§ 2588. Seniority, retention and displacement rights in connection with abolition of positions in city school districts of cities having more than one million inhabitants. 1. For the purposes of this section, the tenure areas applicable to all professional education positions shall be defined as the license areas established by the city board pursuant to subdivision ten of section twenty-five hundred seventy-three of this chapter, provided that, effective July first, nineteen hundred seventy-six, there shall be a single elementary teaching tenure area encompassing kindergarten through grade six. Such groupings of related license areas shall not affect the rights of persons whose services had been discontinued prior to the effective date of such groupings nor shall such groupings be applicable for purposes other than those of this section; and provided that, on the effective date of this subdivision, there shall be a single tenure area for personnel properly assigned or appointed prior to the effective date of this subdivision as assistant principals of day elementary school and supervisors of early childhood; and a single tenure area for personnel properly assigned or appointed prior to the effective date of this subdivision as assistant principals--junior high school--supervision, assistant principals--junior high school--administration, and supervisors of art, music, home economics, school library service, health and physical education, audio-visual instruction, industrial arts, and bilingual education. The tenure areas applicable to all intermediate supervisors properly assigned or appointed on or after the effective date of this subdivision shall be defined as the license areas established by the city board.

2. If a position within a tenure area is abolished and another position is created in such area for the performance of duties similar to those performed in the abolished position, the person filling such office or position at the time of its abolition shall be appointed to the position thus created without reduction in salary or increment, provided the record of such person has been one of faithful, competent service in the office or position he has filled.

3. (a) Whenever a teaching position is abolished under this chapter, the services of the person holding a position within the tenure area of

the position which is to be abolished who has the least seniority in the city school district, including all full-time equivalent substitute service and all full-time equivalent service as a paraprofessional, shall be discontinued, provided that the services of a person who has acquired tenure within such tenure area shall not be discontinued if another person holding a position within such tenure area has not acquired tenure.

(b) Whenever a supervisory position is abolished under this chapter, the services of the member of the supervisory staff, except associate, assistant and other superintendents, principals and intermediate supervisors serving in schools or programs under the jurisdiction of a community school board or serving under the jurisdiction of the chancellor, having the least seniority within the tenure area of the position abolished in the city school district, shall be discontinued. Whenever a principalship or intermediate supervisory position in a school or program under the jurisdiction of a community school board is abolished under this chapter, the principal or intermediate supervisor serving in such position shall be entitled to be placed in any vacancy within the tenure area of such position within such community district which may exist, and if no such vacancies exist, he shall be entitled to displace the principal or intermediate supervisor with the least seniority within the tenure area of such position in the community district, if he has greater seniority within the tenure area of such position in the community district, than such person. Whenever a principalship or an intermediate supervisory position under the jurisdiction of the chancellor is abolished under this chapter, the principal or intermediate supervisor serving in such position shall be entitled to be placed in any vacancy within the tenure area of such position which may exist under the chancellor's jurisdiction, and if no such vacancies exist he shall be entitled to displace the principal or intermediate supervisor with the least seniority within the tenure area of such position under the jurisdiction of the chancellor if he has greater seniority within the tenure area of such position under the jurisdiction of the chancellor, than such person. Notwithstanding any other provision of law, an intermediate supervisor appointed or properly assigned prior to the effective date of this paragraph whose position is abolished shall be entitled to be placed in any vacancy within the

tenure area of such position in the city school district, and if no such vacancy exists, shall be entitled to displace the intermediate supervisor with the least seniority within that tenure area in the city school district. For purposes of this section, an intermediate supervisor shall be any person serving by appointment or properly assigned in the supervisory license area of: assistant principal--junior high school--administration, assistant principal--junior high school--supervision, assistant principal--day elementary school, education administrator--instruction specialist, assistant administrative director, supervisor of a subject area.

(c) No later than September first, nineteen hundred seventy-six, the chancellor shall promulgate a list of the seniority rankings of all members of the teaching or supervisory staff computed in accordance with the provisions of this subdivision. Such list shall be revised at least annually thereafter.

4. (a) A member of the teaching staff who has been regularly appointed or a member of the supervisory staff who has been properly assigned or appointed and whose services are terminated pursuant to this section, shall be entitled to be placed, upon his application, in a vacancy within the tenure area of a position where such individual shall have previously served under regular appointment as a teacher or proper assignment or appointment as a supervisor, and if no such vacancies exist he shall be entitled to displace the person with least seniority serving in the tenure area of such other position, if he has greater seniority, based on length of service as a member of the teaching or supervising staff in the city school district, including all full-time equivalent substitute service and all full-time equivalent service as a paraprofessional, than such person. A supervisor who reverts to a prior supervisory license in which he had the right to placement within the city school district shall retain such right and a supervisor who reverts to a prior supervisory license in which he previously had the right to placement only in a community school district shall be entitled to reversion solely in the community school district from which he is currently laid off. His salary thenceforth shall be fixed as though all service rendered by him was in the position to which he is returned. Provided, however, that a member of the supervisory staff applying to

displace a classroom teacher pursuant to this subdivision may include no more than three years of service in a supervisory position in calculating his seniority hereunder, and provided further that the seniority of any principal seeking to displace another supervisor in accordance with the provisions of this subdivision, shall be computed in accordance with the provisions of paragraph (b) of subdivision three of this section.

