

REDUCTION IN PROFESSIONAL STAFF WORK FORCE

A. Reduction in Force

A decrease in pupil enrollment, insufficient funding, changes in educational programs, expiration of special grants, curtailment of certain course offerings, budgetary changes and other unforeseen conditions may require a modification of the educational program, which may require a reduction in teaching, classified and administrative/supervisory personnel. In such event the School Board, upon the recommendation of the superintendent, shall determine the program adjustments to be made and the reduction in force required.

All reductions shall be based on the general needs of the school division and the maintenance of a sound and balanced educational program consistent with the requirements of the Commonwealth and functions and responsibilities of the School Board.

If a reduction in staff is necessary, such reductions shall occur under the guidelines outlined below:

B. Definitions

Administrative and/or Classified Licensed Personnel – Administrative and/or classified licensed personnel shall include those persons who are employed on a full-time contractual basis by the Essex County School Board and whose position is defined by the uniform pay scale.

Assignment Area – A group of positions that are sufficiently similar with regards to: (a) type or subject matter of work; (b) level of responsibility and qualifications.

Assignment – The position to which an employer is assigned when she or he becomes subject to the reduction-in-force procedures.

Classified Employee – Also known as “support staff”, classified employees are those employees who need not hold a license issued by state education authorities in order to obtain their positions.

Class Status – The Essex County School Division offers three types of employment to support staff personnel:

1. Temporary employees shall be hired for short-term needs on a daily basis. These employees shall accrue no benefits and be paid only for hours worked.

2. Probationary employees shall be fully qualified new employees assigned to authorized positions on a month-to-month basis. These employees are eligible for salary increments and shall accrue sick leave benefits at the rate of one day per working month.
3. Regular employees shall have successfully completed an eighteen month probationary period. Regular employees shall be eligible for all employment benefits available under School Board policy.

Continuous Service – Regular uninterrupted employment with Essex County School Board without any break in service except sick or annual leave authorized by School Board policy.

Licensed Personnel – Licensed personnel are those employees whose Assignment requires licensure, other than those personnel who are “administrative and/or classified licensed personnel.”

Release – Release from employment pursuant to this policy.

Seniority – A status based, in order or priority, on the following:

1. The length of most recent continuous service as a licensed employee (Licensed Personnel), as an Administrative and/or Classified Licensed employee (Administrative and/or Classified Licensed); or in a particular Assignment (Classified Personnel), whichever currently applies.
2. The total length of continuous services as an employee with the Essex County School Board.
3. Total length of accumulated service as an employee with the Essex County School Board. Seniority shall be system-wide and shall commence from the effective date of employment. Time off for approved leaves of absence (other than sick and approved annual leave taken in accordance with School Board policy): (i) are not considered interruptions of service, and (ii) shall not count towards seniority. Temporary, interim, substitute or part-time employment shall not count towards seniority. Licensed personnel who are on sabbatical leave shall be granted full seniority credit for the period of absence.

The initial date of employment shall be the date of appointment by the School Board. Service in a particular Assignment shall be the date of assignment by the appropriate supervisor. If two or more employees have the same length of service, they are ranked by date of contract offer that begins the most recent period of continuous service, and, if necessary, date of receipt of most recent application resulting in employment, and finally, by lottery.

Licensed Personnel

The release of licensed Essex County School Board personnel due to reduction in force shall be accomplished according to the following provisions:

