

Lane Education Service District Administrative Rule

Code: **CPA-AR**
Adopted: 4/23/02
Revised/Readopted: 1/21/03

Layoff/Recall - Administrative/Confidential Personnel

General

This rule is applicable to all licensed/unlicensed administrators/confidential staff below the rank of assistant superintendent.

The Board 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 transfers, both voluntary and involuntary, and the position(s) which will be eliminated. Performance will be the primary factor considered in the layoff process. The superintendent or designee may consider qualifications, merit, competence, special training, additional educational attainments and other factors deemed relevant when making the recommendations. Length of service may be considered.

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

Section I - Definitions

- A. "Competence" means the ability to perform the essential functions of a job or assignment based on recent experience or educational attainments, or both. The superintendent or designee may interpret "recent experience" as having performed the essential functions of the job or assignment within the last five school years.
- B. "Merit" means the measurement of one licensed/unlicensed administrator's/confidential employee's ability and effectiveness against the ability and effectiveness of another licensed/unlicensed administrator/confidential employee.
- C. "Length of Service" is calculated from the first day of actual continuous service as a licensed/unlicensed administrator/confidential staff in the ESD inclusive of approved leaves of absence. If necessary, ties in length of service shall be broken by drawing lots.
- D. "Qualifications" mean training, experience, skill and other attributes.

Section II - Layoff Procedures

- A. Licensed/Unlicensed administrative/confidential employee positions will be grouped by positions or assignments which the superintendent or designee determines are sufficiently comparable to use in the layoff process.
- B. If a new licensed/unlicensed administrative/confidential employee 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.
- C. Upon recommendation by the superintendent or designee, the Board may eliminate one or more licensed/unlicensed administrative/confidential employee positions within a job group or groups.
- D. The superintendent or designee may recommend layoffs within job groups based on qualifications, merit, competence, special training, additional educational attainments, length of service and other relevant factors.
- E. After identification of the licensed/unlicensed administrator(s)/confidential employee(s) to be laid off from a particular job group, the superintendent or designee will reassign the remaining licensed/unlicensed administrators/confidential employees in that group to the remaining positions, as necessary.
- F. The superintendent or designee will determine whether the licensed/unlicensed administrators/confidential employees identified for layoff will be transferred to a vacant licensed/unlicensed administrative/confidential employee position under the procedures of Section III below or given the choice of another assignment provided the licensed/unlicensed administrator/confidential employee is licensed and qualified for the assignment, provided the licensed/unlicensed administrator/confidential employee is qualified for the assignment.

Section III - Reassignments and Transfers

- A. The superintendent or designee will review a licensed/unlicensed administrator's/confidential employee'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 licensed/unlicensed administrative/confidential employee position. Each transfer may be based on qualifications, merit, competence, special training, additional educational attainments, length of service, experience in or preparation for the new assignment and previous licensed/unlicensed administrative/confidential employee positions held as determined by the superintendent or designee.

Section IV - Recall

- A. A licensed/unlicensed administrator/confidential employee who is laid off under this procedure shall be placed in a recall pool for this position group as specified in Section II. A licensed/unlicensed administrator/confidential employee who resigns rather than accept layoff or reassignment under this procedure forfeits rights to be placed in the pool.

- B. A licensed/unlicensed administrator/confidential employee will be maintained in the recall pool for a period of not more than 27 calendar months from the effective date of layoff.
- C. A laid-off licensed/unlicensed administrator/confidential employee who rejects recall to a position offered by the ESD for which the licensed/unlicensed administrator/confidential employee is qualified to perform and which is similar to the workday or work year of the person's previous position, thereby waives any further recall rights, and the licensed/unlicensed administrator's/confidential employee's employment terminates effective the date of rejection of the job offer.
- D. Licensed/Unlicensed administrators/confidential employees will be recalled based on qualifications, merit, competence, special training, additional educational attainments, length of service, the individual's qualifications to perform essential functions of the job and other relevant factors deemed appropriate.
- E. Notification of recall will be delivered in person or deposited as certified mail, postage prepaid and addressed to the last known address of the laid-off employee. It is the responsibility of the licensed/unlicensed administrator/confidential employee to ensure up-to-date mailing information is provided to the district. The individual shall be allowed 10 calendar days from the date of personal delivery or postmark to accept the position in writing. If the individual declines the recall or fails to accept within the 10-day period 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 ESD and waived any further right of recall.
- F. Individuals who wish to waive reemployment rights prior to 27 months subsequent to the effective date of a layoff may do so by written notification to the ESD. Such notice will be considered a voluntary resignation and the individuals shall forfeit all employment rights with the ESD.
- G. 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.
- H. An employee who has been laid off has the option of continuing the employee's health insurance program at the employee's expense for up to 18 months, subject to the approval and rules of the insurance carrier(s).
- I. 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, 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 as the employee was on prior to layoff.
- J. Nothing in this rule shall be construed to interfere with the ESD's right to dismiss a licensed/unlicensed administrator/confidential employee.

Section V - Announcements of Decisions

Public announcements of layoff decisions should occur only after prior notice to affected licensed/unlicensed administrators/confidential employees. Certain circumstances may, in some cases, prevent prior notice and employees will be notified as soon as is practical.

Section VI - Appeal Procedure

A layoff decision may be appealed by the affected employee. Such appeal shall be made to the superintendent. If the employee is not satisfied by the superintendent's response, the employee may appeal to the Board of Directors.

Section VII - Future Changes in Procedure

The ESD 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.