(b) A person who returns to a position in a tenure area in which he had previously served pursuant to the provisions of this subdivision shall retain any tenure rights he had previously acquired pursuant to the provisions of section twenty-five hundred seventy-three of this chapter in such tenure area.

5. Notwithstanding any other provision of law, no classroom teaching position may be abolished after the fifth school day of the fall school term or after the fifth school day of the spring school term and all transfers or personnel changes resulting from such abolitions which would cause the displacement of a classroom teacher shall be completed prior to the fifteenth school day of such terms, provided that the chancellor, after counsulting with any affected community school board, may waive the aforesaid limitations in a specific instance because of emergency conditions or for reasons of special hardship.

6. Notwithstanding any other provisions of law, except subdivisions four and seven of this section, any member of the teaching staff whose services have been terminated in accordance with the provision of this section shall be eligible to be appointed to a vacant position for which such individual does not hold appropriate licensure, provided that the chancellor, upon the recommendation of the board of examiners, certifies that such member is competent to serve in such vacant position and provided further that such individual at the time of appointment meets the minimum education and experience requirements for recertification established, for such position, shows satisfactory evidence of progression toward licensure as defined by the city board, and meets the full requirements for licensure in such position not later than three years from the date of the appointment therein. Such member shall serve in such position at the salary of such position. Any person appointed to

a position for which he does not hold appropriate licensure prior to the effective date of this section, may continue to serve in such position only if he meets the minimum education and experience requirements established for the position by February first, nineteen hundred seventy-eight, shows satisfactory evidence of progression toward licensure as defined by the city board and meets the full requirements for licensure in such position not later than three years from the date of appointment therein.

7. If an office or position is abolished or if it is consolidated with another position without creating a new position, the person filling such position at the time of its abolition or consolidation, or a person displaced by a person with higher seniority as provided in this section, shall be placed upon a preferred eligible list of candidates for appointment to a vacancy that then exists or that may thereafter occur in the tenure area of such position, without reduction in salary or increment, provided the record of such person has been one of faithful, competent service in the office or position he has filled. The persons on such preferred list shall be reinstated or appointed to such vacancies in the order of their length of service in the city school district, including all full-time equivalent substitute service and all full-time equivalent service as a paraprofessional, provided that in the case of vacancies in principalship positions under the jurisdiction of a community school board, such persons shall be reinstated or reappointed in order of their length of service in the tenure area of the position in the community district and provided that intermediate supervisors properly assigned or appointed on or after the effective date of this subdivision to positions in a community district and who have been placed on a preferred eligible list shall be entitled to reinstatement or reappointment to vacancies in their tenure area within that community district in order of their length of service in the tenure area of the position in the community district.

8. Notwithstanding any other provision of law or of this section, any person whose services were discontinued because of the abolition of a position during the period July first, nineteen hundred seventy-five and June thirtieth, nineteen hundred eighty-eight shall be deemed to have

been on leave of absence without pay and shall be entitled to include such period of discontinuance of services in computing his seniority in the city school district for purposes of this section, provided the record of such person has been one of faithful, competent service in the office or position he has filled and provided further that such person shall not receive pension credit or incremental salary step credit for such period of discontinuance of service.

* 9. (a) The use of artificial intelligence systems as defined by section one hundred three-e of the state technology law shall not affect (i) the existing rights of employees pursuant to an existing collective bargaining agreement, or (ii) the existing representational relationships among employee organizations or the bargaining relationships between the employer and an employee organization.

(b) The use of such artificial intelligence systems shall not result in the: (i) discharge, displacement or loss of position, including partial displacement such as a reduction in the hours of non-overtime work, wages, or employment benefits, or result in the impairment of existing collective bargaining agreements; or (ii) transfer of existing duties and functions currently performed by the teaching and supervisory staff of the city school district to an artificial intelligence system.

(c) The use of such artificial intelligence system shall not alter the rights or benefits, and privileges, including but not limited to terms and conditions of employment and civil service status. The collective bargaining unit membership status of all existing employees of the board of education shall be preserved and protected.

* NB Repealed July 1, 2028