

Board Policy Document

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## STAFF PERSONNEL

### *Series 400*

**Policy Title:** Employee Reduction In Force

**Code Number:** 403.4

#### Coverage

This policy applies to all individuals who are employed in any one of the classifications listed below and who are not covered by a collective bargaining agreement. The policy applies to employees who are actively at work, to employees who are on leave of absence, and to employees who are neither actively at work or on leave of absence but whose employment has not been terminated either voluntarily or involuntarily.

#### Decision to Reduce Force

A reduction in force is defined to mean the complete elimination of a position of employment.

The Board has the exclusive power to determine when a reduction in force of employees is appropriate. It shall be the responsibility of the Superintendent to make a recommendation to the Board concerning any reduction in force of employees. Regardless of or in the absence of a recommendation by the Superintendent, the Board may initiate a reduction in force of an employee as it deems appropriate.

The decision to eliminate a position of employment may be made for any reason which is not in violation of the law.

#### Decision to Reduce Hours of Work

A reduction in hours of work is defined to mean a decrease in the hours of work that an employee is normally scheduled to perform.

First Adoption: January 10, 1984  
Revision Adoption: February 14, 1995/September 28, 1999/May 11, 2004/January 25, 2010  
Legal Reference:

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The Board has the exclusive power to reduce the hours of work of an employee. It shall be the responsibility of the Superintendent to make a recommendation to the Board concerning any reduction in the hours of work of employees. Regardless of or in the absence of a recommendation by the Superintendent, the Board may initiate a reduction in hours of work of an employee as it deems appropriate.

The decision to reduce the hours of work of an employee may be made for any reason which is not in violation of the law.

### **Classification**

For purposes of staff reduction, employees will be classified by job classification as follows:

- Administrative Employee – Certified
- Administrative Employee – Non-Certified
- Board Secretary
- Computer Specialist
- Computer Support Technician
- ESC Administrative Associate
- Food Service Supervisor
- Food Service Worker – 12 Month
- Food Service Worker – Less Than 12 Months
- Indian Education Tutor
- Specialists – Not Otherwise Listed
- School Liaison Officer
- TAP Employment Specialist

### **Procedure**

Reductions in force will be made within job classifications as set forth in this policy. The Board shall first attempt to make staff reductions by attrition. Attrition is defined to mean a voluntary separation from employment, and attrition shall be deemed to have occurred only when the Board has received and acted upon a resignation prior to the date on which the Board makes a motion to terminate or consider terminating an employee's contract.

If the reduction in force cannot be fully accomplished by attrition and if the Board decides to lay employees off, employees in the affected job classification shall be laid off on the basis of relative skill and ability.

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Relative skill and ability will be determined by reviewing the education, experience, certification, and performance of the individuals in the affected job classification. The performance of the employees in the affected classification will be assessed by a review of formal and informal evaluations, disciplinary action, and commendations or accomplishments. The assessment of evaluations will normally be limited to the formal and informal evaluations in the three years prior to the year in which the reduction in force is to be implemented.

If the relative skill and ability of the employees in the affected job classification is considered by the Superintendent to be equal, then the reduction in force will be made on the basis of seniority starting with the least senior employee in the affected job classification.

### **Seniority**

Seniority is defined as an employee's continuous length of service with the School District and shall begin on the date the employee first worked for the District in any position. A leave of absence does not change the employee's seniority date.

### **Displacement Rights**

Laid off employees shall have no right to displace any other employee.

### **Right to Fill Vacancies**

If an employee is designated for lay off and the employee is qualified to fill another position within the District that is vacant at the time that the recommendation for lay off is made, the employee will be offered the vacant position before it is made available to any other individual. Such offers are subject to compliance with any applicable collective bargaining agreement provisions.

### **Notice and Opportunity to be Heard**

Prior to making a recommendation to the Board, the Superintendent will provide notice to each employee who would be affected by a recommendation for a reduction in force. Notice will be provided by ordinary U.S. Mail postmarked at least two (2) weeks prior to the date on which the Superintendent submits his/her recommendation to the Board. If the Board initiates a reduction in force of an administrator on its own motion, then the Board will provide such notice.

Prior to any decision by the Board, an employee who would be affected by a decision to make a reduction in force will be given an opportunity to be heard by the Board and may present information and argument in both written and oral form.

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The Board will provide at least two (2) weeks notice to the affected employee(s) prior to the effective date of the layoff.

### **Recall Procedure**

All employees who are covered by this policy and who are on layoff status will be recalled before any new employee is hired in the affected job classification. Recall shall be in reverse order of layoff with the most recently laid-off employee being recalled first. Employees will be entitled to be recalled only to a vacancy in the position in which they were employed at the time of the layoff, and each employee will only be entitled to be recalled one time. Laid off employees will have recall rights for six (6) months from the effective date of their layoff.

Laid-off employees shall keep the Superintendent advised of their current address. Notice of recall shall be given by certified mail to employee at their current address. If the employee fails to respond within fourteen (14) calendar days after the date of the mailing of the notice, the employee will be deemed to have refused the offer of recall. A recalled employee must agree to report to work within fourteen (14) calendar days after acceptance of recall or his/her recall rights shall terminate. Employees who are offered recall shall have only one opportunity to accept or reject a job offer by the District.

### **Benefits**

The period of layoff, limited to the period during which an employee retains recall rights, shall not change the employee's seniority date.

Upon recall from layoff, sick leave accumulation shall be restored to the employee at the same level as at the time of layoff. For purposes of calculating an employee's entitlement to sick leave and vacation benefits upon recall from layoff, the employee's length of service shall be established at the same level as at the time of layoff.