

REDUCTION IN FORCE

A. Reduction in Force

A decrease in pupil enrollment, insufficient funding, expiration of special grants and/or other conditions may require a modification of the educational program which results in a reduction in staff from the division. 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. The application of the reduction in force policy shall be for the division as a whole rather than by individual facilities except that employees employed in programs funded through special grants and other special sources of funding shall be treated as separate categories, unless otherwise provided for in this policy.

B. General Provisions

1. The Department of Human Resources will develop and maintain seniority listings for each of the position classifications being reduced.

2. 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.

3. 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.

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.

C. Teachers

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

There are three exceptions to these descriptions. Procedures outlined in paragraph D., Support Personnel, will apply to occupational and physical therapists. Procedures outlined in paragraph E., Administrative/Supervisory Personnel, will apply to administrative assistants.

2. The layoff of teachers due to reduction in force shall be accomplished according to the following provisions:

a. The School Board, on the recommendation of the Superintendent shall determine the specific endorsement areas of instructional programs in which reductions need to be made and the extent of those reductions.

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. 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 service as certificated employee with CCPS including authorized leave, 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 distinguished from the date of the School Board meeting where such an appointment was approved. If two or more teachers 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 lot.

Each teacher shall be placed on the seniority list for the endorsement area or instructional program in which he or she is actively assigned, except as provided in paragraph C.4.

d. Each teacher in the affected endorsement area or instructional program who is recommended for layoff from that area or program shall have the right to be considered, on the basis of paragraph C.2.c., in all programs or instructional areas for which the endorsement requirements are fully met by the endorsement on which the teacher's active assignment has been based. In addition, a teacher who holds current endorsement in an area previously taught on a full-time basis within the past seven years will be placed on the seniority list for that endorsement area.

3. Released continuing contract teachers shall be offered reemployment as vacancies occur. When a vacancy occurs, the most senior released employee will be recalled first. No new 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 be offered a position by recall letter, pursuant to the provisions of this paragraph, for a period of fifteen (15) months from the date of the teacher's release. Such recall letter shall be sent by certified mail. It shall be the responsibility of the teacher to keep the Human Resources Department informed of the teacher's current address. A teacher's eligibility for recall 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. Otherwise indicates in writing that he or she no longer wishes to be considered for recall; or

c. Fails to maintain certification requirements.

4. Teachers employed in a program funded through special grants or other special sources of funding (Chapter 1, contracted arrangements with other governmental entities, etc.) shall be placed on the seniority list for that program only and shall not be entitled to be placed on other seniority lists pursuant to paragraph C.2.c. The recall rights of such teachers under paragraph C.3, shall be limited to vacancies in the program from which they were released. An exception to this provision would apply to a teacher who achieved continuing contract status in the division as a teacher and who is recommended for reduction. That teacher shall also be placed on the seniority list under section C. as a teacher in the program or area in which he or she was actively assigned prior to serving in the funded position, provided his or her certification is still valid.

5. The provisions of paragraph C., shall not apply in those cases where the employment of teachers whose special skills and/or active assignment is essential to the effective operation of the school system. The determination of essential personnel shall be at the sole discretion of the School Board upon recommendation of the Superintendent.

D. Support Personnel

1. Support personnel are defined as those persons assigned full-time to a position not categorized as a teacher or administrative/supervisory personnel.

2. The School Board, on the recommendation of the Superintendent, shall determine the specific position classifications in which a reduction in force needs to be made and the specific number of positions therein needed to be reduced.

3. The School Board, on the recommendation of the Superintendent, shall determine which individuals, if any, shall be laid off within the position classification. The primary factor to be considered in making both the recommendation and the determination shall be based on seniority, the least senior being laid off first.

The procedure by which support personnel are recommended by the Superintendent for reduction shall be as set out in paragraph C.2.c. with the exception that all employment with CCPS, regardless of position, shall be counted toward seniority.

In addition, an employee who is recommended for layoff from his or her present position may be considered for lesser positions which the Superintendent determines to have generally similar duties and for which the person is otherwise qualified.

4. Released employees shall be offered reemployment as vacancies occur in the position which they held. When a vacancy occurs the most senior released employee will be recalled first. No new persons shall be employed for 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 Superintendent may allow recall to a substantially similar lower position.) A person shall have the right to be offered a position by recall letter for a period of fifteen (15) months from the date of layoff. Such recall letter shall be sent by certified mail to the employee's current address. It shall be the responsibility of the employee to keep the Human Resources Department informed of the his or her current address. An employee's eligibility for recall shall terminate if he or she:

- a. Fails to respond affirmatively in writing within fifteen (15) calendar days after the mailing of a recall letter offering him or her a position;
- b. Otherwise indicates in writing that he or she no longer wishes to be considered for recall; or
- c. Fails to maintain certification/license requirements, if any.

5. The provisions of paragraph D.3, shall not apply in those cases where the employment of support staff whose special skills and/or active assignment is essential to the effective operation of the school system. The determination of essential personnel shall be at the sole discretion of the School Board upon recommendation of the Superintendent.

E. Administrative/Supervisory Personnel

1. Administrative/supervisory personnel are defined as those persons in a position identified on the administrative/supervisory list.

2. The School Board, on the recommendation of the Superintendent, shall determine the specific position classifications in which a reduction in force needs to be made and the number of positions therein to be reduced.

3. a. Where there is only one person in a position classification determined to be one which must be reduced, that person shall be laid off unless the Superintendent considers such employee for another administrative or professional position pursuant to paragraph d., hereof. For purposes of this policy only, an administrator or professional who achieved continuing contract status in the division or in any school division in the Commonwealth as a teacher prior to taking the administrative or supervisory position and who is recommended for reduction, shall also be considered under section C. of this policy as a teacher in the program or area which he or she left, providing his or her certification is still valid.

b. Where there is more than one person in a position classification, the School Board, on the recommendation of the Superintendent, shall determine which individual(s) shall be laid off. The primary factors to be considered in making both the recommendation and determination shall be job performance, the specific needs of the division, and any special qualification an individual might possess. If the position classification recommended for reduction is "principal", the Superintendent may transfer a principal into an assistant principal position, displacing an incumbent assistant principal.

c. In those cases where no significant difference among individuals exists after a review of these factors, the recommendation and determination shall be based on seniority, as determined by paragraph C.2.c., the least senior being laid off first.

d. 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.

4. Released employees shall be offered reemployment as vacancies occur in the position which they held under the procedure set out in paragraph D.4.

F. 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.

G. School Board Minutes

So that there will be no negative implications regarding the professional record of an employee laid off under these regulations, the minutes of the School Board will clearly show that such termination of employment was due to a reduction in force.

H. Seniority Lists

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

I. 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 or her present contract.

J. Release for Other Reasons

Determinations to release employees as a result of misconduct or unsatisfactory job performance as warranted through the employee evaluation process shall be processed in accordance with applicable policies controlling such determinations and not through this reduction in force policy.

K. Interpretations

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

Adopted: December 8, 2009

Legal Ref.: Code of Virginia, 1950, as amended, §§ 22.1-304, 22.1-305(G).

Cross Ref.: 1020 Duties and Powers
1120 School Board Minutes
5090 Continuing Contract
5100 Reassignment and Transfer
5120 Substitutes
5170 Performance Evaluation
5320 Health and Dental Benefits

Appendix A, Section 1, Definitions of Employee Divisions

[VSBA: GCPA]