

# FOCUS

ON JERICHO TEACHERS AND THEIR ISSUES

May 2009



Yes they do!! Congratulations to:  
Anne Frischer, James Lawlor,  
Jennifer Parlante,  
Lia Walters- Sciarillo,  
and Melissa Xenakis

## Seniority Lists

By Denise Ryder

For the last few years, we have been experiencing such a drastic decrease in our student population at the elementary level that teachers in Jericho are losing their jobs.

Many had been viewing this as solely an elementary level problem, but remember, there is no such thing as "building seniority" so this is an issue for everyone. Cuts at the elementary level extend to the middle school because the certification area currently being affected is K-6. *Everybody else* got nervous when the building began walking around with the whole seniority list.

Questions arise such as, "I was a full time leave replacement before the date of hire listed, does that count?" and, "how can I be on two lists with two different dates?"

Former president of the Smithtown Teachers Association Pete DeFina, wrote an article on seniority that I reworked and reprinted for a past FOCUS. I am reprinting it again because it may answer some general questions.

The following is essentially Pete's article, reworked, with additional comments from me.

## Seniority at a Glance

(Mostly) By Pete DeFina

Seniority is a very specific term under Educational Law. The Courts and the Commissioner of Education define seniority in terms of length of actual paid service within a tenure area to a school district. The first criterion for determining seniority is the actual *full-time* service rendered in the tenure area.

The primary use of seniority is that it's the sole criterion that districts may use to determine the order in which teachers are excessed in the event that teaching position(s) are abolished within a tenure area.

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## Jericho Teachers Association

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[www.jerichoteachers.com](http://www.jerichoteachers.com)

## Seniority Lists (*continued*)

(Continued from page 1)

### Accruing seniority according to Education Law

While most teachers gain seniority credit within a single tenure area, it is possible, by teaching 40% or more in two tenure areas at the same time, to accrue seniority in both tenure areas simultaneously. For example, if a teacher teaches 3 classes of health and 2 classes of physical education for 8 years, that individual would have 8 years of seniority in both the health and physical education tenure areas.

There are also specific tenure areas, such as science and world language, which could be affected by individual teachers' certification within his/her tenure area. For example, you could not transfer the least senior LOTE teacher to a building that needs a French teacher if that person is only certified to teach Spanish. You would have to transfer the least senior teacher who is certified to teach French.

Teachers who leave one tenure area to begin a new probationary position in a different tenure area have their seniority frozen in the old tenure area and they begin to accrue seniority anew in their new tenure area. If the teacher returns to his/her old tenure area at some point, they resume their accrual of seniority from the point at which it was frozen.

### What does not count toward seniority credit?

Time spent on unpaid leaves of absence does not gain seniority credit. This includes unpaid sick or personal leave, leaves for "good cause" or "no cause," and FMLA based leaves of absence. Also, there is no "seniority" for part time teaching. The only exception to this part-time rule under Education Law is if someone taught part-time kindergarten when the District had a half-day program. Those Kindergarten teachers will then accrue "seniority."

### Seniority credit prior to probationary/tenured status:

All full-time employment as a regular substitute prior to being appointed as a probationary teacher is required to be counted toward a teacher's seniority status when probationary status is achieved. There is no limit to credited service attained as a regular substitute. This is different from, and should not be confused with Jarema Credit, which allows for up to 2 years of regular sub service to be counted as probationary time served toward tenure.

### Bumping rights

If an excessed teacher happens to have frozen seniority based on prior service in another tenure area they may bump back into that former position, assuming that there are other less senior teachers on the list. If that occurs the least senior teacher on that other list is then excessed and placed on a Preferred Eligibility List (PEL) to be used as openings occur

### Equal seniority

When two teachers have equal seniority and the same appointment date, the more senior teacher is the one whose appointment occurred first. If both teachers were appointed in the same resolution, absent any other "tiebreaker," (such as a leave of absence) the school district uses the order in which the teachers' names appear in the resolution before the Board of Education. This order may or may not be alphabetical. The teacher's name that appears first is deemed to have been appointed first and, thereby, has more seniority.

### Miscellaneous questions

As I walked around with my list, various questions arose, mostly about working part time. The bottom line is that part time work constitutes a break in service. If you were a full time leave replacement for half the year, then were part time the rest of the year, that constitutes a break in service. If someone is hired full time, and the second year they don't have a full schedule, that also constitutes a break in service. If someone was a full time leave replacement and then was hired full time, as long as there is no break in service, then it counts toward seniority.

