



HUM-A009 - REDUCTION IN FORCE ADMINISTRATORS AND SUPERVISORS

ADMINISTRATIVE POLICY

HUMAN RESOURCES

SUMMARY

This administrative policy provides guidance for a reduction in force among licensed administrators and other supervisors below the rank of assistant superintendent and who are not considered teachers under ORS 342.934.

The School Board retains the right to determine when a layoff is necessary. Layoffs shall be by position. A reduction in hours does not constitute a layoff.

The superintendent or designee shall offer recommendations to the School Board regarding the positions which will be eliminated. The factors considered in the layoff process will be license, seniority, qualifications, merit, and/or competence.

The School Board will retain, consistent with state law, the most capable and productive of the licensed and qualified employees needed to carry out the approved programs of the district's schools.

When a layoff of licensed administrators or other supervisors is deemed necessary, the superintendent or designee will use the procedures described in Instruction 1 of this policy. The superintendent or designee will make every reasonable effort to transfer a licensed a qualified administrator who will be laid off to a vacant administrative position for which the administrator is licensed and qualified, as describes in Instruction 2. The superintendent or designee may combine remaining positions, if doing so meets district instruction needs.

All aspects of this policy apply to both administrators and supervisors except in reassignment and recall situations that require license issued by TSPC.

DEFINITIONS

Competence means the ability to perform the essential functions of a job or assignment based on recent experience, additional training, or educational attainments, or all, but not based solely on type of license and endorsement of an employee. The superintendent or designee may interpret "recent experience" as having performed the essential functions of the job or assignment within the last five school years. The superintendent or designee, as a guideline, may consider whether a person has held a position "directly above" or a position "directly below" the eliminated position. "Directly above" means a supervisory position. "Directly below" means a direct or indirect reporting relationship to the superintendent.

License means a document or documents issued by Teacher Standards and Practices Commission permitting an individual to perform certain duties within a public school district.

Merit means the measurement of one administrator's or supervisor's ability and effectiveness against the ability and effectiveness of another administrator/supervisor.

Qualifications means training, experience, skill, and other attributes in addition to the individual's license.

Seniority is calculated from the first day of actual continuous service as an administrator/supervisor in the district inclusive of approved leaves of absence. If necessary, ties in length of service shall be broken by drawing lots.

TSPC is the Teacher Standards and Practices Commission

INSTRUCTION

1. The superintendent or designee will determine what positions are to be eliminated.
 - a. Nothing contained in this section shall require the district to retain any specific position.

- b. Nothing in this section shall require the District to allow a supervisor to bump into a higher job classification.
 - c. Administrator and supervisor positions will be grouped by positions or assignments which the superintendent or designee determines are sufficiently comparable to use in the layoff process.
 - i. If a new administrative or supervisory position is created, it will be placed in one of the existing job groupings or in a new job grouping, as determined by the superintendent or designee.
 - ii. Upon recommendation by the superintendent or designee, the Board may eliminate one or more administrative or supervisory positions within a job group or groups.
 - iii. The superintendent or designee may recommend layoffs within job groups based on license, seniority, qualifications, merit, and/or competence.
 - iv. After identification of the administrators/supervisors to be laid off from a particular job group, the superintendent or designee will reassign the remaining administrators/supervisors in that group to the remaining positions as necessary.
 - v. The superintendent or designee will determine whether the administrator(s) or supervisor(s) identified for layoff will be transferred to a vacant position under the procedure of Instruction 2 or as provided for in state law given the option of a classroom teaching assignment provided the administrator is licensed and determined by the district to be qualified based on merit and/or competence for the assignment.
2. The superintendent or designee, by examination of an administrator's or supervisor's personnel file and from consultation with the administrator's supervisors, shall determine if an administrator identified for layoff under Instruction 1 may be transferred to a vacant administrative, supervisory, or teaching position. Each transfer shall be based on license, seniority, qualifications, merit and/or competence.
- a. An appropriately licensed administrator/supervisor may voluntarily accept a licensed teaching assignment in lieu of layoff. The assignment to a teaching position will be made by human resources. The employee's license and endorsement, teaching experience, and their preference will be considered.
 - i. The administrator/supervisor may accept a classroom teaching assignment in lieu of a layoff and that is currently vacant.
 - ii. The administrator/supervisor will retain years of seniority, based on actual continuous service as an administrator in the district inclusive of approved leaves of absence.
 - iii. If the administrator/supervisor previously taught and was a contract teacher in the district, the administrator/supervisor may displace ("bump") a probationary or contract teacher with less seniority.
 - iv. If the administrator/supervisor never taught in the district, the administrator/supervisor may displace ("bump") a probationary teacher with less seniority.
 - v. While an administrator/supervisor retains their rights to be recalled to a vacant administrative or supervisory position in accordance with Section 3 below, and administrator/supervisor who voluntarily accepts a classroom teacher assignment will also be covered by the layoff/recall and other provisions as outlined in law and the provisions of the current licensed collective bargaining agreement.
 - vi. At the time that an administrator/supervisor is assigned to a teaching position, all previous licensed administrative and teaching experience will be applied to placement on the licensed salary schedule under the provisions of the current collective bargaining agreement.
3. An administrator/supervisor who is laid off under this procedure shall be placed in a recall pool. An administrator/supervisor who resigns rather than accept layoff or reassignment under this policy forfeits rights to be placed in the recall pool.

