

Reduction in Force

A reduction in force may occur when the board determines that it is in the best interest of this district to reduce the number of contracted certificated employees because of a financial emergency, decrease in enrollment, changes in curriculum, reorganization, or consolidation. Nothing herein shall prohibit the board from eliminating particular courses or portions or all of an educational program, or otherwise restructuring the course offerings to meet the educational needs of the students.

If the board determines that it is necessary to reduce the number of certificated staff members, the board will affect the reductions by implementing this policy after having attempted to reduce the staff to a desired number through attrition and/or reassignment.

Staff reduction procedures in this policy will apply only to certificated personnel.

Staff retention will be based on war veterans' preference status, seniority, certification, and endorsement held at the time of implementation of the reduction in force. Employees reduced under this policy will be presumed to have been performing satisfactorily.

Ranking of Employees

All certificated personnel will be categorized in all areas of certification and/or endorsement for which they qualified to teach. Each employee will be ranked, as set forth below, to determine which employees will be reduced.

Employees who are entitled to war veterans' preference will be given the highest ranking in all areas of certification and/or endorsement for which they are qualified to teach. War veterans are defined to include any person who has served in the active service of the armed forces of the United States during any period of war recognized by the United States Department of Veterans Affairs for the purpose of awarding federal veterans benefits as may be defined in Title 38, United States Code, Chapter 1, Section 101(11), and who has been discharged from service under honorable conditions.

All other employees in each area of certification and/or endorsement will be assigned a rank based on seniority. Seniority will be determined by the number of days of continuous service in this district from the first contract day of the school term in which the employee was hired. Individuals hired during the course of an ongoing school term will have their seniority determined from the first day of job employment. Personnel on approved leave will be considered as having remained on continuous service for the purpose of determining seniority. However, the time period in which the individual was on leave will not be counted in the years of total service unless the individual meets the terms set forth in the military leave policy. Those employees hired on a less than full-time basis will have seniority computed proportionately to the term of their contract, i.e., one-half (1/2) time contract equals one-half (1/2) year of service.

If two (2) or more employees have the same number of days of continuous service to the district, seniority will be determined by the total number of days of contracted service in the district.

In the event seniority for two (2) or more employees is the same, ranking will be determined by the sequential evaluation of the factors set forth below:

1. If two (2) or more employees have the same seniority in the district, the employee with the greatest number of contracted service days in other public or private schools will receive the higher rank.
2. If two (2) or more employees have the same amount of experience in other districts, the employee with the highest educational degree awarded (Bachelors, Masters, Doctorate) will receive the higher rank.
3. If two (2) or more employees have the same educational degree, the employee with the greatest number of college credits will receive the higher rank.
4. If two (2) or more employees have the same number of college credits, rank will be determined by drawing lots.

War veterans' preference, seniority, experience, educational degree, and number of credits will be determined by data obtained from the personnel records on file in the district as of the date the board implements the reduction in force policy.

Those employees with the lowest ranking in an area of certification and/or endorsement affected by the reduction in force will be reduced first. Reductions will continue progressively up the ranking as necessary.

Competing for Open Positions

Any renewable contract or Category 3 contract employee affected by the reduction in force will be allowed to compete with other similarly situated employees for any and all positions for which he or she is qualified. Staff members not affected by this reduction in force policy, including war veterans, may be reassigned and may have extra duty assignments removed with appropriate reductions of salaries from pre-existing salary levels. In the event that an administrative position becomes available in this district while the reduction in force policy is in affect, the board is not obligated to follow the seniority criteria as set forth above, but rather may select an individual it deems to be the most qualified individual for that position.

Notification

Employees on a renewable contract who are affected by the implementation of this reduction in force policy will be notified in writing of the non-renewal of their contract not later than the fifteenth (15th) day of May. For those individuals on annual contracts affected by the implementation of this reduction in force policy, notice will be given in writing no later than the twenty-fifth (25th) day of May.

Recall Rights

Any renewable contract or Category 3 contract employee laid off pursuant to this policy will have recall rights for three (3) calendar years from the effective date of the layoff. Such recall rights or opportunities will also be based upon seniority and will recur in the reverse order of the layoff. When the district determines that a position is available for which an individual is qualified, the district will attempt to contact the former employee for a period of seven (7) days by person and/or certified mail. The employee will have ten (10) days after being contacted to accept or reject, in writing, the contract offer. If the district is unsuccessful in contacting the employee during the seven (7) days, or if the employee rejects the contract offer, the employee forfeits any future recall rights and the district will offer the position to the next qualified person on the recall roster. It will be the responsibility of each former employee on the recall roster to provide a current mailing address, place of residence, and telephone number, or other means by which to contact the former employee.

The recalled employee will return with no loss of prior service credit placement on the current salary schedule. Any employee who has been recalled is entitled to credit on the salary schedule for any contracted teaching experience gained during the layoff and for additional college course work completed.

Challenging determination of Seniority

Any employee wishing to challenge the district's determination of seniority using the criteria set forth above must file a written challenge within ten (10) days of notification of seniority. The superintendent or designee will review the written objection and the criteria used in making the initial determination. If it is determined that seniority has been appropriately determined, the determination is final. If it is determined that an error was made in calculating seniority, the error will be corrected and any other employee or prior employee adversely affected will be notified of the change.

Legal Reference:

I.C. § 33-514

I.C. § 33-515

I.C. § 65-503

I.C. § 65-509

Baker v. Independent School District, 107 Idaho 608 (1984).

Policy History:

Adopted on: August 10, 2009

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