LENAPE TECHNICAL SCHOOL

SECTION: EMPLOYEES

TITLE: REDUCTION OF STAFF

ADOPTED: June 15, 2006

REVISED: September 20, 2018

311. SUSPENSIONS AND FURLOUGHS

1. Authority
SC 1124, 1125.1, 1850.1

The Joint Operating Committee is responsible for maintaining appropriate numbers of administrative, professional and support employees to effectively manage and operate the school and its programs. This policy establishes the manner in which necessary reductions of staff shall be accomplished.

In the exercise of its authority to reduce staff through suspensions (furlough) and elimination of positions, the Joint Operating Committee shall give primary consideration to the staffing needs of the school, the effect upon the educational program and the financial stability of the school and shall ensure compliance with law, regulations, collective bargaining agreements, individual contract and Joint Operating Committee resolutions.

The Joint Operating Committee shall not prevent any professional employee from engaging in another occupation during the period of suspension.

Nothing in this policy shall be construed to limit the cause for which a temporary professional employee, or any employee other than a professional employee, may be suspended.

3. Delegation of Responsibility
SC 1125.1

The Administrative Director shall be responsible for the continuous review of the efficiency and effectiveness of school's organization and staffing, and all present recommendations for reduction in staff for Joint Operating Committee consideration when such actions are deemed to be in the best interests of the school.

The Administrative Director shall consult with the school's solicitor as necessary to ensure that reduction of staff is implemented in accordance with applicable laws.

4. Guidelines
SC 1123
Pol. 313

Employees Other Than Professional Employees and Temporary Professional Employees

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.

Temporary Professional Employees

The employment status of a temporary professional employee may be nonrenewed when the employee's positions 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. This Policy does not limit the cause for which a temporary professional employee may be suspended

Professional Employees

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

Substantial decrease in student enrollment.

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 Administrative 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 school shall notify the Pennsylvania Department of Education of such action.

Consolidation of schools through a merger, or as a result of Joint Board Agreements, when such consolidation makes it unnecessary to retain the full staff of professional employees.

Economic reason that require a reduction in professional employees.

The school shall be prohibited from using an employee's compensation in any suspension determination. An Administrative 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:

The Joint Operating Committee approves the proposed suspensions by a majority vote of all Joint Operating Committee members at a public meeting.

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:

The economic conditions necessitating the proposed suspensions and how the economic conditions will be alleviated by the proposed suspensions, including:

The total cost savings expected from the proposed suspensions.

A description of other cost-saving actions taken by the Joint Operating Committee, if any.

The projected school expenditures for the following fiscal year with and without the proposed suspensions.

The projected total school revenues for the following fiscal year.

The number and percentage of employees to be suspended who are:

Professional employees assigned to provide instruction directly to students.

Administrative staff.

Professional employees who are not assigned to provide instruction directly to students and who are not administrative staff.

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:

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.

The Secretary of Education submits the determination to the State Board of Education.

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 operation.

Order of Suspensions

Data necessary for computation of each professional employee's performance rating 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 the following order based on the two (2) most recent annual performance evaluations:

Consecutive unsatisfactory ratings.

One (1) unsatisfactory rating and one (1) satisfactory rating.

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.

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 School for which they are certificated and which are currently filled by less

senior employees with the same or lower overall performance ratings, subject to the above specified order.

Seniority shall continue to accrue during a suspension and all approved leaves of absence.

When there is or has been a consolidation of schools, departments or programs, all professional employees shall retain the seniority rights they had prior to the reorganization or consolidation.

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 school, in the inverse order by which they were suspended and on the basis of their seniority within the school.

No new appointment 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.

To be considered available, suspended professional employees shall annually report in writing to the Joint Operating Committee their current address and intent to accept the same or similar position when offered.

A suspended professional employee enrolled in a college program during a period of suspension and who is recalled shall be given the option of delaying a return to service until the end of the current semester.

Local Agency Law Hearings

The decision to suspend a professional employee shall be considered an adjudication for the purposes of the Local Agency Law, and a professional employee subject to such a decision shall have the right to a Local Agency Law hearing before the Joint Operating Committee, if a hearing is requested within ten (10) days after being notified of suspension.

A decision to nonrenew the employment of a temporary professional employee whose position has been eliminated or who is being nonrenewed for reasons for which professional employees may be suspended, shall be considered an adjudication for purposes of the Local Agency Law, and the employee shall be entitled to a Local Agency Law hearing, if a hearing is requested within ten (10) days after being notified of the decision to nonrenew.

	Notes: PSBA Revision 5/18 Legal References: 1. 24 P.S. 1850.1 2. 22 PA Code 4.4 3. 24 P.S. 1124 4. 24 P.S. 1125.1 5. 24 P.S. 1123 6. Policy 313 7. 2 Pa. C.S.A. 551 et seq 8. 24 P.S. 524