

Layoff and Recall Policy for Licensed Administrators

1. Introduction

This layoff and recall procedure is applicable whenever the district finds it necessary to reduce in force the number or total full-time equivalency (FTE) of administrators assigned to positions for which an administrative license is required, due to lack of funds or adjustments in the educational program due to administrative decision. This procedure applies to all administrative positions below the rank of assistant superintendent designated by the district to require an administrative license. The procedure does not apply to the superintendent, assistant superintendents or substitute or temporary administrators.

In the event of a layoff of licensed administrators covered by this procedure, the district will retain and recall administrators according to license, competence, merit and length of service as defined in this procedure and in compliance with ORS 342.934.

2. Definitions

Unless indicated otherwise, the following definitions apply to licensed administrator layoff and recall.

District: Corvallis School District
License: A teaching license issued under ORS 342.125
Layoff: Layoff includes:

- (a) The termination or reduction to part-time for nonpersonal reasons of a full-time administrator; or
- (b) The reduction in FTE of a part-time (.50 to .99 FTE) administrator for nonpersonal reasons to less than .50 FTE.

Layoff does not include the adjustment of part-time administrators' FTE except as described in this procedure.

Recall: Written notice to return to work sent by the district to an administrator who has been laid off under this procedure, holds the appropriate license and retains employment rights under ORS 342.934 and this procedure.

Termination: Means severance from employment for reasons such as absence without leave, resignation, layoff, dismissal or nonrenewal, but does not include approved leaves of absence.

Competence: Competence means the ability to administer based on recent experience or educational attainments or both, but not based solely on being licensed. The term “recent” shall mean within five years.

Merit: Merit means the measurement of the ability and effectiveness of one administrator against the ability and effectiveness of another administrator. Merit is measured based on recent performance evaluations. The term “recent” shall mean within five years.

b. Length of Length of service is calculated from the first day of service in a Service licensed position (teacher or administrator) with the district inclusive of approved leaves of absence and unbroken by termination. Ties will be broken by drawing lots. Full-time and part-time status are treated the same for purposes of length of service.

3. Selection Criteria/Transfers

The district will identify the positions to be eliminated or reduced in FTE. Administrators in the positions affected will be selected for transfer or layoff by the superintendent after consideration of the length of service, merit and competence of each administrator subject to this policy. Transfer may be to a vacant position, a position created by combining administrative positions as described below or to a position held by another administrator.

4. Combining Positions

The district, in accordance with ORS 342.934, will make every effort to combine administrative positions in a manner which allows administrators who would otherwise be laid off to remain qualified so long as the combined positions meet the curriculum and program needs of the district and the competence consideration specified in ORS 342.934 (4).

5. Reassignment to Teaching Position

If an administrator eligible for layoff has served as a nonadministrative teacher in the district, the administrator may use his/her greater length of service to displace a temporary, probationary or contract teacher, provided that the administrator is licensed and qualified to perform the job in accordance with state law.

An administrator eligible for layoff who has never held a nonadministrative teaching position in the district is entitled to use his/her greater length of service to displace a temporary or probationary, but not a contract teacher, provided that the administrator is licensed and qualified to perform the job in accordance with state law.

A laid off administrator who indicates in writing a desire to claim a teaching position, but does not have sufficient length of service to bump a currently employed teacher, may request assignment to both the teacher and administrator recall list. Recall from the teacher recall list to a teaching position will be in accord with the teacher collective bargaining agreement. Recall from the administrator recall list will be in accord with this policy.

An administrator eligible for layoff can choose to return to teaching, if eligible, rather than accept transfer to a lower-paying administrative position. In that case, the administrator choosing to return to teaching waives recall rights to licensed administrative positions.

An administrator eligible for layoff and eligible to return to teaching may elect not to request transfer to a nonadministrative teaching position without waiving recall rights to licensed administrative positions.

An administrator who has been laid off and wishes to be considered for teaching positions must have an appropriate license and/or endorsement on file with the district no later than the first day the administrator is assigned to report to the teaching position.

If more than one vacancy exists, the district has sole discretion to determine the appropriate assignment(s) of administrators returning to teaching positions.

If an administrator is assigned to a teaching position, all previous licensed administrative and teaching experience in the district is applicable for placement on the teacher salary schedule.

At the time an administrator is reassigned to a teaching position the administrator will receive salary for any unused paid vacation time accrued as an administrator.

