

CHAPTER 6.00 – HUMAN RESOURCES

REDUCTION IN FORCE POLICY

6.91*

****NOTE** -- THIS POLICY SHALL SUPERCEDE ALL PREVIOUS REDUCTION IN FORCE POLICIES, CUSTOMS AND PRACTICES**

1. Definition and Scope.

- a. This policy applies to reductions in force that are implemented by “layoffs” as contemplated by Ala. Code § 16-1-33 (1975).
- b. A reduction in force may be declared by the Board of Education and layoffs approved thereunder if the Board determines that decreased student enrollment or a shortage of revenues requires a reduction in the work force (beyond normal attrition) in order to maintain effective provision of educational services or to meet the Board’s financial, legal, or operational obligations.
- c. A “layoff” within the meaning of this policy is a separation from employment with the Board of Education. However, employees who are laid off under authority of this policy are eligible for recall to employment as conditionally provided in this policy. Moreover, layoffs are not terminations within the meaning of the Alabama Teacher Tenure or Fair Dismissal laws and are not subject to the procedural or substantive requirements thereof. Nor does the term “layoff” include or apply to the expiration of temporary, occasional, or “at-will” appointments or to decisions not to renew or extend employment beyond the expiration of annual or other specified terms of appointment.

2. Criteria and Procedure for Implementing Layoffs.

- a. The order, priority, rank, or selection of individual employees who are to be laid off under authority of this policy shall be determined on the basis of objective criteria. However, nothing herein shall be deemed or construed to limit or abridge the Board’s legislative discretion to identify areas, departments, groupings, or classifications (collectively “area(s)”) for reductions (layoffs). (For example, the Board is not required to justify by objective criteria or otherwise a decision to implement layoffs in non-instructional categories or employees before doing so with instructional staff).
- b. The Superintendent shall make a written recommendation to the Board identifying which area(s) shall be subject to a reduction in force under the policy, and recommending implementation of this policy accordingly. If the Board approves such recommendation, then the Superintendent shall rank all employees within the identified area(s) in order from the greatest amount of service time to the least amount of service time within the Daleville City School System. The employees with the least amount of continuous service time (seniority), based on actual date of employment as reflected in the Board

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minutes, shall be the first to be reduced in force. In the event two (2) or more employees have the same amount of continuous service time with the Daleville City School System based on Board minutes, the Superintendent shall apply the following additional objective criteria to determine the order of reduction of force.

- Degree(s) held by the employee (the employee with the lower degree to be reduced).
- Total years of experience in education (the employee with the least number of years experience to be reduced first).
- If tied at this point, the employee with the lowest social security number (last four numbers) will be reduced first.

3. Recall.

Employees who have been laid off under the terms of this policy will be given priority in filling positions as enrollment or financial circumstances warrant, provided that:

- a. The nature of the position and qualifications therefore have not materially changed;
- b. The laid-off employee remains properly qualified, licensed, and/or certified; and
- c. The laid-off employee confirms in writing his or her availability for and interest in re-employment to the Board's Director of Human Resources in accordance with any directives that may be contained in or transmitted in conjunction with the notice of layoff.

Circumstances permitting, and to the extent practicable, the selection of employees for recall will be based on the criteria that were applied to the layoffs themselves if there are more employees eligible for recall than positions available to fill. When layoffs occur over a period of time, the Board will take relative length of separation from service into consideration in assigning recall priority, other factors being equal. In no case will any right to be recalled to employment extend beyond one year from the effective date of the employee's layoff. Recalled employees will retain credit for the tenure, years of service, and the pay and benefit status they held on the effective date of their layoff. No pay, benefits, status, or additional rights will accrue or be credited to the recalled employee for the time he or she has been laid off.

4. Notice.

Notification of layoff and recall shall be by United States certified and/or registered mail, hand delivery, or such other means as are reasonable under the circumstances. Upon receipt of notification of recall, a laid-off employee shall respond

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affirmatively to the notice of recall in accordance with such specific directions or instructions as may be contained therein. Any laid-off employee who does not so respond or who otherwise declines an offer of re-employment by the Board will be deemed to have waived any right to be recalled under the terms of this policy.

STATUTORY AUTHORITY:

**CODE OF ALABAMA
16-1-30, 16-1-33**

HISTORY:

**ADOPTED: April 27, 2011
SUPERCEDES FORMER POLICY: 6.91**