

## **REDUCTION IN LICENSED ADMINISTRATIVE PERSONNEL**

### General

This procedure is applicable to all licensed administrators below the rank of deputy superintendent who are not "acting" (temporary).\* Inadequate performance or other deficiencies personal to the administrator should be dealt with outside this procedure.

If a reduction in force is necessary within the ranks of deputy superintendents, the superintendent shall retain the flexibility to identify the position(s) to be eliminated and the individuals to be laid off. An assistant superintendent who is laid off from that position is eligible for placement in a vacant administrative position which the deputy superintendent is qualified to perform, but cannot bump another administrator.

Whenever it becomes necessary to reduce licensed administrators due to lack of funds or administrative decision, it is the district's intention to retain administrators according to license, competence, merit and seniority as defined in Board policy and this procedure, which will be interpreted and applied in accordance with Oregon Revised Statutes.

Whenever the superintendent considers it practicable, notification of layoff or reassignment shall be made at least ninety (90) calendar days prior to the termination of the present work-year assignment. Should said notification fail to provide the full ninety (90) days, salary and benefits for the original classifications shall continue for a period equal to ninety (90) days from the date of notification. In the event that impending school closure is a result of insufficient funding, the ninety (90) days notification provision shall not apply.

When a reduction of licensed administrators is deemed necessary, selection of the personnel to be laid off will be made under the procedures described in Section II of this procedure. The district will make every reasonable effort to transfer a licensed administrator identified for lay off to a vacant position for which the administrator is qualified, in accordance with the procedures described in Section III, and to combine remaining positions so that administrators continue to be qualified to perform the available job.

- \* Personnel serving in "acting" (temporary) administrative positions continue to have employment rights related to the previous position, rather than the position held on an acting basis. Therefore, for purposes of layoff and recall, an acting administrator is considered as an incumbent in the prior position, whether administrative or teaching.

## Section I - Definitions

- A. Competence is defined as recent experience in the district demonstrating the administrator's ability to perform the particular administrative position. An administrator is deemed to have minimum competence in all positions which the administrator has held in the district for at least three years within the prior 15 years.

Competence in a position the administrator has not held. An administrator can be competent to hold a position which the administrator has not ever performed at the district or has not performed at the district for at least three years in the past fifteen years. The administrator can be considered competent for the position in two situations:

1. The administrator has experience (at least three years in the last 15 years) both in a position directly above and a position directly below the position. "Directly above" and "directly below" means a direct or indirect reporting relationship;
2. The administrator held the position at another school district for at least three years in the last 15 years.

In either case, the superintendent must determine that the experience in other positions or in another district demonstrates the ability to perform the position at the district.

Superior competence. When two or more administrators meet the standard of minimal competence for a position, seniority will generally govern. But seniority can be overridden if one of the administrators has superior competence. In evaluating relative competence, the district will consider length of recent experience both in the job classification involved and in other administrative positions which require comparable training and experience, as determined by the superintendent. One administrator will be deemed to have superior competence if he or she has:

1. At least three more years of experience in the particular administrative position or in that job classification;
2. Worked in that position or classification for at least three years and the other administrator's experience in that position or classification is at least five years old;
3. At least ten more years of total experience in administrative positions which require comparable training and experience than the other administrator, as determined by the superintendent.

- B. Merit is defined as the evaluation of the administrator's performance on the four most recent performance evaluations. Merit can be a factor in selecting between two or more competent administrators and can override seniority considerations if one administrator has lower merit, or if one administrator has exceptional merit.

If at least two of those four evaluations indicate that the administrator's performance does not meet district standards, or if the administrator previously has been removed from the affected position or job group due to performance concerns, the administrator is considered to have lower merit than other administrators.

A determination of exceptional merit requires objective, demonstrable and recent evidence placed in the personnel file before the reduction in force was anticipated with supporting documentation from more than one supervisor of performance which is superior to what is expected from district administrators and which has resulted in significant benefit to the district. This determination is to be made rarely and is not to be based simply on variations in evaluation techniques of different supervisors.

- C. Seniority is defined as length of continuous service with the district in a licensed position. Ties will be broken by drawing lots.
- D. Qualified is defined as possessing the necessary license, qualifications, training and experience to perform the necessary duties of a job, as determined by the superintendent.