1. The School Board, upon the recommendation of the division superintendent, shall determine the specific endorsement areas or instructional programs in which reductions need to be made and the extent of those reductions.
2. The School Board, upon the recommendation of the division superintendent, shall determine the individuals, if any, who shall be released. Generally, the primary factor to be considered in making both the recommendation and determination shall be seniority within each class of employment, the least senior person being released first.
3. While seniority may be the primary factor in determining teachers for a reduction in force, other factors shall also be considered, including but not limited to: (1) teaching endorsements on the individual's license which may meet specific school needs; (2) extended responsibilities that the school program may require; (3) teachers on probation; (4) teachers with licensure deficiencies; (5) special skills and/or active assignment essential to the effective operation of the school program; and (6) performance evaluations.
4. Each licensed employee shall be placed on the seniority list for the endorsement area or instructional program in which they are actively assigned. In addition, licensed employees recommended for reduction in the area or program of their active assignments shall be placed on the seniority lists in any other areas or programs for which they have a right to be considered pursuant to paragraph C6.
5. Each licensed employee who is recommended for release from an affected endorsement area or instructional program shall have the right to be considered, using the same criteria, in all other programs or instructional areas for which the employee has completed all endorsement requirements.
6. Released continuing contract licensed employees shall be considered for re-employment as vacancies occur. The division superintendent shall determine, in order of seniority, which released employees will be considered for the vacated position(s) for which they are qualified. No new licensed employee shall be employed for an area or program until all properly licensed continuing contract persons released from such assignment have been provided with the opportunity of filling the available positions. A licensed employee on continuing contract shall have the right to be considered for a position by recall letter, pursuant to the provisions of this paragraph, for a period not to exceed fifteen months from the date of the individual's release. Such recall letter shall be sent by the division superintendent or his designee. It shall be the responsibility of the released employee to keep the office of human resources informed of his current address. A licensed employee's eligibility for recall shall terminate if he:

- a. Fails to respond affirmatively in writing fifteen (15) calendar days after the mailing of a recall letter offering him a teaching position;
- b. Indicates in writing that he no longer wishes to be considered for recall; or
- c. Fails to maintain licensure and other employment eligibility requirements.

C. Administrative and/or Classified Licensed Personnel

The release of administrative and/or classified licensed Essex County School Board personnel due to reduction-in-force shall be accomplished according to the following provisions:

1. The School Board, upon the recommendation of the division superintendent, shall determine the specific Assignment Area in which a reduction-in-force needs to be made and the number of positions to be reduced.
2. Where there is only one person in an Assignment Area recommended for release, that person shall be released unless the division superintendent considers such employee for another administrative or supervisory position pursuant to paragraph D5.
3. Where there is more than one person in an Assignment Area, the School Board, upon recommendation of the division superintendent, shall determine which individual(s) shall be released. The primary factors to be considered in making both the recommendation and the determination shall be: (i) the specific needs of the school division; (ii) any special skills or qualifications and/or Active Assignment essential to the effective operation of the schools(s); and job performance.

The division superintendent shall present to the School Board both the applicable seniority list as maintained by the Personnel Department and the specific additional factors and rationale considered by the division superintendent in making his or her recommendation.

4. In those cases where no significant difference among individuals exists after a review of the factors listed in paragraph D3, the recommendation and determination shall be based on seniority as described in paragraph C3, the least senior employee within the classification being released first. In those cases where individuals with identical seniority have no significant difference after a review of these factors, the decision shall be made by lottery.
5. An employee, who is recommended for release from his or her present position, may be considered for other positions that the division superintendent determines to have generally similar duties and for which the person is otherwise qualified. For purposes of this Policy and Regulation only, an administrative licensed or classified licensed employee, who achieved continuing contract status in Essex County as a teacher, prior to taking the Administrative and/or Classified Licensed Personnel position, and who is recommended for release, shall also be considered under the section C6 of this policy for assignment as a teacher in the program or area for which he or she is qualified, providing his or her endorsement is still valid. Released administrative

and/or classified licensed employees shall be considered for re-employment as vacancies occur in the position that they held. The division superintendent shall make a recommendation as to the order of seniority in which released employees will be considered for the positions. No new person shall be employed in a position until all persons released from such positions have been provided with the opportunity of filling the available positions.

A person shall not have the right to be recalled to a position higher than the one in which he or she was working at the time of the reduction; however, the division superintendent may allow recall to a lower licensed position for which the employee is qualified.

