

## REDUCTION IN WORKFORCE/LAYOFF

### I. PURPOSE

To establish a procedure that will provide a fair, consistent, systematic method to accomplish a reduction in the work force while providing the District with a means to retain the necessary skills and abilities to effectively continue the operation of the school system.

### II. SCOPE

This policy is applicable to all Shelby County Schools (SCS) positions.

### III. DEFINITIONS

**Certified Position** - Any position that requires a valid certificate issued by the Tennessee Department of Education.

**Classified Position** - Any position in which a valid certificate from the Tennessee Department of Education is not required, but may have other licensing or educational requirements.

**Reduction in Force (RIF)** - The elimination of a position or a reduction in the number of positions.

**Layoff** - An involuntary separation from the District due to a reduction in the work force.

**Assignment** - Placement in a position in a specific job code within a work unit.

**Transfer** - Movement to another position in the same salary grade.

**Reassignment** - Movement of an employee within the District from one position to another position having the same salary grade, or movement that does not require reclassification. A reassignment may be voluntary or involuntary.

**Reclassification** - The re-evaluation of a position resulting from a change in position content or responsibility. A reclassified position may be raised or lowered to a different salary grade or moved to a different classification.

**Surplus Candidate Pool** - Permanent school staff employees whose positions are eliminated, but who are not laid-off pending possible placement in a vacant position at another location or in another capacity within the District.

#### **IV. POLICY STATEMENT**

##### **Reductions in Workforce/Lay-Off**

The Board of Education recognizes that there may be times when reductions in workforce are necessary. A reduction in workforce may result in layoffs and/or require the assignment, transfer, reassignment, or reclassification of District employees. Additionally, the District reserves the right to determine whether to establish a Surplus Candidate Pool following a reduction in workforce. The Superintendent is authorized to determine when a reduction in workforce is necessary. Procedures for any of the aforementioned employment actions shall be developed by the Superintendent or his/her designee.

Reductions in workforce decisions will not be for arbitrary or capricious reasons and may be implemented by the District as a result of economic and/or operational factors, including but not limited to the following:

- Budget reduction;
- Reduction in state, local, and other funding;
- Reduction in student enrollment that requires the District to decrease personnel and/or discontinue programs;
- Closing and/or consolidation of schools;
- Organizational restructuring; and
- Other sufficient, just and nondiscriminatory reasons as deemed appropriate.

When an employee is released from employment because of a reduction in workforce, the board shall be empowered to dismiss such teachers or nonlicensed employees based on their level of effectiveness determined by the evaluation pursuant to § 49-1-302 for licensed employees and an evaluation of work performance for nonlicensed employees.

The Superintendent or his/her designee shall give the employee written notice of dismissal explaining the circumstances or conditions making termination of employment necessary. The release from employment due to a reduction in workforce shall be handled in accordance with District policy and applicable laws.

### **Employees in Classified Positions**

All persons who are employed in a position for which no teaching license is required are hired at will. Any certified employee holding a classified position shall be subject to applicable laws and other procedures developed by the Superintendent or his/her designee.

### **Employees in Certified Positions**

Upon determination that a reduction in workforce of a position in which certification is necessary, the reduction in workforce shall be effectuated in accordance with the T.C.A. 49-5-511.

### ***Preferred List for Employment***

A teacher rated in the three (3) highest categories based on evaluations pursuant to 49-1-302 who has been dismissed because of abolition of a position shall be placed on a list for reemployment. However, the Superintendent shall retain the power to determine the filling of such vacancy on the basis of the Superintendent's evaluation of the teacher's competence, compatibility and suitability to properly discharge the duties required for the vacant position considered in the light of the best interest of the students in the school where the vacancy exists. A principal may refuse to accept the placement or transfer of a teacher by the Superintendent to the principal's school. The teacher's most recent evaluations shall be a factor in such determination.

The teacher's right to remain on the preferred list for employment shall remain in effect until:

(a) The teacher accepts a bona fide offer of re-employment for a comparable position with the Shelby County School System; or

(b) The teacher rejects four (4) bona fide offers of reemployment for comparable positions within the Shelby County School System.

The preferred list for employment shall not apply to employees who do not hold a teaching position. The Superintendent shall be responsible for developing administrative rules and

regulations to implement this policy including identifying designees to determine which employees will be affected by a reduction in force; and informing employees whose positions are eliminated.

## V. RESPONSIBILITY

A. The Superintendent (or designee(s)) is/are responsible for:

1. Determining which employees will be affected by a reduction in force;
2. Informing employees whose positions are eliminated;

B. The Superintendent (or designee) is responsible for maintaining a roster of displaced employees and for ensuring compliance with this policy.

C. The Superintendent is responsible for ensuring that this policy is followed.

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**Legal References:**

1. T.C.A. 49-5-511
2. T.C.A 49-5-409 (c)
3. T.C.A. 49-2-302

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**Cross References:**

**Administrative Rules and Regulations**  
**REDUCTION IN WORKFORCE/LAYOFF**

The following procedures shall be implemented upon determination that a reduction in workforce is necessary, appropriate or in the best interests of the school district.

- A Reduction-In-Workforce Team shall be established by the Superintendent or his/her designee.
- The Reduction-In-Workforce Team will meet with appropriate staff that has budgetary responsibility (e.g., Principal, Directors/Divisions Heads) to identify positions that may be impacted by the reduction in workforce/lay-off.

**Teaching/Certified and/or School-Based Staff Positions**

- Principals will be informed of new staffing allocations.
- The Reduction-In-Workforce Team shall establish deadlines for Principals to seek alternative funding sources for positions identified in reduction in workforce.
- If a surplus candidate pool is established, Principals will notify staff of their surplus status.
- The office responsible for teacher/school staffing will generate a surplus list and submit it to the office responsible for labor relations.

**Classified Positions**

- The Reduction-In-Workforce Team shall meet with Directors/Divisions Heads to discuss reduction in workforce guidelines and verify employees/positions identified for RIF.
- The Reduction-In-Workforce Team shall establish deadlines for Directors/Division Heads to seek alternative funding sources for positions identified in reduction in workforce.

### **Any Position Impacted by a Reduction in Workforce**

- The department responsible for human resources shall conduct surplus fairs to potentially place surplus certified and classified employees.
- The department responsible for human resources shall prepare separation packets for employees identified for layoff.
- The Reduction-In-Workforce Team /Division Directors will meet with employees identified for layoffs.