



DOE/UFT/CSA Joint Excessing Guidance

The following guidance was created in collaboration between the DOE, the UFT and the CSA:

Excessing is the process of reducing staff in a particular school or office when the number of available positions in a title or license area in that school is lower than the number of people in the school who require an assignment in that title or license area. There are specific triggers for a potential excessing situation including an unexpected drop in student enrollment in a school, budget reductions in a school or office, and a change in school utilization such as closure or phase out. The collective bargaining agreements between UFT and DOE, along with state law, govern all aspects of the excessing process for UFT members. Likewise, the collective bargaining agreement between CSA and DOE, along with state law, govern all aspects of the excessing process for CSA members.

Excessing Guidance for UFT Members:

People are usually informed that they are in danger of being excessed in June in preparation for the next school year. Teachers must be informed in writing by June 15 if they may be in excess for the next school year, but it is still possible to be excessed after that date due to changes in enrollment or the budget. This year in particular, it is possible that schools will get budgets late.

When a teacher is notified that they are in danger of being in excess, they must register on the Open Market System for purposes of providing updated contact information and checking their status. All excessing decisions must be approved by the DOE. So even if a principal tells someone in June that they are in danger of being in excess, that doesn't mean they will, in fact, be excessed. The Open Market system has a tab labeled "My Current Status" which will inform teachers whether or not that are in excess. The Open Market is also the place to find current vacancies throughout the city and teachers have the right to apply to any or all of them in their license area. Teachers can also apply to schools, even if there is no vacancy, using the open market system.

A person does not become part of the ATR pool unless they do not have a position in a school on the first day of school. Once in the ATR pool, the DOE can send a person to any school in their district, first to a school with an open position in license area or to serve as absence

coverage. The DOE can send the person in the ATR pool to a school with a vacancy or long-term leave replacement in the member's license area in the same borough.

Excessing Guidance for CSA Members:

Pursuant to contract, CSA members identified as being at risk of being excessed at the commencement of the following school year must be informed of this no later than June 15. A CSA member who is unable to secure a regular position for the upcoming year may be placed in an alternative supervisory position established by the Chancellor in another school or office within the district (borough for high schools). This is commonly referred to as the excess pool for CSA members. All CSA members in excess maintain their full pay, benefits and rights under the collective bargaining agreement. Any time that a CSA member spends in excess is credited to the member's appointed license for all seniority, salary and other purposes. In terms of placements, excessed CSA members are given an annual placement and DOE will consider placements first in schools where principals volunteer to accept excessed supervisors.

Determinations as to who is to be excessed are made based on seniority within license or tenure area. In an excessing situation, the least senior person is excessed. Within a school, the supervisor with the latest date of proper assignment/appointment within the tenure area will be the first to be excessed. Within the district office, the supervisor with the latest date of proper assignment/appointment within the license will be the first to be excessed from the office. If there is no vacancy within the district in the tenure area, the supervisor with the latest date of proper assignment/appointment within that tenure area will be the first to be excessed from the district. Similarly, within a central bureau or central organizational unit, the supervisor serving in a central headquarters license with the latest date of proper assignment/appointment within the license will be the first to be excessed from the unit. If there is no vacancy within central headquarters in the appropriate tenure area, the supervisor with the latest date of proper assignment/appointment serving within that tenure area will be the first to be excessed from central headquarters. Excessing is not a layoff and a member in excess will continue to work and receive full pay, benefits, and rights under the CSA contract.

Excessing FAQ for UFT Members

What is excessing? What is the difference between excessing and layoffs?

Excessing is the process of reducing staff in a particular school when there is a reduction in the number of available positions in a title or license area in that school. Notification of the risk of excessing usually occurs in June in preparation for the next school year. After a principal notifies someone that they are at risk of being excessed, the DOE will review and will either approve or rescind the excess. People who are excessed maintain their full pay, benefits and rights under the UFT contract. Excessed staff may then seek other positions. In contrast, the term "layoff" refers to a termination when the total workforce must be reduced or there are

not enough positions in the entire city school system in the right license areas for the people employed

How do I find another position if I am excessed?

Once you are in excess, you must register on the [online Open Market Transfer system](#). You may apply for any vacancies in your license area throughout the city or you may apply to any school, whether they have a vacancy listed or not.

