

Obion County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Staff Positions	Descriptor Code: 5.116	Issued Date: 02/02/04
		Rescinds:	Issued:

1 **CREATION OF POSITION**

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3 All staff positions shall be approved through the budget process in accordance with an organizational plan
4 submitted by the director of schools.² Before an additional position is established, the director of schools
5 will present to the Board a job description, qualifications, performance responsibilities and the method by
6 which the performance of these responsibilities will be evaluated.

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8 The director of schools may revise the organizational plan as long as budgetary amounts are not exceeded
9 and board policy is not violated. In the event of reorganization, the director of schools will adhere to all
10 applicable reduction in force guidelines and will inform, in a timely manner, each member of the board
11 of the change and include the change in the director's report at the next board meeting. If change in
12 personnel creates additional encumbrance on a future budget, prior approval of the Board is required.

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14 **Layoffs of Licensed Personnel**

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16 Reductions in staff may be made for the following reasons:²

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18 1. A substantial increase in the operating cost of the Board;
19 2. A substantial reduction in pupil enrollment; and
20 3. The discontinuance of a particular type of teaching service provided that such discontinuance
21 is not for arbitrary or discriminatory reasons.

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23 **Layoff Procedure of Licensed Personnel**

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25 If a position is to be eliminated, the board shall give written notice to the least senior employee in that
26 position. Such notification shall be at least thirty (30) days prior to the implementation date.

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28 **Layoff of Non-Licensed Personnel**

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30 When a non-licensed employee is released because of a reduction in the number of support positions, the
31 director of schools shall give the employee written notice of dismissal explaining the circumstances or
32 conditions making the termination of employment necessary.³

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34 **Recall of Licensed Personnel**

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36 The director of schools shall maintain a preferred reemployment list of tenured teachers whose position
37 is abolished.³ The fitness of any teacher for reemployment shall be determined on the basis of the teacher's
38 competence, compatibility and suitability to properly discharge the duties required by the position with
39 consideration for the best interests of the students in the school where the vacancy exists.²

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1. As vacancies arise, a laid off employee will be recalled to the first vacancy for which the employee is certified with the senior employee being recalled for such vacancy first.
2. A laid off employee may refuse to accept the first offered position and still retains his/her position on the recall list; however, failure to accept the second offer relinquishes the right for recall to be considered for a future opening.

Any teacher who has been on the preferred list of reemployment for two (2) consecutive years shall, by April 1 of the second consecutive year, receive notice that the teacher's name shall be removed from the list. The director shall send the notice to the last known address of the teacher. A teacher who wishes to remain on the preferred list for reemployment after the second year shall notify the director of schools in writing by April 15 of the second year and each subsequent year of his or her desire to remain on the preferred list of re-employment.⁴

It shall be the responsibility of the separated teacher to notify the director of schools in writing of his/her availability and current address.⁴

Legal References:

1. OP Tenn. Atty. Gen. 93-66 (November 29, 1993)
2. TCA 49-5-409(d); TCA 49-2-301 (b)(1)(EE)
3. TCA 49-5-511(b)(1)
4. TCA 49-5-511(b)(4)