

ACCOMPANYING REGULATION

REDUCTION IN FORCE

A. Reduction in Force

A decrease in pupil enrollment, abolition of particular subjects, a decrease in the School Board's budget as approved by the appropriating body, a consolidation of schools, the phasing out of programs, departments or grade levels, expiration of special grants and/or other conditions may cause a reduction in the number of staff needed in a building, program or department or in the entire school division. In such case, the School Board, upon 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 best interest of the school division and the maintenance of a sound and balanced educational program consistent with the functions and responsibilities of the School Board.

B. General Provisions

1. The superintendent will determine the areas, subjects, or programs that will lose positions for the coming school year.
2. The superintendent will develop and maintain seniority listings for each of the position classifications being reduced.
3. Employees on the recall list with proper application will be eligible for temporary positions, such as part-time and substitute positions. Acceptance of these positions will not affect their recall rights.
4. Upon reemployment, all rights related to salary, fringe benefits, and length of service shall be fully restored. However, time which has elapsed between release and reemployment will not count toward length of service.
5. Released employees have the option of continuing their group health care coverage for up to eighteen months by paying the group rate plus the administrative fee on a monthly basis.

C. Teachers

1. Teachers shall mean a person who holds a current teaching certificate issued by the Virginia Department of Education, who is employed on full-time contractual basis by the Charles City County Public Schools, and who has been placed on the teacher's salary schedule by formal action of the School Board.

2. The layoff of teachers due to reduction in force shall be accomplished according to the following provisions:
 - a. The superintendent, subject to the approval of the School Board, shall determine the specific endorsement areas of instructional programs in which reductions need to be made and the extent of those reductions.
 - b. The superintendent shall then recommend the individuals, if any, who shall be laid off. 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 laid off first. Generally, within each class, probationary teachers shall be laid off prior to continuing contract teachers.
 - c. Seniority shall be that period of time commencing with the most recent term of continuous full-time service in the Charles City County Public Schools, including authorized leave (as approved by the School Board), but excluding temporary, interim, substitute, or part-time employment. The initial date of employment shall be the date of appointment to a teaching position as shown by the School Board minutes. Should a tie exist, the tie shall be broken in the following order:
 - 1) official beginning date of employment as shown on the teacher's contract;
 - 2) the date the School Board took action on the employment of the teacher as shown in the Board's minutes;
 - 3) date of teacher's signature on the teacher's contract; and
 - 4) selection by lot.

A leave of two consecutive years or resignation cancels prior seniority. Licensed personnel who are on sabbatical leave shall be granted full seniority credit for the period of absence.
 - d. The superintendent may recommend exceptions to the seniority rule. Examples of factors which may be considered in excepting the seniority rule are: (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 license deficiencies; (5) special skills and/or active assignments essential to the effective operation of the school program; and (6) job performance.
 - e. Each licensed employee shall be placed on the seniority list for the endorsement area or

instructional program in which he is actively assigned. In addition, licensed employees recommended for reduction in the areas 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 C.2.b.

- f. Each licensed employee who is recommended for any lay off 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.
- g. Released continuing contract licensed teachers shall be offered reemployment, on a seniority basis, as vacancies occur for which they are endorsed. No new licensed teachers shall be employed for an area or program until all properly certified continuing contract teachers released from such assignment have been provided with the opportunity of filling the available positions. A teacher on continuing contract shall have the right to reemployment, pursuant to the provisions of this article, for a period of twelve (12) months from the date of the teacher's release. Such letter of notification 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 to be notified of vacancies. A licensed employee's eligibility for consideration of a position shall terminate if he or she:
 - a. Fails to respond affirmatively in writing fifteen (15) calendar days after the mailing of a recall letter offering him or her a teaching position;
 - b. Indicated in writing that he or she no longer wishes to be considered for recall; or
 - c. Fails to maintain certification requirements.

D. Administrative /Supervisory Personnel

- 1. Administrative/supervisory personnel are defined as those persons in a position identified on the administrative/supervisory uniform pay scale.
- 2. The superintendent, subject to the approval of the School Board, shall determine the specific position classifications in which a reduction in force needs to be made and the extent of those reductions.
 - a. A new administrator whether holding a newly created job or new to the position shall be released before an administrator with seniority. Specific criteria for the release of a new administrator shall be at the discretion of the Superintendent, with the approval of the School Board. The Superintendent shall have the authority to make exceptions when the documented strengths of the individual are in the best interest of the division.

