



What is...

# Seniority?



## In a nutshell

- A NYS mandated process for laying off teachers
- Seniority laws are threatened by those who argue that layoffs should occur strictly by “merit” - although that is rarely defined.
- Seniority helps ensure students have experienced, high-quality teachers

## History

Seniority laws — often referred to as “LIFO” laws (last in, first out)— protect experienced teachers from layoffs when cuts are made. New York has had seniority laws for civil servants since 1909, and for teachers since 1940; our courts have affirmed that seniority laws are so important that they cannot be negotiated through collective bargaining.

When staffing cuts are made, districts must lay off those hired last. This protects teachers from layoff decisions made for capricious, vindictive, or political reasons. Prior to seniority laws, districts could dismiss teachers for any reason, including political affiliation, cost-savings, sex, religion, whistle-blowing, or any other bias they might have. Seniority was also designed to protect academic freedom: educators could teach as they deemed appropriate without fear of reprisal.

Critics argue that seniority laws allow ineffective educators to remain in classrooms for decades while new, often exceptional, young teachers are let go. Furthermore, they argue that districts could save money if they could fire highly-paid teachers and replace them with newer, less expensive teachers. Proponents of seniority argue that teaching is as much craft as it is science: time and experience make good educators better. Similarly, more experienced teachers can mentor those new to the profession and provide stability to a district.

Our society places a premium on professional experience. In our public schools, though, we don't want to pay for it. If seniority laws are threatened, districts will be able to replace higher-paid teachers with lower-paid teachers with little experience, which is a not-so-thinly-veiled form of age discrimination. Good education requires veteran teachers to lead the way, even in tough economic times.

## The Bottom Line

Seniority protects teachers from age discrimination. Seniority protects teachers from arbitrary (and sometimes personal) layoff decisions.

## What Critics Say

Critics of seniority argue that it...

- Protects older, less effective teachers
- Discriminates against young teachers
- Drives up costs to local government by protecting more expensive teachers

## What We Say

We argue that seniority...

- Is the only way to objectively lay off teachers in tough times
- Protects teachers from arbitrary decision-making and administrative reprisal
- Allows for academic freedom
- Allows teachers to develop their craft over time