

300 PERSONNEL, continued

305 Reduction in Force

This policy shall govern reductions in staff employed by the ESD for nonpersonal causes, including, but not limited to, reduction in funding, reduction or abolishment of a staff position, the reduction or abolishment of a program, activity, or service performed by the ESD, or the elimination of specific positions.

The Board reserves the power, duty and responsibility to make general determinations regarding the programs, activities, and services to be performed by the ESD. The Board delegates to the Superintendent the responsibility to implement such general determinations, consistent with this policy, related regulations, and applicable law. The Superintendent shall report the implementation and/or abolishment of programs to the Board.

305 Reduction in Force, continued

R305.1 Certificated Personnel, continued

R305.1a In the event the Superintendent determines that a program, activity, or service is to be reduced or abolished, or that a staff position is to be abolished, and/or that the number of staff is to be reduced, the following procedures and criteria shall be applied.

- 1) In the event a program, activity, service, or position which is to be reduced or abolished is determined by the Superintendent to be unique and distinguishable from other programs, activities, and services of the ESD, the staff member(s) performing such unique activities or services shall be nonrenewed or reduced in hours. A staff member's job description, the capacity in which the staff member performs activities or services (i.e., supervisory or nonsupervisory) and the nature of the activities and services performed shall be considered in determining whether a program, activity, service, or position is unique and distinguishable.
- 2) In the event that programs, activities, services, or positions which are to be reduced or abolished are concentrated in one geo-graphic area or facility, or in one school district, the reductions in force authorized by this policy and these regulations may, at the discretion of the Superintendent, based on the Superintendent's determination of the best interest of the ESD, be limited to the particular geographic area, facility, or school district affected.

R305 Reduction in Force, continued

R305.1 Certificated Personnel, continued

R305.1a 3) In the event a program, activity, service, or position which is to be reduced or abolished is being performed by two or more equally qualified staff members, the staff member(s) to be non-renewed shall be selected on the basis of criteria (a) through (d) set forth below. "Equally qualified staff members" shall mean staff members who possess the minimum job qualifications established by the ESD, and by state and federal statutes, rules and funding conditions.

a) Staff members shall be ranked in the order of the greatest number of years of experience. For the purpose of this criteria, a "year of experience" shall be defined as follows:

(i) A "year" shall mean a contract unit or employment period for which step increments are granted upon the ESD's certificated salary schedule, and

(ii) "Experience" shall mean employment prior to the fiscal year in which action to reduce force is taken: by the ESD; another educational service district; Office of Superintendent of Public Instruction; public or state approved private preschools or elementary and secondary schools; vocational/technical schools; community/junior colleges; colleges and universities in positions which normally require certification.

b) In the event the application of criteria (a), above, results in a tie between any two or more staff members, staff members will first be ranked in the order of the highest degree and greatest number of eligible credits earned from an accredited college after award of the highest degree and as of the last October 1st.

Selections for nonrenewal will commence with the staff member(s) with lowest degree and fewest number of such additional credits.

- R305 Reduction in Force, continued
- R305.1 Management, Classified B and/or Certificated Personnel, continued
- R305.1a 3) continued
- c) In the event the application of criteria (b), above, results in a tie
 - c) In the event the application of criteria (b), above, results in a tie between any two or more staff members, staff members shall be ranked in the order of seniority. "Seniority" shall be computed on the basis of the number of actual days of employment with the ESD, exclusive of supplemental contracts, without a break in service, prior to the fiscal year in which action to reduce force is taken.

Selection for nonrenewal will then continue with the staff member(s) with the least seniority.
 - d) In the event the application of criteria (c) fails to break an existing tie between any two or more staff members, staff member(s) to be nonrenewed shall be chosen by lot. All staff members so affected shall be notified of the date, place, and time of the drawing. The drawing shall be conducted openly and drawn by a disinterested third (3rd) party selected by the Superintendent.
- R305.1b Employees who have been nonrenewed under the provisions of R305.1a will be notified by mail, to the last known mailing address, of any positions for which they are qualified which become open during the six (6) calendar-month period following the nonrenewal date.

