
ESP Involuntary Transfers and Lay-off Rights

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Where can I find information about lay-offs and involuntary transfer?

Go to the TEA website, www.TucsonEA.org, and click on the “Consensus and White Collar / Food Service Agreements” link under “Negotiations.” Click on the White Collar / Food Service Agreement link for rights pertaining to ESPs (Education Support Professionals)



More specifically?

Involuntary transfers are addressed in White Collar/Food Service (WC/FS) Agreement Article 12, **Involuntary Adjustment of Work**. Lay off procedures are outlined WC/FS Article 13, **Lay Off**.

What are the basics members should know?

Please note: seniority is based on the most recent date of hire within the district (not at a site) in a regular position.

ESP Involuntary Transfers (WC/FS 12):

- When there is a need for an involuntary ESP transfer or work adjustment, WC/FS Article 12 should be applied. If necessary, the least senior 8 hour/12 month employees may be transferred to a position of less hours per day (no less than four) or fewer months for the year (12-2-A).
- ESPs in positions of less than 8 hours, 12 months may be transferred, beginning with those with the least District seniority, to other positions in their classification and cannot “be offered a position of less than four (4) hours per day.” (WC/FS 12-2-A-3)
- WC/FS Article 12-2-C addresses what should happen if an involuntary transfer within the same classification is not available.

ESP Lay Off (WC/FS 13):

- If involuntary transfers are not enough to address the reduction in positions/hours, and there is no vacancy for an affected ESP, then the person may be subject to a lay off per WC/FS 13, in which case “temporary and initial probationary ESPs occupying the affected classifications at the site shall be laid off first,” and if current ESPs must be laid off, then seniority within the affected classification will be used.
- ESP in regular positions hired on or before August 16, 2004 can’t be laid off (WC/FS 13-5-A).
- ESPs retain recall rights for twelve months (WC/FS 13-5-A).

(Corrected 5/7/10)

TEA