

A.W. BEATTIE CAREER CENTER

SECTION: EMPLOYEES
 TITLE: REDUCTION OF STAFF (FORCE)
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311. REDUCTION OF STAFF (FORCE)	
<p>1. Authority SC 406, 1106</p>	<p>The Joint Operating Committee (JOC) is responsible for maintaining appropriate numbers of administrative, professional and classified employees to effectively manage and operate the Career Center. This policy establishes the manner in which necessary reductions of staff shall be accomplished.</p>
<p>SC 524, 1124 1125.1</p>	<p>The JOC has the authority and responsibility to determine how suspensions of Career Center employees shall be made when necessary, in accordance with law, individual contracts and collective bargaining agreements.</p>
<p>2. Delegation of Responsibility</p>	<p>The efficiency and effectiveness of the Career Center organization and staffing shall be under continual review, and recommendations for abolishing positions and reallocating duties shall be presented for the JOC consideration when the Executive Director considers such actions to be in the best interest of the Career Center.</p>
<p><u>Employees Other Than Professional Employees and Temporary Professional Employees</u></p>	
<p>SC 1123 Pol. 313, 313.1</p>	<p>The employment status of employees other than professional employees and temporary professional employees may be terminated or temporarily suspended whenever deemed necessary in the best interests of the school, subject to limitations and procedures provided for in collective bargaining agreement, if any.</p>
<p>SC 1124, 1125.1</p>	<p><u>Temporary Professional Employees</u></p> <p>The employment status of a temporary professional employee may be nonrenewed when the employee's position has been eliminated or when the conditions for which professional employees may be suspended otherwise exist, subject to limitations and procedures provided for in collective bargaining agreements, if any.</p>

Professional Employees

The necessary number of professional employees may be suspended for the following reasons:

1. Substantial decrease in student enrollment.
2. Curtailment or alteration of the educational program as a result of substantial decline in class or course enrollments or to conform with standards of organization or educational activities required by law or recommended by the Pennsylvania Department of Education. Such curtailment or alteration must be recommended by the Executive Director, and agreed to by the Joint Operating Committee. Such a suspension may be effectuated without approval of the Pennsylvania Department of Education provided that, where an educational program is altered or curtailed, the Career Center shall notify the Pennsylvania Department of Education of such action.
3. Consolidation of schools, whether within the district, through a merger of districts, or as a result of Joint Board agreements, when such consolidation makes it unnecessary to retain the full staff of professional employees.
4. When new school districts are established as the result of reorganization of school districts and such reorganization makes it unnecessary to retain the full staff of professional employees.
5. Economic reasons that require a reduction in professional employees; however, the Career Center is prohibited from using an employee's compensation in the suspension determination. An Executive Director knowingly in violation of this prohibition shall have a letter from the Secretary of Education placed in his/her permanent employee record.

Economic Suspension Requirements

The Joint Operating Committee may suspend professional employees for economic reasons if all of the following apply:

1. The Joint Operating Committee approves the proposed suspensions by a majority vote of all Joint Operating Committee members at a public meeting.
2. No later than sixty (60) days prior to the adoption of the final budget, the Joint Operating Committee adopts a resolution of intent to suspend professional employees in the following fiscal year setting forth.
3. The economic conditions necessitating the proposed suspensions and how the economic conditions will be alleviated by the proposed suspensions, including:
 - a. The total cost savings expected from the proposed suspensions.

- b. A description of other cost-saving actions taken by the Joint Operating Committee, if any.
- c. The projected school expenditures for the following fiscal year with and without the proposed suspensions.
- d. The projected total school revenue for the following fiscal year.
- e. The number and percentage of employees to be suspended who are:
 - i. Professional employees assigned to provide instruction directly to students.
 - ii. Administrative staff.
 - iii. Professional employees who are assigned to provide instruction directly to students and who are not administrative staff.
 - iv. The impact of the proposed suspensions on programs to be offered to students following the proposed suspensions, as well as the impact on programs to be offered to students if the proposed suspensions are not undertaken, compared to the current school year, and the actions if any, that will be taken to minimize the impact on student achievement.

