

**Layoff – Employees Not Subject to Collective Bargaining Agreements
and Nonlicensed Administrators and Directors**

General

This regulation is applicable to all MESD employees that are not subject to collective bargaining agreements, including but not limited to administrators, directors, managers, supervisors, coordinators and confidential/noncontract, unless another state law, regulation or Board Policy is deemed to supersede.

The Superintendent or designee will 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 licenses, qualifications, merit, competence, special training, additional educational attainments and other factors deemed relevant when making the recommendations. Length of service may be considered.

The Superintendent or designee may combine remaining positions, if it meets MESD curriculum needs.

Definitions

1. “Affected employee” means the employee selected for layoff.
2. “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
3. “Employee” means an MESD employee that is not subject to a collective bargaining agreement, including but not limited to, administrators, directors, managers, supervisors and coordinators, unless another state law regulation, or Board Policy is deemed to superseded this regulation.
4. “Qualifications” mean training, experience, skill and other attributes.

Layoff Procedures

1. If the Superintendent or designee determines that a layoff is necessary, for budgetary or any other applicable reason, the Superintendent or designee may declare a layoff of employees.
2. To make the employee layoff determinations, the Superintendent or designee may consider a variety of factors, including, but not limited to competence and qualifications.

3. The Superintendent or designee will make reasonable effort to notify the affected employee as soon as possible.

Reassignments and Transfers

1. The Superintendent or designee, in his/her sole discretion, may consider the affected employee for a transfer or reassignment.
2. The Superintendent or designee will review the employee's personnel file, and from consultation with the employee's supervisor, will determine if the employee can be transferred or reassigned to a vacant employee position. To be eligible for the transfer or reassignment, the employee must be qualified as determined by the Superintendent or designee.
3. The affected employee may voluntarily accept the offered transfer or reassignment, in lieu of a layoff or reject the offered transfer or reassignment, which will result in a layoff.

Announcements of Decisions

Public announcements of layoff decisions should occur only after prior notice to affected employee(s). Certain circumstances may, in some cases, prevent prior notice and employees will be notified as soon as is practical.

Future Changes in Procedure

The Superintendent or designee reserves the right to amend, revise or repeal all or any part of this procedure at any future time and no employee will have any vested right in the continuation of this procedure or any amendment thereof, provided, however, that no amendment or repeal of this procedure will prejudice the employee's at the time these procedures are amended, revised or repealed.