

Reduction in Force – Frequently Asked Questions

Employment of staff at BOCES is always subject to budgetary considerations. In the event of a reduction in force, BOCES will notify the affected employees within specified time periods subject to contractual agreements and Board approval. Persons wishing information on insurance coverage or who have other questions or concerns relating to their being excessed are welcome to contact the Department of Human Resources.

The following questions and answers pertain to the excessing of NABCOT (Nassau BOCES Central Council of Teachers) members only:

What determines who will be excessed? The law is very clear and states that when a position is eliminated, the person with the least seniority within the tenure area of that position is the first person to be excessed. Although the Seniority List is sent each April to all buildings, the official updated list is maintained in the Department of Human Resources to reflect Leaves of Absences, terminations and new hires.

What happens to my benefits, tenure and accrued seniority and sick days? You will maintain your Health Insurance coverage for four months after you are excessed. You will have the opportunity to continue your Dental Insurance for 18 months under COBRA, as well as your Health Insurance after the four month period ends. You will be contacted by the Department Human Resources regarding COBRA. If you are reinstated to a full time position, you will retain your prior accrued seniority credit, probationary credit or tenure. You will also receive your previously accrued sick days and your salary will be computed by applying all annual salary increases which you would have received if you had been on active status.

Do I have a right to a new position if one is created in my tenure area? When you are excessed, your name is put on a Preferred Eligibility List for seven years or until you are reinstated. The list is maintained by tenure area beginning with the person with the greatest agency service. Although the person with the least seniority in a tenure area is the first one to be eliminated, the person with the greatest total agency service for which seniority was accrued is the first one to be offered a new position. If a person has accrued seniority in more than one tenure area, the length of time in each tenure area is combined to determine the total agency service.

Do I have a right to go back to my former program or building? There is no specific right to your former position. You only have a right to a position in your tenure area. Of course, if several new positions are available simultaneously, every attempt is made to assign you to a suitable match.

How will I qualify for a new position? You will receive a certified letter from the Department of Human Resources stating that a position is available and the starting date of the position. Preferred Eligibles are offered any full-time, part-time or temporary teaching positions that become available in their tenure area. They are also given the opportunity for per diem substitute work. Since it is a requirement that you respond within 5 days of receipt of the letter, if you will be away from home for several days, you should call the Department of Human Resources to provide a temporary phone number or address. The Department of Human Resources will attempt to reach you by phone so that you will not miss an opportunity to be reinstated to a position.

What if I am not interested in a particular position or if I have accepted a position elsewhere and am unable to accept the offer? Will I be removed from the list? No, you will continue to have the same rights for seven years from the time you were excessed. However, if you, for example, have moved out of the country and you know you will not be interested in a position, you may request in writing to have your name removed from the list so that the Department of Human Resources will not continue to send you certified letters.