- b. The School Board, on the recommendation of the superintendent, shall then determine which individuals, if any shall be laid off. The primary factor to be considered in making both the recommendation and determination shall be based on seniority, the least senior person being laid off first. New administrators or administrators with less seniority shall be laid off prior to senior administrative staff with seniority. The Superintendent shall have the authority to make exceptions when the documented strengths of the individual are in the best interest of the division.
 - c. The superintendent may recommend exceptions to the seniority rule. Examples of factors which may be considered in excepting the seniority rule are: (1) administrative/teaching endorsements on the individual's license which may meet specific school needs; (2) extended responsibilities that the school program may require; (3) administrators on probation; (4) administrators with license deficiencies; (5) special skills and/or active assignments essential to the effective operation of the school program; and (6) job performance.
 - d. For purposes of this regulation only, an administrator or professional who achieved continuing contract status in Charles City County who is recommended for reduction shall also be considered under Section C of this regulation as a teacher in the program area which he or she left, providing his or her certification is still valid.
 - e. In those cases where no significant difference among individuals exists after a review of the factors, the recommendation and determination shall be based on seniority, as determined by paragraph C.2.c., the least senior being laid off first.
 - f. An employee who is recommended for layoff from his or her present position may be considered for other positions which the superintendent determines to have generally similar duties and for which the person is otherwise qualified.
3. Released employees shall be offered reemployment as vacancies occur in the position which they held under the procedure set out in paragraph C.2.g.
- E. Classified Personnel
1. Classified personnel are defined as those persons who hold positions that do not require licensure and who are assigned by the School Board full-time to a position not categorized as a teacher or administrative/supervisory personnel.
 2. The superintendent shall recommend the specific position classifications in which reduction in force needs to be made and the specific number of positions needed to be reduced.
 3. The superintendent shall then recommend the individuals, if any, who shall be laid off.

4. 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 laid off first. The Superintendent shall have the authority to make exceptions when the documented strengths of the individual are in the best interest of the division. Examples of factors which may be considered in excepting the seniority rule are: (1) the specific needs of the school division; (2) classified personnel on probation; (3) special skills and/or active assignments essential to the effective operation of the school program; and (4) job performance.
5. The procedure by which classified personnel are recommended by the division superintendent for reduction shall be as set out in paragraph C.2.c., with the exception that all employment with Charles City County Public Schools, regardless of position, shall be counted toward seniority. In addition, an employee who is recommended for lay off from his or her present position shall be considered for lesser positions which the division superintendent determines to have generally similar duties and for which the person is otherwise qualified.
6. Released employees shall be considered for reemployment, on a seniority basis, as vacancies occur in positions which they held. No new persons shall be employed for an area or program 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 superintendent may allow recall to a substantially similar lower position.) A person may be considered for a position and receive a letter of notification for a period not to exceed twelve (12) months from the date of layoff. Such letter of notification shall be sent by certified mail to the employee's current address as listed with the Personnel Office. An employee's eligibility for consideration shall terminate if he or she:
 - a. Fails to respond affirmatively in writing fifteen (15) calendar days after the mailing of a recall letter offering him or her a teaching position;
 - b. Indicated in writing that he or she no longer wishes to be considered for recall; or
 - c. Fails to maintain certification requirements.

d. Transfer

This policy shall not apply to the transfer of employees but shall only apply when, due to a reduction in force, an employee must be laid off. The 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.

e. Board Minutes

So that there will be no negative implications regarding the professional record of an employee

laid off under this policy, the minutes of the School Board will clearly show that such termination of employment was due to a reduction in force.

f. Seniority Lists

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

g. Effect on Term of 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 person a property interest in employment beyond the term of his present contract.

h. Interpretations

The School Board realizes that questions will arise about the application of this policy to a specific case. Consequently, interpretations of this policy shall be made by the superintendent when necessary. Any such interpretations shall be presumed valid until specifically ruled otherwise by the School Board.

Adopted: March 25, 2010
 Revised July 30, 2013