

Primary Teachers' Surplus Staffing 2012



Guidelines for primary boards, principals and teachers in Christchurch City, and the Selwyn and Waimakariri District Territorial Local Authorities

Enhanced surplus staffing provisions for schools in Christchurch City, and the Selwyn and Waimakariri District Territorial Local Authorities that have a surplus staffing situation for the 2012 school year.

Introduction

The Ministry of Education, NZSTA and NZEI have reached agreement on provisions for options for schools in the above TLA's with surplus staffing for 2012.

A variation (Appendix 7) to the Primary Teachers' Collective Agreement 2010-2012 (PTCA) sets out the special provisions for primary schools with a surplus that cannot be dealt with through attrition, fixed term positions ending in 2011 or pending resignations.

The provisions include 40 weeks supernumerary status in a relief pool. Although the operation of the relief pool will require some flexibility on the part of the employing board, it is considered to be in the best interests of teacher supply in the difficult year ahead.

These guidelines will assist your school to carry out the surplus staffing process according to the requirements of appendix 7 of the PTCA.

Step One

Volunteering to be a surplus teacher

Before beginning any needs analysis the Board of Trustees will:

- inform teachers of the surplus situation for 2012
- advise all permanent teachers that they are able to volunteer to be considered as a surplus teacher

- provide details of each of the voluntary options available:
 - Redeployment/supernumerary status in the relief pool
 - Redeployment/supernumerary status in the current school
 - Retraining
 - Secondment for the redeployment/supernumerary period to an educationally focused organisation, other than a school, as approved by the Ministry of Education.
 - Long service payment
 - Severance payment.
- inform teachers of the conditions applying to each option
- inform teachers that the Board has the right to determine whether the application is accepted or not.
- Call for expressions of interest.

A teacher's application must be in writing.

Step Two

Board Consider Requests

The Board will consider and approve or decline any requests received. The Board's decision on each application must be communicated to the teacher in writing.

Step Three

Inform the Ministry

Where a request is approved the Board must inform the Ministry of Education Resourcing Division resourcing@minedu.govt.nz, no later than 27 November, that the teacher has volunteered to be surplus and the option that has been chosen.

If the approval of voluntary options achieves the required staffing reduction and there is no longer a surplus staffing situation for 2012, then no further action is required.

If the number of voluntary options approved, or lack of expressions of interest means the surplus situation cannot be remedied then the Board must proceed to a needs analysis.

Step Four

Undertake Needs Analysis

The Board will conduct the needs analysis for the school in the usual way and in consultation with staff who have not taken up a voluntary option,. (Clause 9A.4 PTCA).

Step Five

Advertise and Appoint

After identifying the most appropriate areas for the surplus positions for the 2012 year the remaining positions are advertised internally and appointments made (Clause 9A.4(c))

Step Six

Surplus Teachers

Teachers now identified as surplus must elect one of the surplus staffing options described in step one of these guidelines (9A.7 of Appendix 7 PTCA). These teachers, along with those who volunteered to be surplus, also have access to the provisions under Clause 9A.5, through to, and

including, 9A.11 of the PTCA. The Board will inform the Ministry of the decisions made. This must be no later than 27 November 2011.

Step seven

The 2012 school year

- Teachers in the relief pool will continue to be employed by their school for 40 weeks from the start of the 2012 school year.
- They will be required to be available to work in other schools up to 20 kilometres away from their home school.
- While an agency operates the mechanics of the relieving pool the Board of the school that employed the teacher in 2011 continues to be the employer even when the teacher is relieving in other schools.
- When not relieving, teachers in the relief pool will carry out agreed duties in their employing school.
- Teachers in the relief pool will continue to seek a suitable alternative position during the redeployment/supernumerary period and the employing board will provide time and assistance for this to occur. See Appendix 7 of the PTCA for more on the provisions related to the relief pool. Other PTCA conditions, including access to suitable vacancies that may occur in the employing school (Clause 9A.8 of the PTCA) and removal expenses (clause 9A.8 of the PTCA), also apply during the 40 weeks of redeployment/supernumerary status.
- Teachers who are redeployed/supernumerary in their own school, or in another school with the agreement of both boards, are employed for 30 school weeks from the start of the 2012 school year.
- The teacher will continue to seek a suitable alternative position during the supernumerary period and the Board will provide time and assistance for this to occur.
- The usual PTCA conditions apply (Clause 9A.8 of the PTCA) including access to subsequent suitable vacancies that arise in the employing school, or in the original school where redeployment is taken up at another school.
- Teachers who choose retraining must undertake a suitable course approved by the Secretary for Education, for 30 school weeks.
- The selected course should upgrade the individual's teaching qualifications or enhance the teacher's core knowledge of teaching and learning.
- Funding is available to cover the costs of tertiary/university courses for teachers to retrain and/or up-skill in areas of benefit to the education system as approved by the Ministry of Education. Provisions of Clauses 9A.7 of Appendix 7 and 9A.9 of the PTCA apply.
- Teachers who choose to be seconded to an approved organisation with an educational focus, outside the schooling sector, have 30 weeks employment from the start of the 2012 school year (Clause 9A.3 Voluntary options and 9.7 of Appendix 7).
- The teacher is redeployed but the Board of the 'home' school remains the employer.
- The teacher will continue to seek a suitable alternative position during the 30 weeks and the employing board and the institution will provide time and assistance for this to occur. The usual PTCA conditions apply (clause 9A.8 of the PTCA).
- Teachers who volunteer to be surplus and elect the Long Service Payment are no longer employed from a specified date. This option is only available to teachers with no less than 25 years service who wish to retire from the teaching service. (Clause 9A.3(a) Voluntary options Appendix 7 and 9A.10 and 9A.11 of the PTCA).