Section II - Selection of Administrators for Layoff

- A. Licensed administrative positions are classified for purposes of this procedure into the following job groups:

<u>School Administrators</u>	Group 1 – High School/Middle/Elementary K-8 principals Group 2 – Assistant principals
------------------------------	--

Central Office Administrators

Chief Officers	Group 3 – Teaching & Learning (T&L), Human Resources (HR), Information Technology (I/T)
----------------	---

Executive Administrators	Group 4 - Level administrators in Teaching & Learning.
--------------------------	--

Administrators	Group 5 – Licensed department administrators not included in groups 1-4.
----------------	--

- B. If a new administrative position is created, it will be placed in one of the above job groupings or in a new job grouping, as determined by the superintendent, based on the skills, training, experience necessary to perform the job and the extent the new position is interchangeable with positions which are already grouped for purposes of this procedure.
- C. Upon recommendation by the Superintendent, the Board may eliminate one or more administrative positions. In such case, the superintendent will cause the employment history and records for each administrator currently serving in that position and the other positions within the same job group to be reviewed.

- D. After identification of the job group in which the reduction in force will occur, the district will create a roster of administrators currently assigned to the positions in that group. The first administrator(s) to be reduced will be any administrator who does not have at least three years' experience in a position within that job group during the prior 15 years. Next to be reduced will be the administrator(s) on that roster with the lowest district seniority. However, that administrator can be retained and an administrator with higher seniority laid off based on competency or merit, as defined above.
- E. After identification of the administrator(s) to be reduced from a particular job group, the superintendent will reassign the remaining administrators in that group to the remaining positions.
- F. The district will determine whether the administrator identified for layoff will be transferred to a vacant position under the procedures of Section III below.
- G. If the administrator will not be transferred to a vacant position under Section III, the district will determine whether the administrator identified for layoff is entitled to "bump" another administrator in a different job group. To make that determination, the district will create a roster of incumbent administrators in seniority order for each job group in which the laid off administrator has minimal competence. That administrator is entitled to use his or her greater seniority to bump the least senior administrator in the highest ranking job group in which the administrator has minimal competence and which is of equal or lower rank than the administrator's current position.
- H. The district will determine whether the bumped administrator will be transferred to a vacant position under Section III below. If not, the district will determine whether that administrator is entitled to bump another administrator. The procedure set forth in paragraph G above will be repeated until no bumping right is exercised.
- I. The district can determine that the least senior administrator in a job classification is not subject to bumping based on superior competence or merit, as defined above. In that event, the administrator identified for layoff can bump the next least senior administrator in that job grouping, as long as the bumping administrator has greater seniority than the administrator to be bumped. If the administrator identified for layoff cannot bump anyone in that job group, his or her bumping rights apply to the next lower job group for which he or she has competence.
- J. If an administrator who previously held a position as a non-administrative teacher in the district is unable to bump another administrator, that administrator may use his or her greater seniority to bump a teacher, provided that the administrator is qualified to perform the job. An administrator who has never held a non-administrative teaching position at the district will not be entitled to bump a permanent teacher. If either state law or any applicable bargaining agreement prohibits such bumping of teachers, an administrator who is unable to bump into another administrative position will be laid off.
- K. To determine the relative ranking of two job groups, the salary schedule control point will be used.

### Section III - Reassignment Procedures

- A. The superintendent, by examination of an administrator's personnel file and from consultation with his or her supervisors, shall determine if an administrator identified for layoff under Section II can be transferred to a vacant administrative position. Each transfer shall be based on license, merit, competence, training, experience in or preparation for the new assignment and previous administrative positions held as determined by the superintendent.
- B. If a vacant position is not in the highest ranking job classification for which the administrator has minimal competence, the administrator may reject that position and exercise bumping rights under Section II. G-J.
- C. A qualified administrator may voluntarily transfer to a vacant teaching position in lieu of layoff or placement under Section II above. The assignment to a teaching position will be made by human resources. The employee's license and endorsement, teaching experience and his or her preference will be considered.
- D. If the title of the position formerly held is changed because of a reduction in administrative personnel or a revision of administrative organization but the duties remain substantially the same, the employee shall retain the reinstatement rights hereinafter described as if no title change has occurred. The superintendent's determination concerning whether the duties "remain substantially the same" shall be conclusive and final.
- E. An administrator who is assigned as a teacher will be covered by the seniority, layoff and other provisions of the collective bargaining agreement governing regularly employed teachers.
- F. Administrators reassigned to a teaching position shall receive salary for all unused vacation time following the termination of their present work-year assignment.

