

REDUCTION IN FORCE POLICY EFFECTIVE JULY 1, 2012

Effective July 1, 2012 the Board delegates reduction in force decisions to the Superintendent of Schools granting to the Superintendent of Schools the authority to make a reduction in the number of (1) professional staff employees and (2) nonprofessional staff employees of the School District, which may be made for reasons of program change or elimination, declining enrollment, insufficient funds, or other just cause as deemed by the Superintendent of Schools. All reductions of employees shall be in accordance with requirements contained in state statutes and Board policy. Normal attrition, voluntary retirements, and voluntary leaves of absence shall be considered prior to any staff reduction. All employees of Board shall be governed by this policy.

SECTION I - Definition of Terms

1. Administrator

Administrator is defined as a teacher who is certified as a teacher but who holds a position which possesses a higher salary than that of a classroom teacher.

2. Board

Board is defined as the Union Parish School Board.

3. Certification and Area of Specialization

Certification is as defined by the State Department of Education for employment.

Area of specialization is a term used to indicate need for personnel within a specific discipline.

4. Employees

Employee or employees are defined as meaning professional staff employees as defined above and all other individuals employed by the Board.

5. Evaluation

Evaluation of a teacher is defined as the performance evaluation of a teacher as provided in La. R.S. 17:3881-3905, and as the statutes may be amended.

Evaluation of an employee who is not a teacher shall be based upon performance and effectiveness as determined by Board policy and certification or academic preparation, if applicable to the position.

6. Financial Exigency

Financial exigency is any decline in the Board's financial resources that is brought about by decline in enrollment or other action or events that compel a reduction in the Board's current operations budget.

7. Highly Qualified

A teacher is highly qualified if the teacher is certified, is teaching in his/her field of certification and meets the requirements of being "highly qualified" under both federal and state guidelines as they exist at the time.

8. Nonprofessional Staff

Nonprofessional Staff includes all employees who are not teachers or administrators and are employees who are not evaluated as provided by La. R. S. 17:3881 - 3905, and as the statute may be amended.

9. Professional Staff

Professional Staff includes teachers and administrators.

10. Program Change

Program change is any elimination, curtailment, or reorganization of a curriculum offering program, or school operation, or a reorganization or consolidation of two or

more individual schools or school districts that is unrelated to financial exigency.

11. Seniority

Seniority is defined as the length of service since the employee's most recent hiring by the Union Parish School Board.

12. Teacher

Teacher is defined as any employee who holds a teacher's certificate and whose legal employment requires such teacher's certificate. It also includes any school lunch supervisor who holds a special parish lunch supervisor's certificate issued by the Department of Education and whose employment requires such certificate. It also includes any employee who is evaluated pursuant to the provisions of La. R.S. 17:3881 - 3905, and as the statute may be amended.

13. Termination

Termination is the cessation of employment of a teacher or other employee for reasons of financial exigency, program change, or other valid cause.

SECTION 2 - General Grounds for Termination In Reduction of Force

Employment may be terminated when the Superintendent of Schools decides that, because of financial exigency, declining enrollment, a program change or other just cause, the Board's employment of one or more teachers and/or other employees cannot be continued. Such a decision may be made and any resulting termination may be effected only in accordance with the procedure provided in this RIF policy.

SECTION 3 - Superintendent of School's Preliminary Determination and Statement

If the Superintendent of Schools decides that a state of financial exigency exists or is imminent or there is a decline in enrollment or a program change has occurred, will take place or should seriously be considered or for the other cause there is required a force reduction and

termination of the employment of one or more teachers or other employees may be required as a consequence of such a circumstance, the Superintendent shall in writing notify the Board stating with reasonable particularity the state of financial exigency, decline in enrollment or the program change or other just cause and simultaneously a notice of the Superintendent's action shall be published by any means reasonable calculated to bring it to the attention of school personnel that reduction in force might be necessary.