Professional Employees Assigned to Provide Instruction Directly to Students

Suspensions, due to economic reasons, of professional employees assigned to provide instruction directly to students may be approved by the Joint Operating Committee only if the Joint Operating Committee also suspends at least an equal percentage proportion of administrative staff, except when all of the following apply:

1. The Secretary of Education determines that the school's operations are already sufficiently streamlined or that the suspension of administrative staff would cause harm to the school stability and student programs.
2. The Secretary of Education submits the determination to the State Board of Education.
3. The State Board of Education approves the determination by a majority of its members.

The Joint Operating Committee may choose to exempt from this requirement any five (5) administrative positions, one of which shall be the Business Manager or another staff member with the primary responsibility of managing the school's business operations.

Order of Suspensions

Data necessary for computation of each professional employee's performance ratings and seniority status shall be recorded and maintained to ensure compliance with the required order for suspensions.

Performance Evaluation Rating

Professional employees shall be suspended, within the area of certification required by law for the professional employee's current position, in which the following order based on the two (2) most recent annual performance evaluations:

1. Consecutive unsatisfactory ratings.
2. One (1) unsatisfactory rating and one (1) satisfactory rating.
3. Consecutive satisfactory ratings which are either consecutive ratings of proficient, or a combination of one (1) proficient or distinguished rating and one (1) needs improvement rating.
4. Consecutive satisfactory ratings which are consecutive distinguished, or a combination of one (1) rating of distinguished.

Seniority

When the number of professional employees within each certification area receiving the same performance ratings are greater than the number of suspensions, professional employees with the least seniority within each certification area shall be suspended before employees with greater seniority having the same performance rating.

In addition, professional employees shall be realigned to ensure that employees with more seniority have the opportunity to fill other positions within the Career Center for which they are certificated and which are currently filled by less senior employees with the same or lower performance ratings, subject to the above specified.

SC 1125.1

Reinstatement

Suspended professional employees, or professional employees demoted for reasons of this policy, shall be reinstated within the area of certification required by law for the vacancy being filled in the Career Center, in the inverse order by which they were suspended and on the basis of their seniority within the Career Center.

No new appointments shall be made while there is a suspended or demoted professional employee available who is properly certificated to fill such vacancy.

Positions from which professional employees are on approved leaves of absence shall be considered temporary vacancies.

<p>SC 1125.1</p>	<p>To be considered available for reinstatement, suspended tenured administrative and professional employees must annually report in writing to the Executive Director their current address and intent to accept the same or a similar position when offered.</p> <p>A suspended employee enrolled in a college program during a period of suspension and who is recalled shall be give the option of delaying his/her return to service until the end of the current semester.</p> <p><u>Local Agency Law Hearings</u></p>
<p>SC 1125.1 2 Pa. C.S.A. Sec. 551 et seq</p>	<p>Certificated administrative and tenured professional employees have the right to a Local Agency Law hearing, and the decision to suspend shall be considered adjudication for the purposes of that hearing. A hearing must be requested within ten (10) days of being notified of suspension.</p>
<p>2 Pa. C.S.A. Sec. 551 et seq</p>	<p>Temporary professional employees are entitled to a Local Agency Law hearing at the request of the employee. A hearing must be requested within ten (10) days of being notified of decision to nonrenew.</p> <p>Noncertificated administrative and classified employees may be entitled to a Local Agency Law hearing prior to suspension, at the employee's request.</p>
	<p>References:</p> <p>School Code - 24 P.S. Sec. 406, 525, 1106, 1123, 1124, 1125.1</p> <p>Local Agency Law - Pa. C.S.A. Sec. 551 et seq.</p> <p>Board Policy - 000, 313, 313.1, 313.2</p>