### Section IV - Salary Placement

- A. The salary of an administrator who is assigned to a lower administrative position due to reduction in force shall be reduced to his or her proper placement on the salary schedule over a three-year period from the time of reduction. The reduction in salary to the control point of the new position shall occur over a three-year period in annual amounts not to exceed one-third of the difference between the salaries of the current and new positions in the year of the reduction. The employee will also be assigned the work-year which has been established for his or her new classification, even though it may mean a reduction of working time from that required for the higher classification.
- B. If an administrator is assigned to a classroom teaching position, he or she will be assigned to the teachers' salary schedule on the basis of experience and credits held to conform with the provisions of the teachers' salary policies.
  - 1. At the time that an administrator is assigned to a teaching position, all previous licensed administrative and teaching experience is applicable for placement on the teachers' salary schedule under the provisions of the applicable collective bargaining agreement.

## Section V – Recall

- A. An administrator who is laid off under this procedure shall be placed in a recall pool. An administrator who resigns rather than accept layoff or reassignment under this procedure forfeits rights to be placed in the pool unless the superintendent, in the best interest of the district, chooses to waive this provision and allow the administrator to remain in the pool.
- B. An administrator will be maintained in the recall pool for a period of not more than 27 calendar months.
- C. A laid off administrator who rejects recall to a position offered by the district which the administrator is qualified to perform (unless excused by physical or psychological disability) thereby waives any further recall rights and the administrator's employment terminates effective the date of rejection of the position.
- D. An administrator in the recall pool will maintain all benefits accumulated, including unused sick leave, and will have these benefits restored upon recall within 27 months. The district shall continue to pay the net cost of all insurance programs provided by the district for administrators for a maximum of 90 days after entering the recall pool.
- E. An individual who is no longer employed as an administrator in the district due to resignation, assignment to a non-administrative position, expiration of the recall period or rejection of a position offered by the district shall receive salary for all unused vacation time following the termination of employment as an administrator.
- F. An administrator serving in an "acting" (temporary) administrative position at the time of layoff will not be placed in the recall pool unless he or she has rights accrued in another administrative position.
- G. In order to be considered for recall, the employee must be fully capable of performing normal and customary duties of the job.
- H. Administrators will be recalled in order of greater seniority as positions become available which they are competent to perform. An administrator who is recalled to a lower position is eligible to be returned to the administrator's prior position or a position of equivalent rank, before a less senior administrator is recalled to that position, unless the less senior administrator has significantly greater competence for that position or has demonstrated exceptional merit. Administrators in the recall pool will be recalled to administrative positions for which they are qualified before the district hires or transfers new administrators into that position.
- I. Notification of recall will be delivered via email or regular mail, postage prepaid and addressed to the last known address of the administrator. He or she shall be allowed 5 calendar days from the date of personal delivery or postmark to accept the position in writing. If the person declines the appointment or fails to accept within the 5 day period or fails to report for duty on any reasonable date thereafter, his or her 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. The superintendent may permit continued assignment to the pool for selected individuals in extenuating circumstances.

- J. An administrator who wishes to remain eligible for reinstatement to a position requiring a license must maintain a valid license.

#### Section VI - Announcements of Decisions

Decisions made by the superintendent and the Board, along with the rationale, shall be shared with administrators who are reduced under the terms of this procedure. Public announcements should occur only after administrators who have been specifically affected have been so informed.

#### Section VII - Appeal Procedure

An appeal from 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.

#### Section VIII - Future Changes in Procedure

The district reserves the right to amend, revise or repeal all or any part of this procedure at any future time and no employee shall have any vested right in the continuation of this procedure or any amendment thereof; provided, however, that no amendment or repeal of this procedure shall prejudice the reinstatement rights of any manager who is in the "recall pool".