SECTION 4 - Recommendation of Superintendent

After the Superintendent of Schools gives general notice of the possible need for reduction in force, as required in Section 3, the Superintendent shall commence specific action which would be taken by him/her. In preparing such recommendation, the Superintendent shall consider all possible alternatives to the layoffs of employees. If, after making such considerations, the Superintendent is of the opinion that termination of employees is required, he shall apply the criteria listed in Section 5 below to arrive at the names of the individuals to be terminated in the overstaffed areas.

SECTION 5 - Criteria for Termination

A. Professional Staff

1. Any teacher who is not certified and highly qualified within the targeted subject area or area of certification to be reduced shall be reduced first.
2. Within each targeted subject area or area of certification, the least effective teacher, and then proceeding by effectiveness rating as determined by the performance evaluation program as provided in La. R.S. 17:3881 through 3905 shall be reduced until the reduction in force has been accomplished.

B. Employees Other Than Professional Staff

1. School employees who are not evaluated pursuant to La. R.S. 17:3881

through 3905 shall be reduced upon the following criteria:

- a. Performance and effectiveness as determined by Board policy.
- b. Certification or academic preparation, if applicable.

SECTION 6 - Notice to Individual Employee

If the Superintendent acts to terminate employment, he/she shall give written notice of that fact by certified mail, return receipt requested, to each employee to be terminated at least thirty (30) days prior to termination date. The notice shall include a statement of the conditions requiring termination of employment and general description of the procedures followed by making the decision. The employee's address, as it appears in the school district's records, shall be deemed to be the correct address. It shall be the responsibility of each employee to see that his current address is on file.

SECTION 7 - Review of Individual Terminations

An employee who is terminated pursuant to this policy may pursue the matter through the following School Board's adopted grievance policy. Any appeal must be in writing and received by the Superintendent within ten (10) calendar days of the date of the employee's receipt of notice of termination. Failure of the employee to timely submit such request for review shall constitute a waiver on the part of the employee of his/her right to challenge his/her termination under this policy. Review under this grievance policy shall be had solely to determine whether the decision to terminate the employee was arbitrary or capricious with respect to that individual. The request for review must specify all grounds on which it is contended that the decision was arbitrary or capricious and must include a short, plain statement of facts that the employee believes will support the employee's contention. The Superintendent or his designee shall conduct a hearing with the employee within ten (10) school days of receipt of the grievance and render a written decision within five (5) days of the hearing. The decision of the Superintendent or his designee shall be mailed to

the employee and shall be final.

SECTION 8 - Obligations with Respect to Re-employment or Other Employment

For one year after the effective date of a termination pursuant to provisions set forth herein, the Superintendent shall not replace the employee whose employment has been terminated without first offering the position to the terminated employee. Employees will be recalled in reverse order of their lay-off.

The offer of re-employment shall be made by certified mail, return receipt requested, and the teacher or employee shall be notified that, if the former employee wishes to accept, he/she must do so in writing within fifteen (15) calendar days. Failure to accept within fifteen (15) calendar days or rejection of the position eliminates all re-employment rights of the teacher or employee.

A tenured teacher who has been laid off and re-employed within one year shall be reinstated as a tenured teacher. A probationary teacher who was laid off but is later re-employed may be given a maximum credit of two years for the time already served as a probationary teacher for purposes of determining when the teacher is eligible to be considered for tenure.

An employee who is recalled within one year after being laid off shall have restored to him all of the sick leave and unused personal leave he had accrued on the effective date of the layoff.

SECTION 9 - Exclusiveness and Saving Provision Regarding Reduction in Force Policy

This reduction in force policy is the only procedure that may be used in reduction in force. Any existing procedure for reconsidering or examining an employee discharge, nonreappointment or grievance will not be considered in implementing a reduction in force. Similarly, no personnel action other than a reduction in force may be considered under this policy.

If any provision of this policy or the application thereof is held invalid, such invalidity shall not affect other provisions of this policy which can be implemented without the invalid

provisions and, to this end, the provisions of this policy are hereby declared severable.

Any and all provisions of this policy shall yield to existing state law, whether statutory or not, when held to be in conflict with said law or laws.

F:\MYRA\KATZ\UPSB\POLICIES\ReductionInForce.wpd