

## Layoff/Recall - Administrative Personnel

### General

This administrative regulation is applicable to all licensed administrators below the rank of assistant superintendent. The procedure does not apply to the superintendent, assistant superintendent, or substitute or temporary administrators, or those on separate contract.

The superintendent retains the right to determine when a layoff is necessary. Layoffs shall be by position. A reduction in hours does not constitute a layoff.

The superintendent or designee shall make recommendations to the Board regarding administrative position(s) that will be eliminated. The factors considered in the layoff will be license, seniority, qualifications, merit, and/or competence. The Board will retain, consistent with state law, the most capable and productive of the licensed and qualified employees needed to carry out the approved programs of the district's schools.

When a layoff of licensed administrators is deemed necessary, the superintendent or designee will use the procedures described in Section II of this regulation. The superintendent or designee will make every reasonable effort to transfer a licensed and qualified administrator who will be laid off to a vacant administrative position for which the administrator is licensed and qualified, in accordance with the procedures described in Section III. The superintendent or designee may combine remaining positions, if it meets district curriculum and program needs, so that administrators continue to be licensed and qualified to perform available jobs.

### Section I - Definitions

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

1. District: Corvallis School District
2. License: License means a document or documents issued by Teacher Standards and Practices Commission permitting an individual to perform certain duties within a public district.
3. 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.
4. Competence: Competence means the ability to administer based on recent experience, additional training, or educational attainments, but not based solely on being licensed.

5. 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.
6. Recent: The term “recent” shall mean within five years.
7. Seniority: Seniority is calculated from the first day of actual continuous service as an administrator in the district inclusive of approved leaves and absences. If necessary, ties in length of service shall be broken by drawing lots.

## **Section II-Layoff Procedures**

1. Administrative positions will be grouped by positions or assignments that the superintendent or designee determines are sufficiently comparable to use in the layoff process.
2. If a new administrative position is created, it will be placed in one of the existing job groupings or in a new job grouping, as determined by the superintendent or designee.
3. Upon recommendation by the superintendent or designee, the Board may eliminate one or more administrative positions within a job group or groups.
4. The superintendent or designee may recommend layoffs within job groups based on license, seniority, qualifications, merit, and/or competence.
5. After identification of the administrator(s) to be laid off from a particular job group, the superintendent or designee will reassign the remaining administrators in that group to the remaining positions as necessary.
6. The superintendent or designee will determine whether the administrators identified for layoff will be transferred to a vacant administrative position under the procedures of Section III below or, as provided for in state law given the option of a classroom teaching assignment, provided the administrator is licensed and determined by the district to be qualified based on merit and/or competence for the assignment.

## **Section III-Reassignments and Transfers**

1. The superintendent or designee will review an administrator’s personnel file, and from consultation with the administrator’s supervisors, shall determine if an administrator who will be laid off under Section II can be transferred to a vacant administrative position. Each transfer may be based on license, seniority, qualifications, merit, competence, and previous administrative positions held as determined by the superintendent or designee.
2. An administrator may voluntarily accept a classroom teaching assignment in lieu of a layoff.
  - a. The administrator may accept a classroom teaching assignment that is currently vacant.

- b. 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.
- c. 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.
- d. 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.
- e. An administrator eligible for layoff may choose to return to teaching, if eligible, rather than accept transfer to a lower-paying administrative position. The administrator choosing to return to teaching waives recall rights to licensed administrative positions.
- f. An administrator eligible for layoff and eligible to return to teaching may elect not to request transfer to a nonadministrative teaching position. The administrator would retain recall rights to licensed administrative positions.
- g. 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.
- h. If more than one vacancy exists, the district has sole discretion to determine the appropriate assignment(s) of administrators returning to teaching positions.
- i. 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.
- j. 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.

#### **Section IV-Combining Positions**

The district, in accordance with ORS 342.934, will make every effort to combine administrative positions in a manner that 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).

## Section V-Recall

1. An administrator who is laid off under this procedure shall be placed in a recall pool. An administrator will be maintained in the recall pool for a period of not more than 27 calendar months from the effective date of layoff.
2. An administrator who wishes to remain eligible for recall to a position requiring a license must maintain a valid license.
3. When the district has identified the position in which the vacancy exists, the superintendent or designee will issue notice of recall to the vacant position after consideration of the competence, merit, license, and length of service of each administrator on the recall list. 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.
4. Licensed and qualified administrators will be considered for recall based on proper licensure and qualifications to perform the essential functions of the job. The district retains the right to recall a less senior administrator to the position if that individual has more merit and/or competence. Administrators will be recalled based on license, seniority, qualifications, merit, competence, and other relevant factors.
5. A laid-off administrator who rejects recall to a position offered by the district for which the administrator is licensed and qualified to perform and similar to the workday or work year of the person's previous position, will be considered to have resigned employment with the district and thereby waived any further right of recall.
6. 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.
7. Individuals who wish to waive recall rights prior to 27 months subsequent to the effective date of a layoff may do so by written notification to the district. Such notice will be considered a voluntary resignation and the individuals shall forfeit all employment rights with the district.
8. 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 (a minimum of ten calendar days), the date the employee must return to work, the position, and work location to which the employee is to report. If the individual declines the recall or fails to accept by the identified deadline or fails to report for duty on the date specified in the recall notice, the individual's name will be removed from the recall pool. The individual will be considered to have resigned employment with the district and waived any further right of recall.
9. Employees returning from layoff shall be credited with all seniority and sick leave the employee earned prior to the effective date of the layoff, but the employee shall not accrue leave, benefits or

seniority during the period of the layoff. If applicable, the district will apply any sick leave accrued from another school district employment during the recall time as allowed by state law.

10. An employee must have completed at least 135 contract days during one school year in order to be eligible for one vertical step advancement for the succeeding school year, if appropriate, per the employee group work agreement. If, because of layoff, an employee does not complete at least 135 contract days that school year, the employee will be placed on the same salary schedule step the employee was on prior to layoff.
11. Nothing in this regulation shall be construed to interfere with the district's right to dismiss an administrator, not extend the contract of an administrator or dismiss or nonrenew the contract of a probationary administrator pursuant to state law.
12. 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.

#### **Section VI-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. The district will also consult with employees covered by this administrative regulation prior to making any decisions regarding changes to this procedure.