6. A person may be considered for a position by recall letter for a period not to exceed fifteen months from the date of release. Such recall letter shall be sent by certified mail to the employee's current address as listed with the office of human resources. An employee's eligibility for recall shall terminate if he:
 - a. Fails to respond affirmatively in writing within fifteen (15) calendar days after the mailing of a recall letter offering him a position;
 - b. Otherwise indicates in writing that he no longer wishes to be considered for recall; or
 - c. Fails to maintain licensure and other employment eligibility requirements, if any.

D. Classified Personnel

The release of classified Essex County School Board personnel, due to reduction in force, shall be accomplished according to the following provisions:

1. The division superintendent shall recommend the specific Assignment Areas in which a reduction-in-force needs to be made and the specific number of positions needed to be reduced.
2. The division superintendent shall recommend which individuals, if any, shall be released within the Assignment Area. The primary factors to be considered in making both the recommendation and the determination of the individual(s) to be reduced shall be: (i) the specific needs of the school division; (ii) any special skills or qualifications; and (iii) job performance. With all primary factors being equal, seniority will be used, the least senior being reduced first. All employment with the Essex County Public Schools, regardless of position, shall be counted toward seniority.
3. Released employees shall be considered for re-employment as vacancies occur in the position that they held. The division superintendent shall make a recommendation as to the order of seniority in which released employees will be considered for the

positions. No new person shall be employed in a position until all persons released from such positions have been provided with the opportunity of filling the available positions. A person shall not have a right to be recalled to a position higher than the one in which he or she was working at the time of the reduction. However, the division superintendent may allow recall to a substantially similar lower position. A person may be offered consideration for a position by recall letter for a period not to exceed fifteen months from the date of release. Such recall letter shall be sent by certified mail to the employee's current address as listed with the office of human resources. An employee's eligibility for recall shall terminate if he:

- a. fails to respond affirmatively in writing within fifteen (15) calendar days after the mailing of a recall letter offering him a position;
- b. otherwise indicates in writing that he no longer wishes to be considered for recall;
or
- c. fails to maintain licensure and other employment eligibility requirements, if any.

E. Transfer

This Policy and Regulation shall not apply to the transfer of employees but shall only apply when, due to a reduction-in-force, an employee must be released. The division superintendent retains the authority to transfer teachers or other employees to other assignments at any time to reduce the number of persons affected by the reduction-in-force.

F. Board Minutes

To avoid negative implications regarding the professional record of an employee released under this Policy, the minutes of the School Board will clearly show that such termination of employment was due to a reduction-in-force.

G. Activation of Policy

This policy will be activated upon recommendation of the division superintendent to the School Board. It will not be necessary for the office of human resources to establish seniority lists, etc., until such time as notified by the division superintendent.

H. Notice

Written notice shall be provided to affected employees as soon as is practicable. In any event, within two weeks of the approval of the school budget by the appropriating body, but no later than June 1, school boards shall notify all teachers who may be subject to a reduction-in-force due to a decrease in the school board's budget as approved by the appropriating body.

I. General Provision

- a. The Personnel Department will develop and maintain seniority listings for each of the Assigned Areas being reduced.
- b. Employees on the recall list, with proper application and qualifications, will be eligible for temporary, interim, part-time or substitute positions. Acceptance of these positions will not affect recall rights.
- c. Released employees have the option of continuing their group health care coverage for up to eighteen (18) months by paying the group rate plus the administrative fee on a monthly basis, unless otherwise provided for or restricted by applicable law.
- d. Upon re-employment, all rights related to salary, fringe benefits, and length of service shall be fully restored. Time elapsed between release and re-employment will not count towards length of service.

J. Effect on Term Contract

Nothing in this Policy shall be construed as granting an employee on a term contract the right to employment beyond the term of his or her contract or to grant such a person a property interest in employment beyond the term of his present contract.

Approved: February 10, 2014