- a. An administrator/supervisor will be maintained in the recall pool for a period of not more than 27 consecutive calendar months from the effective date of layoff.
- b. A laid off administrator/supervisor who rejects recall to a position offered by the district which the administrator/supervisor is qualified to perform and which is similar to the workday or work year of the person's previous position (unless excused by physical or psychological disability) thereby waives any further recall rights and the administrator's or supervisor's employment terminates effective the date of rejection of the job offer.
- c. Licensed and qualified administrators/supervisors will be considered for recall based on proper licensure and qualifications to perform the essential functions of the job. The district retains the right to recall a less senior administrator/supervisor to the position if that individual has more merit and/or competence.
- d. Administrators/supervisors will be recalled based on license, seniority, qualifications, merit, and/or competence.
- e. An administrator/supervisor who wishes to remain eligible for recall to a position requiring a license must maintain a valid license.
- f. Notification of recall will be delivered via email, in-person delivery, or regular mail, postage prepaid and addressed to the last known address of the administrator. It is the responsibility of the administrator/supervisor to ensure up-to-date mailing information is provided to the district. The individual shall be allowed 15 calendar days from the date of personal delivery, email time/date stamp, or postmark to accept the position in writing. If the individual declines the appointment or fails to accept within the 15-day period or fails to report for duty on the date specified in the recall notice the individual's name will be removed from the recall pool and he or she will be considered to have resigned employment with the district and waived any further right of recall.
- g. Employees returning from layoff shall be credited with all seniority and sick leave the employee earned prior to the effective date of the layoff, but the employee shall not accrue leave, benefits, or seniority during the period of layoff. If applicable, the district will apply any sick leave accrued from another school district employment during the recall time as allowed by state law.
- h. Individuals who wish to waive recall rights prior to 27 consecutive months subsequent to the effective date of a layoff may do so by written notification to the district. Such notice will be considered a voluntary resignation, and the individual shall forfeit all employment rights with the district.
- i. An employee who has been laid off has the option of continuing the employee's health insurance program at the employee's expense for up to 18 months, subject to approval and rules of the insurance carrier(s).
- j. If, because of layoff, an employee does not complete at least 135 contract days during the school year in which the layoff occurs, the employee will be placed on the same salary schedule step as the employee was on prior to layoff.
- k. Nothing in this regulation shall be construed so as to interfere with the district's right to dismiss an administrator/supervisor, not extend the contract of an administrator/supervisor or dismiss or nonrenew the contract of a probationary administrator/supervisor pursuant to state law (ORS 342.934).
- l. Administrators/supervisors will be recalled in order of greater seniority as positions become available which they are licensed, competent, and qualified to perform. An administrator/supervisor who is recalled to a lower position is eligible to be returned to the administrator's or supervisor's prior position or a position of equivalent rank, before a less senior administrator/supervisor is recalled to that position, unless the less senior administrator/supervisor has significantly greater competence or qualifications for that position or has demonstrated exceptional merit. Administrators/supervisors in the recall pool will be recalled to administrative or supervisory positions for which they are qualified before the district hires or transfers new administrators/supervisors into that position.

4. Public announcements should occur only after administrators who have been specifically affected have been so informed. Certain circumstances may, in some cases, prevent prior notice and employees will be notified as soon as is practical.
5. An appeal for a decision on reduction in force or recall shall be by final and binding arbitration pursuant to the rules of the Employment Relations Board and Oregon Revised Statutes (342.934).

APPLICABILITY

- This administrative policy applies to all licensed administrators below the rank of assistant superintendent who are not considered teachers under ORS 342.934.

ASSOCIATED DOCUMENTS

- HUM-P007 Reduction in Force and Recall, Licensed
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APPROVAL AUTHORITY

- Executive Administration

REVISION HISTORY

- 04/04/2011: New policy
- 11/14/2023: Substantive updates language and the addition of statutes/rules, definitions of terms, and applicability.