

NEW REASSIGNMENT POLICY FOR 2010-2011

This document provides a summary of the policy on reassigning staff and the procedures for both removing and returning staff to their normal assignment consistent with the agreement reached between DOE and UFT in April 2010. The new reassignment processing will be managed by the Division of Human Resources, Office of Employee Relations Reassignment Staffing Team.

If you have any questions you may contact your Children's First Network Human Resources Director, Senior Legal Counsel, or the Employee Relations Reassignment Staffing Team.

Contact for the Employee Relations Reassignment Staffing Team:

OPIReassignedStaff@schools.nyc.gov

49-51 Chambers Street, room 1202 Manhattan; 212 374-0308

POLICY SUMMARY

- An evaluation of whether to reassign an employee from their ordinary duties and responsibilities will be undertaken for the following reasons:
 - An arrest for certain offenses based on the nature and seriousness of the offense, as directed by Division of Human Resources (Office of Personnel Investigations);
 - A decision by the Office of the General Counsel (Administrative Trial Unit & Teacher Performance Unit) to proceed with charges under the Education Law 3020A;
 - An allegation of serious misconduct being investigated by Special Commissioner of Investigations;
 - An allegation of corporal punishment, other serious harm to students, or tampering with an investigation resulting in an investigation by the Office of General Counsel (Office of Special Investigations or Office of Equal Opportunity).
- Reassignments out of the school will be carefully scrutinized in an attempt to reduce the number of staff reassigned out of the school.
- In the event that reassignment away from normal duties is required, the Director of Employee Relations Division of Human Resources or his designee in consultation with the Office of the General Counsel will determine which of the following options for reassignment is appropriate:
 - Remain in school-based position but not in a classroom or performing services directly with students (for pedagogues-Circular 6 duties);
 - Reassigned to a Central or Administrative office performing administrative –clerical duties; or
 - Reassigned to their home in accordance with DOE/UFT agreement. .

PROCEDURES

REASSIGNMENT

Reassignment procedures are consistent within all of the scenarios outlined below.

Reassigned Within the School

- If employee is to be reassigned within the school, the school will be provided with a letter from the Reassignment Staffing Team for employee advising employee that he/she will be reassigned to administrative duties in the school
- Employee reports to 49-51 Chambers Street, Room 1202 and meets with Reassignment Staffing Team for evaluation. [For Arrests Only – all other reasons for reassignment, the employee will remain at the school]

Reassigned to Central Administration

- If employee is to be reassigned to Central Admin., then the school is provided with a letter from the Reassignment Staffing Team for employee advising that s/he is to report to 49-51 Chambers Street, Room 1202
- Employee reports to 49-51 Chambers Street, Room 1202 and meets with Reassignment Staffing Team for evaluation.
- If it is determined that the employee will be sent to Central Admin. Reassignment, then employee is provided with letter directing him/her to particular Central Admin. Office. Reassignment Staffing Team will contact Central Admin. Office Contact and advise that office to expect a reassigned employee

If Employee is a Candidate to be Sent Home

- If employee is a candidate to be sent home based on nature of the allegation, the Reassignment Staffing Team escalates case to Director of ER, or designee and contact is made with Legal Office
- If employee is to be reassigned to home, then the school is provided with a letter from the Reassignment Staffing Team for employee advising that s/he is to report to 49-51 Chambers Street, Room 1202
- Employee reports to 49-51 Chambers Street, Room 1202 and meets with Reassignment Staffing Team for evaluation.
- If it is determined that employee will be sent home, then employee is provided with a letter from Reassignment Staffing Team with instructions about home reassignment

ARRESTS

1. Arrest Notification received by OPI from either DCJS or from employee as required by Chancellor Regulations C105
2. OPI determines whether the employee is to be reassigned and generates a notification to the school principal (copy to CFN, Sr. Legal Counsel, and Reassignment Team). Unless it is determined that the employee should remain in the classroom, the Reassigned Staffing Team will

provide the Principal with a letter advising that s/he will report to 49-51 Chambers Street, Room 1202.