## NYSUT Honors Four Jericho Teachers

NYSUT honored Four Jericho Teachers at their annual Director's Dinner. For 10 years of service, Debbie Lesse, Fran Rivera, and Ron Verderber. For 40 years of service (yes, you read that correctly), Peter Horvath. Congratulations!

## Jericho's New Delegate to the NYS Teachers Retirement System

The JTA would like to announce the election of **Martha Sammartano** as the Jericho delegate to the NYS Teachers Retirement System. We want to thank Martha for her willingness to give her time to such an important endeavor. She will be keeping an eye on your pensions and informing us of any pending changes within the system.

We also gratefully acknowledge the time and effort of **Peter Horvath** who held this position for 25 years.

# Congratulations are in order...

(as sent in by our readers)

**Sean Clarkin** on the birth of his son, Christian John born Friday May 29.

**Pat Minikel** is celebrating the birth of her first granddaughter, Keira Patricia, born on May 1, 2009. Pat was also named Librarian of the Year by Nassau BOCES School Library System.

**Casey Gallagher** is looking forward to her wedding this year - July 18. She and her fiancé, Sam Snyder will be honeymooning in Fiji! As of September, she will be officially known as Mrs. Snyder.

**Lisa Palmeri** gave birth to her second child, Dean Jonathan Palmieri, on August 17, 2008!

**Maureen Clemente** gave birth to her first baby boy - Anthony Clemente Jr, on January 16, 2009. He is a left-handed thumb sucker and has all the signs of genius!

**Rebecca Gottesman** gave birth to baby Chase Peter Gottesman on November 29, 2008.

**Kevin Brodsky** was named Coach of the Year by the Nassau Wrestling Coaches Association.

**Denise Ryder** celebrated her daughter Camryn's First Holy Communion on May 17, 2009.

**Danielle Largotta** will be sporting new academic robes at graduation this year as she has just completed her doctoral degree.

**Cathy Ferris'** son, Peter Haas, graduated from Georgetown University on May 16. He graduated Magna Cum Laude and was inducted into Phi Beta Kappa!

**Joan Kearon** celebrated her youngest son Devin's graduation from James Madison University in Virginia.

**Bill Wuest** is the Golf Coach of the year for the second straight year.

**Mike Malkush** on April 24, Mike and his wife Carol became first time grandparents to Tyler Joesph Malkush and Jacob Michael Malkush.

**Beth Riccuiti** had a baby boy on 1/30/09 -- Jacob Asher Riccuiti

**Melissa Bocklet-Ryan** gave birth to William James Ryan on 11/19/08.

## End of Year Celebration

Thursday, June 11th

Fox Hollow Country Club 4-7:30

\$50.00 Open Bar

(Hurry! Make Checks Payable to JTA)



## NYSUT's Career Center

NYSUT has launched the first phase of its new Career Center at [www.nysut.org/careers](http://www.nysut.org/careers). NYSUT is building this online Career Center both as a point of entry for new and prospective members and most urgently, to share resources and help for members who may face loss of their jobs. This material is created to enhance the role of the local union and of the labor relations specialist in providing information specific to a members needs. The initial materials are geared to help members facing lay off, including defining terms such as recall; providing an interface to education job search engines and information on maintaining benefits; and

providing reassurance and perspective that the union is always there for them and continues to fight for their jobs. Material that historically appeared in the print version of "NYSUT Handbook for Laid-off Employees" has been updated and expanded on the site. It includes important new information such as the changes in COBRA and extensions in unemployment benefits. These resources, and others still to come, were developed based on surveys of the board of directors and of newer members to determine what online resources would be most useful.

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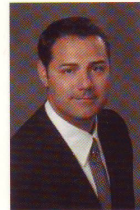
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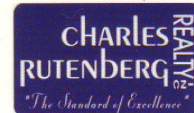
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## got nanny?

ARE YOUR KIDS ALL GROWN UP?

DOES YOUR CHILDCARE PROVIDER NEED A JOB?

We are expecting our third child in July and are looking for a reliable caregiver to watch our kids at home beginning in September. (Ages 3.5 to newborn.)

Please call Jim & Stephanie Shotter. (631) 592-8022.

Email: [sshotter@optonline.net](mailto:sshotter@optonline.net)