

# KNOW YOUR RIGHTS!

## *Transfer ("Excessing")*

### **Excessing = Reduction of Staff**

Excessing is a type of involuntary transfer to achieve a reduction of staff due to declining enrollment or loss of funding at the site. The term in the union contract is "transfer to reduce staff."

### **Being excessed is not the same as being laid off**

A member who is transferred to reduce staff ("excessed") will still have a job in SDUSD, but the location of the job will change. On the other hand, a layoff notice means that the member might not have a job in SDUSD.

### **The window for excessing only opens twice a year**

Transfers to reduce staff ("excessing") can only happen at two times:

- The end of one school year for the next school year, with written notification before the start of the May Post, and
- In the fall until October 31.

### **Excessing is based on seniority**

Instead of allowing the supervisor to play favorites, the union contract establishes rules about who is to be transferred should there be a need to transfer to reduce staff ("excess").



Here are the steps:

1. The supervisor determines, based on enrollment, the level (TK-3 or 4-6), subject area, or program to be reduced.
2. At an elementary, the supervisor must ask members about interest in changing levels (TK-3 or 4-6).
3. The supervisor must ask for volunteers to achieve the desired reduction in staff.
4. If there is no volunteer, the member with the least seniority at the level, in the subject area, or in the affected program is to be transferred.

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### Exercising seniority rights to stay

The member to be transferred may be able to exercise seniority rights to stay at the site. To exercise seniority rights, the member must meet two requirements:

- **Recent experience:** Have taught in SDUSD in a different subject, level, or program for at least 2 school years in the last 9, or 1 school year in the last 5
- **Seniority:** Be more senior than another member who works in the subject, level, or program in which they wish to exercise seniority rights.

Only the member who is indicated for excessing can decide if they want to exercise seniority rights (if eligible) to stay. The supervisor can't exercise seniority rights for them.

### What should we do if our rights aren't respected?

Talk with the AR (Association Representative) at your worksite, share this flyer, and read the applicable contract sections. Our union contract has a process for enforcing our rights – the grievance procedure. The next step you and your AR might take is a grievance meeting with the supervisor.

SOURCE:

[SDEA Contract, Section 12.7.3](#)