3. Arrest information sent to Chancellor
4. Employee is advised of C105 obligations by Reassignment Staffing Team and depending on nature of the arrest may be advised to immediately obtain a copy of Criminal Court Complaint or police report
5. Employee will be reassigned within the school, reassigned to central administration, or sent home. (Please see Reassignment Procedure above)
6. Reassignment Staffing Team will enter employee's reassigned status in Galaxy/NYCAPS showing new location code. Principal will be advised by email of employee reassignment with cc to CFN
7. Upon receipt of final criminal court disposition OPI will either issue a clearance notice to school (cc CFN) or consult with appropriate CFN, Legal Counsel and HR about further actions
8. Reassignment Staffing Team will update Galaxy/NYCAPS and issue letter to employee directing the employee to return to school or original assignment

3020 A PROCEEDINGS

1. Legal (ATU/TPU) will advise school that 3020A charges will be brought against employee. At the same time, Legal will advise Reassignment Staffing Team of the need to reassign employee.
2. Legal to make decision/recommendation as to which form of reassignment is appropriate, and notify school and Reassignment Staffing Team
3. Chancellor will be advised
4. Employee will be reassigned within the school, reassigned to central administration, or sent home. (Please see Reassignment Procedure above)
5. Reassignment Staffing Team will enter employee's reassigned status in Galaxy/NYCAPS showing new location code. Principal will be advised by email of employee reassignment with cc to CFN
6. Upon conclusion of the 3020A proceedings, Legal office will advise school, CFN and Reassignment Staffing Team whether the employee will be terminated or return to assignment
7. If employee is to be returned to school, then Reassignment Staffing Team will update Galaxy/NYCAPS and issue letter to employee directing the employee to return to school/ or original assignment

OSI, OEO or SCHOOL-BASED INVESTIGATIONS

1. Principal will log corporal punishment and other appropriate allegations into OORS System. OSI or OEO, where appropriate will make initial determination /recommendation as to whether the employee should be reassigned and which type of reassignment is appropriate.
2. Principal will contact CFN HR and Legal and request that an employee be reassigned for extraordinary reasons. Chancellor or his/her designee will be reviewing these requests to determine whether reassignment is appropriate

- a. If CFN HR and Legal agree that reassignment within the school is appropriate, CFN HR or Legal will advise Reassignment Staffing Team so that the reassignment can be logged and tracked.
 - b. A request for reassignment from the school during the pendency of a Principal based investigation will be reviewed by the Chief Deputy General Counsel and Director of Employee Relations who will forward this request to the Chancellor or his/her designee for a final determination.
3. OSI or OEO will advise school Principal as to whether reassignment is being recommended /directed—copy to CFN, Reassignment Staffing Team
4. Employee will be reassigned within the school, reassigned to central administration, or sent home. (Please see Reassignment Procedure above)
5. Reassignment Staffing Team will enter employee's reassigned status in Galaxy/NYCAPS showing new location code. Principal will be advised by email of employee reassignment with cc to CFN
6. At the completion of an OSI or OEO investigation, OSI or OEO will advise the School, CFN and Reassignment Staffing Team of the outcome as it relates to the employee's continued reassignment
7. If employee is to be terminated or any other disciplinary action needs to be taken, then CFN, HR, and Legal (ATU or Sr Legal Counsel) will follow normal termination or discipline proceedings and advise Reassignment Staffing Team as to when the action is complete and to close the case.
8. If employee is to be returned to school, then OSI or OEO will advise Reassignment Staffing Team. Reassignment Staffing Team will update Galaxy/NYCAPS and issue letter to employee directing the employee to return to school/ or original assignment

SCI INVESTIGATIONS

1. If SCI advises Legal concerning an investigation that requires reassignment of an employee, the Chief Deputy General Counsel will contact the Director of Employee Relations to initiate the reassignment process. Unless additional information is required from the Principal or school, a determination will be made by the offices above as to where the employee will be reassigned. (School, Central/ or home)
2. Chancellor or his/her designee will be advised
3. Employee will be reassigned within the school, reassigned to central administration, or sent home. (Please see Reassignment Procedure above)
4. Reassignment Staffing Team will enter employee's reassigned status in Galaxy/NYCAPS showing new location code. Principal will be advised by email of employee reassignment with cc to CFN
5. Upon final conclusion of SCI investigation, Legal will advise school, CFN and Reassignment Staffing Team as to whether what, if any disciplinary action will be taken or if employee is to return to school
6. If employee is to be returned to school, then Reassignment Staffing Team will update Galaxy/ NYCAPS and issue letter to employee directing the employee to return to school/ or original assignment

7. If employee is to be terminated or any other disciplinary action CFN, HR, and Legal will follow normal termination/discipline proceedings and advise Reassignment Staffing Team when to remove from the Reassignment location.