should include in the presentation for Budget Optimization the answer to the following:

How is the school using At-Risk dollars? FTE, ensuring equity for identified learners? How is your school addressing the subgroups identified in the Yazzie-Martinez (i.e. socioeconomically disadvantaged children, English learners, Native American students, and children with disabilities.)

Of course, this should be a result of the conversations you had with your Instructional Council and others as you have developed budgets and 90-day plans.