The DOE sends ATRs who haven't found another position to schools in their district or to schools in the borough with vacancies or long-term leave coverages in the ATR's license area.

It is possible, given the budgetary fallout from the COVID-19 pandemic, that the DOE will limit school hiring so that only ATRs or transfers can be hired in some situations. This is an evolving situation.

If I am excessed from my school, am I fired and out of a job?

Excessing is not a layoff. A person in excess is not out of a job. You will continue to work and receive your full pay and benefits. You can check your status (Excessed or Not Excessed) on the [online Open Market Transfer system](#). You will continue to work and receive your full pay and benefits. This is helpful, because receiving an excess letter from your principal does not guarantee that you are excessed. After the letter is written, the DOE will review and will either approve or rescind the excess.

How can I interview during COVID-19 social-distancing?

Other than interviews that happen for new schools, each school community conducts interviews in their own way. At the moment, the DOE has not put out any guidelines regarding how interviews happen during the COVID period. You may of course be asked to interview over the phone or via video conference. In event, you must also register on the Open Market system.

Do principals get to choose whom to excess? Who decides?

A: Excessing is based on budget and student enrollment. When the budget or student enrollment drops, that can result in an excessing condition. Principals have a discretion, subject to review and approval, in determining which programs or license areas might get dropped, but in all cases, the least senior person within that area will be excessed first.

What seniority is used for excessing? Citywide seniority or school building seniority?

Your citywide seniority is used—the amount of time you have been working for the DOE. That is compared to the citywide seniority of the other teachers in your school that have the same license as you have. In an excessing situation, the least senior person is excessed.

Can you explain Excessing for Teacher Assigned?

A: If you are your first year in a Teacher Assigned position, and you are excessed, you have the right to return to your former school. If you have been in your position for longer than a year and you are excessed, you will have the opportunity to seek another position. If you do not find another position, you will be as assigned as an ATR to a school in the district that you worked in immediately prior to taking the Teacher Assigned position.

I am a pre-K/3K teacher. What will happen to me regarding excessing? Will this program continue?

The DOE has no plans to end the 3-K or Pre-K programs. There could be an excessing condition at a given 3-K/Pre-K site. In such a case, excessing will be done in reverse seniority order. Early Childhood-licensed teachers are grouped with Common Branch teachers, so the least senior teachers from amongst those two licenses would be excessed if excessing happens at the site.

I am an ENL teacher. Can a school excess a teacher if it will put them in non-compliance?"

No, schools must meet the mandates for special education and ENL. Sometimes schools attempt to excess a person who is mandated in order for a school to be in compliance, but DOE reviews those excesses and often stops the excessing from happening.

I'm a teaching fellow. Will programs like that continue to run? What does excessing mean for an untenured teacher?

A: The Teaching Fellows program will continue to run for those who began in 2019 or earlier. Even as an untenured teacher, excessing does not mean that you are out of a job. When you are excessed, you lose your position in your school, but you do not lose your job, your salary or your medical benefits. You will have the opportunity to find another position, and if you do not, you will be placed in a school in your district, or elsewhere in your borough if there is a school that has a vacancy or long-term leave coverage in your license area.

Excessing FAQ for CSA members

How do I find another position if I am excessed?

Once you are in excess, the DOE will, upon request the CSA member, through DHR and SSP provide individualized assistance on how to maximize chances for being selected for regular supervisory positions and will guarantee interviews for posted vacancies in license.

What changes, if any, does the new CSA contract provide in terms of excessing?

In the past, schools and excessed supervisors were notified very late in August about the placement of an excessed AP for the year. The new contract provides that, for those members currently in excess, notification of the upcoming yearly placement will be made by June 15th so the excessed AP and receiving school may appropriately plan. For APs newly placed in excess this June, the DOE will use its best efforts to provide the assignment by June 30th, but will do so no later than July 15th.

What are my rights to return to my school or office if excessed?

The CSA contract provides that an intermediate supervisor who has been excessed from a school in a district to another school in the same district may request an opportunity to return to the school from which s/he has been excessed if within a year a vacancy should occur in his/her license in that school. Such a request will have priority over any other transfer or appointment/assignment to that vacancy.