

SENIORITY, TENURE AND EXPERIENCE

There is often confusion about the differences in meaning of tenure, seniority, and years of experience.

SENIORITY

The purposes of seniority are for:

- Determination of declarations of surplus (board level)
- Determination and declaration of excess (school / centre level)
- Assignment and transfer
- Priority of employment / recall lists

Seniority is the period of employment at the board.

Seniority shall be determined for teachers under contract only. Contracts can be:

- Full-time
- Part-time
- Teacher-by-the-lesson
- Employment in duties other than teaching duties

Seniority shall be determined in terms of years and portions of years. However, the time spent as a casual supply teacher shall not be counted

If a teacher has a part-time contract, followed by another the next year, his/her seniority will continue to accumulate. If there is a break of service of more than one school year, the calculation will begin at zero again.

Change in the legal structures of the board shall not affect the seniority of a teacher who was in the employ of the board.

On or before November 30 of each year the board shall determine the seniority of every teacher in its employ and shall forward a list thereof to the union.

In cases where there is an excess of staff, the board shall identify within each category the teachers with the least seniority in the category.

The names of eligible teachers shall be entered on the priority of employment lists according to seniority.

If the board must take seniority into account and two or more teachers have equal seniority, the teacher who has the most experience is deemed to have the most seniority and, of those who have equal experience, the teacher who has the most schooling is deemed to have the most seniority.

SCHOOL CLOSURE

Apply only to the teachers of a school or part of a school that closes and solely if the instruction dispensed to the students affected by the closure will be provided at another school of the board for the following school year.

The teachers affected by a closure may be transferred provisionally to the school or schools where such instruction will be provided for the following school year.

In its decision concerning a provisional transfer, the board shall take into account, among other factors, the number and type of students registered in each school and the preferences expressed by the teachers.

MATERNITY AND PARENTAL LEAVES

During maternity leave and the extensions a teacher shall receive the following benefits, provided she is normally entitled to them:

- Accumulation of seniority
- Accumulation of experience
- Accumulation of continuous service for employment security purposes

LEAVE OF ABSENCE

During a leave of absence without salary the teacher shall accumulate seniority.

During a leave of absence without salary for part of a year or a part-time leave of absence without salary, the teacher shall accumulate seniority on the same basis as prior to taking the leave.

PROGRESSIVE RETIREMENT

The teacher shall accumulate seniority and experience as if he or she had not availed himself or herself of the progressive retirement plan.

Further provisions apply in the following situations:

- **Engagement by another board**
- **On leave with or without salary**
- **Absent because of disability**

Contact ATA if you have questions or find yourself in any of these situations.

TENURE

The purpose of tenure is security of employment.

Tenure is the status acquired by the teacher who has completed at least two full years of continuous service with the board as a full-time teacher. A 100% replacement or part-time contract does not lead to tenure.

Service for the purposes of acquiring tenure include the following situations:

- Leave of absence for union activities
- Parental leave
- Leave of absence due to disability or an employment injury
- Special leaves
- Leave of absence for matters related to education

Insofar as his or her employment ties have not been severed, the teacher's acquisition of tenure shall be delayed proportionally in the case of an interruption in his or her service for reasons other than those mentioned above.

The board shall proceed with the non-reengagement because of a surplus of regular teachers who have not acquired their tenure or with their placement on availability if they have acquired tenure.

Being placed on availability guarantees that, subject to certain conditions, the teacher will still have a job, and will collect a percentage of salary.

A non-reengagement because of surplus followed by a reengagement by the board or engagement by another board during the following school year shall not interrupt continuous service.

The tenure of a tenured teacher who leaves a board for another board following a resignation shall be recognized.

At the time of engagement by another board, the tenure, the years of experience and the seniority that the teacher on availability had when he or she left his or her board shall be recognized.

The board that engages a teacher from another board who is on availability shall recognize tenure for that teacher.

In a board where there is surplus a tenured teacher may avail himself or herself of a loan of service to a community organization.

Any tenured regular teacher may substitute himself or herself for a teacher on availability provided that the board accept such a substitution. The teacher who has thus substituted himself or herself is deemed to have been placed on availability in accordance with this article.

Two tenured regular teachers from two different school boards may exchange their respective positions, subject to the approval of both school boards.

EXPERIENCE

The purposes of years of experience are:

- Placing a teacher on the correct step on the salary scale
- Breaking a tie with other teachers whose seniority is the same.

A school year, during which a teacher taught or performed a pedagogical or educational function on a full-time basis in a Québec educational institution recognized by the Ministère or in a teaching institution under government authority outside Québec, shall be recognized as a year of experience.

For the purposes of determining the number of years of experience of a teacher who is engaged as a full-time teacher the quotient obtained by dividing by four the total number of 50- to 60-minute periods devoted to adult education or vocational training or to a pedagogical function shall determine the number of days of experience recognized for the school year in question.

Teaching time as a part-time teacher, a teacher-by-the-lesson or a casual supply teacher in a Québec educational institution recognized by the Ministère or in a teaching institution under government authority outside Québec shall be recognized and may be accumulated to constitute a year of experience, in which case the number of teaching days required to constitute a year of experience shall be equal to 90 days as a full-time teacher. However, he or she may not begin to accumulate days to make up a new year of experience before having completed 135 days.

The practice of a trade or profession related to the function the teacher is to perform at the board may be considered as teaching experience according to the following conditions:

- This practice was continuous and was the teacher's main occupation.
- One year consists of 12 consecutive months but any period of continuous service equal to or greater than four months may be accumulated to constitute one or more years.
- Each of the first 10 years thus spent is equal to one year of experience but, beyond the first 10 years, every block of two years thus spent is equal to one year of experience.

In no case shall more than one year of experience be recognized.

Additional years of experience shall be recognized for each year at the beginning of the work year. Before November 1, a full-time teacher must submit to the board the documents establishing that he or she has one or more additional years of experience, unless the documents originate from the board. The salary readjustment resulting from a change in the years of experience shall be retroactive to the beginning of the work year during which the teacher provided the documents establishing the additional year of experience. If the teacher provides the documents establishing the additional year of experience after October 31, he or she shall not receive a salary readjustment for the current school year, unless the responsibility for the delay can be attributed to the institution that provides him or her with the documents.

If a teacher must leave the service of the board to carry out activities that are part of the professional improvement system the board shall recognize, upon his or her return, the same number of years of experience as he or she would have had had he or she remained in the service of the board. A teacher shall be assigned the step corresponding to the year of experience he or she is in the process of acquiring.

Every year the board shall inform the teacher of the experience and salary scale step that it recognizes for him or her.

Following initial placement in the scale, the teacher is entitled each school year to only one advancement in step for additional experience except in the case where additional experience is recognized.

The non-reengagement or placement on availability shall be carried out according to the inverse order of seniority within the specialty taught in which a surplus exists. For the purposes of applying this clause, if two or more teachers have equal seniority, the teacher who has the least experience is considered as having the least seniority and, if they have equal experience, the teacher who has the least schooling is considered as having the least seniority.

A teacher who transfers from one School Board to another will have his/her years of experience recognized by the new Board.

LEAVE OF ABSENCE

During a leave of absence without salary, the teacher shall retain experience.

During a leave of absence without salary for part of a year or a part-time leave of absence without salary, the teacher shall accumulate experience as a part-time teacher.

The teacher shall accumulate experience up to the first 52 weeks of a leave of absence without salary, a part-time leave of absence without salary or a leave of absence without salary for part of a year.