Amendments to R305.1

R305.1 amended 1-24-84; 3-21-89; 3-26-91; 9-26-95

R305.1a amended 3-26-91; 9-26-95

R305.1a1) amended 3-26-91;9-26-95

R305.1a2) amended 3-29-88; renumbered R305.1a3) 3-26-91

R305.1a2)(a)(i) amended 1-24-84; 2-20-90; renumbered R305.1a3)(a)(i) 3-26-91

R305.1a2)(a)(ii) amended 1-24-84; renumbered R305.1a3)(a)(ii) 3-26-91

R305.1a2)(a)(iii) adopted 1-24-84; amended 3-21-89; renumbered R305.1a3)(a)(iii) 3-26-91

R305.1a2)(b)(ii) amended 3-21-89; renumbered R305.1a3)(b)(ii) 3-26-91

R305.1a2)(c)(ii) amended 3-21-89; renumbered R305.1a3)(c)(ii) 3-26-91

R305.1a2) adopted 3-26-91

R305.1a3) amended 3-26-91; 9-26-95

R305.1a3)(a)(i) amended 3-26-91; 2-24-98

R305.1a3)(a)(ii) amended 3-26-91; 9-26-95

R305.1a3)(a)(iii) amended 3-26-91

R305.1a3)(b)(ii) amended 3-26-91; 9-26-95

R305.1a3c) amended 9-26-95

R305.1a3)(c)(i) amended 3-26-91

R305.1a3)(c)(ii) amended 3-26-91

R305.1a3)(d) amended 3-26-91; 9-26-95

R305.1b amended 1-24-84; 3-26-91; 9-26-95

R305.1c amended 1-24-84; deleted 9-26-95

R305.1d amended 1-24-84; deleted 9-26-95

300 PERSONNEL, continued

305 Reduction in Force, continued

R305.2 Classified Personnel

R305.2a In the event the Superintendent determines that a program, activity, or service is to be reduced or abolished, or that a staff position is to be abolished, and/or that the number of staff is to be reduced, the following procedure shall be applied:

- 1) In the event a program, activity, or service is to be reduced or abolished, the classified personnel assigned to that activity or service shall be terminated.
- 2) In the event there is more than one staff member performing the same job for a program, activity, or service which is to be reduced, those staff members shall be ranked in the order of seniority date. Selections for termination will commence with the staff member with the lowest seniority.
 - a) Seniority date shall be established as the date on which the employee began continuous employment.
- 3) In the event the application of item 2, above, results in a tie between any two or more staff members, employees shall be placed on the seniority list by date of acceptance of employment offer for the current period of continuous employment. If there is no record of the date of acceptance of the employment offer, the date of the letter of hire will be used.
- 4) In the event the application of item 3) above results in a tie, ESD 112 employment, including temporary employment, completed prior to the current period of continuous employment will be counted toward seniority.
- 5) In the event the application of item 4) above results in a tie between any two or more staff members, the staff member(s) to be terminated shall be chosen by lot. All staff members so affected shall be notified of the date, place and time of the drawing. The drawing shall be conducted openly and drawn by a disinterested third (3rd) party selected by the Superintendent.

300 PERSONNEL, continued

305 Reduction in Force, continued

R305.2 Classified Personnel

R305.2b In the event that programs, activities, services, or positions which are to be reduced or abolished are concentrated in one geographic area or facility, or in one school district, the reductions in force authorized by this policy and these regulations may, at the discretion of the Superintendent, based on the Superintendent's determination of the best interest of the ESD, be limited to the particular geographic area, facility, or school district affected.

R305.2c Employees who have been terminated under the provisions of R305.2a will be notified by mail, to the last known mailing address of any positions for which they are qualified which become open during the six (6) calendar month period immediately following the termination date.

Amendments to R305.2

R305.2 amended 1-24-84; 3-21-89; 9-26-95

R305.2a amended 3-26-91

R305.2a1) amended 3-21-89; 3-26-91; 9-26-95

R305.2a2) amended 3-29-88; 3-26-91; 6-17-97

R305.2a3) amended 9-26-95; 6-17-97

R305.2a4) amended 6-17-97

R305.2a5) adopted 6-17-97

R305.2b renumbered R305.2c 3-26-91

R305.2b adopted 3-26-91

R305.2c amended 3-26-91