

Seniority: a **POSITIVE** not a problem

Seniority acknowledges that experience matters. As public school employees, we learn and grow each year.

When RIFs (reductions in force) take place, superintendents must take years of service into account when deciding who is laid off. That's a smart, fair system that helps keep politics and personalities out of those very difficult decisions.

Some elected officials are looking to eliminate seniority, which would allow senior teachers to be laid off before less experienced colleagues.

NJEA's position on seniority has not changed. NJEA fights for preserving seniority rights, which prevent districts from targeting more experienced employees for layoffs as a cost-saving measure.

Attacking seniority is a way to sow division among colleagues and save money for districts. But those savings would come at a cost, because experience matters!

The politicians and special interest groups attacking seniority in New Jersey never want to admit **one important fact:** New Jersey's public schools, where seniority has been the law for decades, are among the very best in the nation. Talented educators who excel at their professions are the primary reason for that success, and New Jersey's seniority law protects those educators from being targeted as a cost-saving measure. Learn more about New Jersey's excellent schools at njea.org/goodnews.

Some facts about seniority:

- Tenure and seniority regulations are complex. Very often, disputes must be resolved on a case by case basis.
- Only tenured teachers are eligible for the protections of seniority. Seniority standards are outlined in Title 6:3-5.
- Most Educational Support Professionals (ESP) are not subject to the tenure and seniority statutes. Tenure and seniority may be negotiated for employees not granted or denied tenure by statute.

- In the absence of a RIF, seniority rights do not apply.
- Seniority rights are only triggered when there is a RIF. In addition, the employee must be affected by the RIF, or he/she cannot assert seniority rights.
- RIFed employees are placed on a preferred eligibility list for recall in order of seniority.
- Boards of education may reduce employees for a number of reasons, including the economy and a reduction in pupils.
- Non-tenured teachers are not entitled to dismissal in accordance with seniority or to re-employment rights. Local associations should strive to have layoffs among non-tenured teachers accomplished in accordance with a district policy or rule that is consistently, fairly, and objectively applied.
- A teacher possesses seniority rights only within those specific categories of employment in which s/he has been employed and has earned tenure. Categories of employment correspond roughly to administrative, instructional, and educational services positions.
- All tenurable service accrues to seniority in the category of employment in which the teacher serves. Service also accrues backward to any category of employment in which the teacher was previously employed. Seniority in one position cannot be credited forward to categories or credited toward a subsequent position.
- Non-tenured school employees do not have seniority. Much to our disappointment, Governor Christie vetoed NJEA's ESP due process rights bill (S-2163) on July 18, 2013, saying the bill would impose "burdensome and expensive administrative procedures on every school district." NJEA members worked hard to secure the bipartisan bill's passage in both houses of the Legislature. Governor Christie's reasons for vetoing the bill demonstrate that he does not believe all school employees deserve to be treated fairly and equally in disciplinary matters.

Learn more at njea.org/issues-and-political-action