6. Notification of Layoff

Written notification of layoff will be made at least 90 calendar days prior to the termination of the present work-year assignment or the administrator will receive regular salary for any portion of the 90 days notice not provided.

7. Recall

In accordance with ORS 342.934, an administrator who is laid off under this procedure will have the right of recall for 27 months after the last date of release by the district under the conditions set forth in this procedure. An administrator recalled under this procedure will have restored all accumulated benefits, including accrued unused vacation, unused sick leave and seniority, to which the administrator was entitled at the time of layoff.

Administrators on a recall list may purchase group health insurance coverage as provided by law.

a. Identification of Vacancies, Positions and FTE

The district has the sole discretion to determine: (1) whether a vacancy exists; (2) the license area and position in which the vacancy exists; and (3) the FTE of the vacant position.

b. Recall Criteria

An administrator is eligible for recall to a vacant position if the administrator is licensed and competent to fill the position, as determined by the superintendent.

When the district has identified the position in which the vacancy exists, the superintendent will issue notice of recall to the vacant position after consideration of the competence, merit and length of service of each administrator on the recall list licensed for the vacant position. Ordinarily, recall will be restricted to a position at the same or lower salary level as the position from which the recalled administrator was laid off.

If more than one vacancy exists when a recall is effected, the district has sole discretion to determine the appropriate assignment(s) of recalled administrators.

If an administrator is recalled to a lower-salary-level position the administrator may reject the position without loss of recall rights. If the administrator elects to accept recall to a lower-salary-level position, the administrator will be placed in the salary range of the job title and at the appropriate step based on previous district administrative experience. An administrator accepting recall to a lower-salary-level position waives further recall rights.

c. Notice of Recall

Notice of recall will be by certified mail to the last address provided in writing by the employee to the district or by delivery in person. The notice will include the deadline for acceptance, the date the employee must return to work, the position and work location to which the employee is to report.

d. Employee Acceptance of Recall

- (1) The employee must deliver to the district written notice of acceptance of recall by the date specified in the notice. The deadline for acceptance may not be less than 10 calendar days after the notice of recall is mailed or delivered in person.
- (2) The employee must report for work by the date specified in the notice. The deadline by which the employee must report may not be less than 14 calendar days after the notice of recall is mailed or delivered in person.
- (3) In the event of recall after the date the administrator would report for the school year, the employee may request that the recall be delayed and the position be filled on a temporary basis for up to one year. The district has the sole discretion to determine whether to grant the request.

e. Waiver of Recall Rights

Waiver of recall rights may be expressed or implied. Waiver may result from, but is not limited to, failure to provide timely notice of acceptance of recall, failure to report from layoff to an assigned position in a timely fashion or by rejection of recall except as described above. Acceptance of transfer, assignment or recall to any licensed administrative position, other administrative position or teaching position will constitute waiver of rights to recall to any other position.

8. Appeal Dispute Resolution Procedure

An appeal from a decision on reduction in staff or recall made under this policy shall be as follows:

Level 1: The administrator will file a written request for a meeting with the superintendent or designee within seven calendar days of the knowledge of the facts upon which the appeal is based.

The superintendent or designee shall make a written decision on the appeal within five calendar days of the meeting.

Level 2: If the administrator is not satisfied with the disposition of his/her appeal at Level 1, or if no written decision has been rendered within the required time, he/she may appeal in writing to binding arbitration. This appeal must be filed with the district within 10 days of the decision at Level 1, or if no written decision has been rendered within the required time, within 10 days of the Level 1 deadline.

The district may combine appeals from multiple reductions for consideration in a single arbitration. The arbitrator will be selected by the employee(s) involved and a district representative. The arbitration will be conducted under the rules of the Employment Relations Board.

The arbitrator is authorized to reverse the staff reduction decision or the recall decision made by the district only if the district:

- (a) Exceeded its jurisdiction;
- (b) Failed to follow the procedure applicable to the matter before it;
- (c) Made a finding or order not supported by substantial evidence in the whole record;
- (d) Improperly construed the applicable law.

9. Future Changes in Procedure

The district reserves the right to amend, revise or repeal all or any part of this procedure at any future time and no employee shall have any vested right in the continuation of this procedure or any amendment thereof; provided, however, that no amendment or repeal of this procedure shall prejudice the reinstatement rights of any individual who is in the "recall pool" at the time these procedures are amended, revised or repealed.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[ORS 342.934](#)