- Teachers who volunteer to be surplus, and elect the Severance Payment are no longer employed from a specified date. (Clause 9A.3(a) Voluntary options Appendix 7 and 9A.10 and 9A.11 of the PTCA).
- Teachers identified as surplus through the needs analysis who elect Long Service Payment are no longer employed from a specified date. This option is only available to teachers with no less than 25 years service who wish to retire from the teaching service and only after all other options have been carefully considered by the teacher and the employer, and the Ministry of Education agrees that all other options have been fully considered and are not appropriate. (Clauses 9A.10 and 9A.11 of the PTCA).
- Teachers identified as surplus through the needs analysis who elect the Severance Payment are no longer employed from a specified date. Severance payment is available only after all other options have been carefully considered by the teacher and the employer, and the Ministry of Education agrees that all other options have been fully considered and are not appropriate. (Clauses 9A.10 and 9A.11 of the PTCA).

Primary Teachers' Collective Agreement Variation

Dated 19 October 2011

The Secretary for Education and the New Zealand Educational Institute (the parties) have agreed to vary the *Primary Teachers' Collective Agreement 2010 – 2012* (PTCA) to provide additional support where a school within the Selwyn District, Christchurch City or Waimakariri District Territorial Local Authorities has been notified in late 2011 that a surplus staffing situation exists for the 2012 school year:

The provisions in this variation are in addition to the provisions contained in Part 9 PTCA and are only available to permanent teaching staff within the Selwyn District, Christchurch City or Waimakariri District Territorial Local Authorities notified in late 2011 that a surplus staffing situation exists for the 2012 school year

A list of the relevant schools within the Selwyn District, Christchurch City or Waimakariri District Territorial Local Authorities is held by the parties.

Term

This variation is effective from 1 November 2011

Variation

The parties agree to amend the PTCA to add the following Appendix.

APPENDIX 7

Surplus Staffing Provisions

Schools within the Selwyn District, Christchurch City or Waimakariri District Territorial Local Authorities

Where a school within the Selwyn District, Christchurch City or Waimakariri District Territorial Local Authorities has been notified in late 2011 that a surplus staffing situation exists for the 2012 school year the provisions of Part 9 PTCA will apply as amended below:

9.1 to 9A.2 No change

9A.3 is replaced by the following:

9A.3 Where Attrition cannot achieve the reduction

- If the required number of positions cannot be achieved through attrition and:
- (i) a surplus staffing situation exists the provisions of clause 9A.3(a) will apply. If the

required number of positions cannot be achieved pursuant to clause 9A.3(a) clause 9A.3(ii) will apply.

- (ii) if a surplus staffing situation still exists, an identification of the teacher(s) to be deemed surplus will be made from among permanent teachers, pursuant to clause 9A.4. If attrition cannot achieve the reduction in the units required, clause 9A.5 will apply.

9A.3(a) Voluntary Options

Where a surplus staffing situation exists the employer shall seek written expressions of interest in the following voluntary options.

- (a) Supernumerary - be supernumerary for 40 school weeks while making themselves available within the Relief Teaching Pool established to provide relief teachers to Canterbury schools. During this time the teacher shall continue to seek a suitable alternative position; or
- (b) Redeployment/supernumerary - be redeployed for 30 school weeks on secondment into an educationally focused organisation, subject to Ministry approval. During this time the teacher shall continue to seek a suitable alternative position; or
- (c) Redeployment/supernumerary - be redeployed for 30 school weeks within the school or at any other school requested by the teacher with the approval of the original board and of the board of that other school. During this time the teacher shall continue to seek a suitable alternative position; or
- (d) Retraining - undertake a suitable course of retraining approved by the Secretary for Education, for 30 school weeks which enhances or upgrades the teacher pursuant to clause 9A.9; or
- (e) Long-Service or Severance Payment pursuant to clause 9A.10(a) and 9A.11

The employer shall acknowledge in writing any expression of interest arising under this clause. The employer shall not be bound to agree to any voluntary offer. The employer's decision shall be final. In the case of employees who are job sharing this clause will only apply where both employees volunteer for the options.

9A.4 to 9A.6 No change

9A.7 is amended and replaced by the following:

9A.7 Redeployment and Retraining

In the first instance the parties will consider whether the teacher can:

- (a) Redeployment/supernumerary - be redeployed for 30 school weeks within the school or at any other school requested by the teacher with the approval of the original board and of the board of that other school. During this time the teacher shall continue to seek a suitable alternative position; or
- (b) Retraining - undertake a suitable course of retraining approved by the Secretary for Education, for 30 school weeks which enhances or upgrades the teacher; or
- (c) Supernumerary - be supernumerary for 40 school weeks while they make themselves available to the Relief Teaching Pool established to provide relief teachers to Canterbury schools. During this time the teacher shall continue to seek a suitable alternative position; or
- (d) Redeployment/supernumerary - be redeployed for 30 school weeks on secondment into an educational institution, subject to Ministry approval. During this time the teacher shall continue to seek a suitable alternative position

9A.8 to 9D No change

Signed at Wellington on 19 October 2011

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Witnessed by

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