

**ARTICLE 26
REDUCTION IN FORCE**

- 26-1 The School District retains the right to determine when a reduction in force/layoff is necessary, the number of individuals who must be reduced in force and the positions within a division, area, or unit in which such reductions in force will occur. The Administrators' Advisory Council will serve in an advisory capacity to the superintendent and to the cabinet regarding this paragraph as provided for in Article 19 of the current Agreement.
- 26-2 Subject to the determinations in 26-1 above, the School District agrees to the following:
- 26-2-1 Administrators who volunteer to leave from the positions within a division, area, or unit affected by the reduction in force will be the first to be reduced in force.
- 26-2-2 If the necessary reductions cannot be made through attrition and/or resignation, then administrators who have been twice rated as unsatisfactory within the last two (2) successive contract years will next be reduced in force; provided, however, for purposes of this section, the two (2) unsatisfactory evaluations relied upon cannot occur within a six- (6) month period and must occur in different contract years.
- 26-2-3 Any additional reduction in force of an administrator shall be determined by using the following criteria in rank order listed to designate the least senior administrator who will next be reduced in force:
- 26-2-3-1 First Criterion - Seniority as an administrator, on the administrative or professional-technical salary schedule, within the School District. Seniority as an administrator shall be determined by the initial hire date as an administrator, having continuous service since that date, as determined by Human Resources. If service is not continuous, the seniority date as an administrator shall be adjusted by extending the initial hire date as an administrator by adding the missing time as a School District administrator to identify the adjusted hire date as an administrator.
- 26-2-3-2 Second Criterion - Seniority by administrative position title within the division, area, or unit, range, and length of contract. Seniority by administrative position title shall be determined by the initial hire date in the administrative position, having continuous service since that date, as determined by Human Resources. If service is not continuous, the seniority date in the administrative position shall be adjusted by extending the initial hire date in the position by adding the missing time in the position to identify the adjusted hire date in the position.
- An administrator who moves to a new position retains the same seniority of the previous position(s) for ten (10) years. The years of seniority in the new position will be added to the years of seniority in the previous position(s). The combined years of seniority will be utilized in reassigning the administrator to the previous position.
- 26-2-3-3 Third Criterion - Seniority in the School District. Seniority in the School District shall be determined by the initial hire date as a School District employee, having continuous service since that date, as determined by Human Resources. If service is not continuous, the seniority date as a School District employee shall be adjusted by extending the initial hire

date by adding the missing time as a School District employee to identify the adjusted hire date in the School District.

26-2-3-4 In the event that steps 26-2-3-1 through 26-2-3-3 do not identify the administrator or administrators for the reduction in force, the administrator or administrators remaining in step 26-2-3-3 will participate in a lottery designed by the School District and the Association to select the administrator or administrators for the reduction in force.

26-2-4 An administrator who is affected by a reduction in force procedure will be assigned to another vacant administrative position or to a position which is being filled by an administrator with less seniority as an administrator as determined by Article 26-2-3. The administrator to be assigned must have the required license and meet the minimum qualifications for the position, as determined by Human Resources. The position must be at the same range, length of contract, and in the same division, area, or unit. If no such position is available, the administrator becomes eligible to be assigned to a position at the same range and length of contract in another division, area, or unit. The administrator to be assigned must have the required license and meet the minimum qualifications for the position, as determined by Human Resources.

If a position at the same range and length of contract is not available, using the process outlined above, the administrator will be assigned to an administrative position at the same range but with a shorter individual contract within the division, area, or unit. If no such position is available in the same division, area, or unit, the administrator becomes eligible to be assigned to a position at the same range, but with a shorter individual contract in another division, area, or unit. The administrator to be assigned must have the required license and meet the minimum qualifications for the position, as determined by Human Resources.

If no such position is available, the administrator becomes eligible for a vacant administrative position within the division, area, or unit at the next lower range, or for a position at the next lower range, which is being filled by an administrator with less seniority as an administrator, and at an equivalent or shorter individual contract. Seniority as an administrator will be determined by Article 26-2-3. If there is no position at the next lower range at an equivalent or shorter individual contract within the division, area, or unit, the administrator is eligible for the position at the lower range without regard to the length of the individual contract. The administrator to be assigned must have the required license and meet the minimum qualifications for the position, as determined by Human Resources. This procedure will be repeated within the division, area, or unit until the administrator is reassigned to a vacant position, or to a position being filled by an administrator with less seniority as an administrator as determined by Article 26-2-3. The administrator to be assigned must have the required license and meet the minimum qualifications for the position, as determined by Human Resources.

If no position is identified within the same division, area, or unit using the procedure outlined above, then the procedure will be repeated in other divisions, areas, or units, as determined by Human Resources, until the administrator is reassigned to a vacant position or to a position being filled by an administrator with less seniority as an administrator as determined by Article 26-2-3. The administrator to be assigned must have the required license and meet the minimum qualifications for the position, as determined by Human Resources.

If there are more administrators than available reassignment positions, assignments will be based on the criteria described in 26-2-3.

Reduction in force will not be utilized to reassign a licensed administrator to a non-licensed position or a non-licensed administrator to a licensed position unless, within the School District, the administrator was previously assigned to the type of position (licensed or non-licensed) that is vacant or that is being filled by an administrator with less seniority.

26-2-5 Whenever possible, a thirty- (30) day written notification will be given to administrators who are laid off as a result of a reduction in force. Administrators who are reduced in force when no other administrative position is available will be placed in a teaching position in accordance with their certification and qualifications. An administrator, who because of reduction in force is assigned to a teaching position will retain all previous administrative seniority.

26-3 The School District will recall administrators by written notification (certified mail, return receipt requested) in the reverse order to their reduction provided that the administrator is currently licensed, if required, and qualified for the new position, as determined by Human Resources. Recall notice shall be sent to the administrator's last known address on file with the Human Resources Division. The administrator must, in writing, within ten (10) school days of receipt, accept or reject the offer to return to work. The administrator will have twenty (20) school days to return to duty. The recall right for administrators on layoff shall continue for two years, subject to the notification requirements. However, if before the end of the two-year period an administrator refuses a School District position for which he is licensed and qualified to hold, as determined by Human Resources, the administrator's layoff rights are terminated. Further, the School District is not obligated to recall an administrator in the event that the administrator fails to comply with any provisions of this article.

An administrator who is reassigned through a reduction in force procedure has a two-year right to return to the first vacant administrative position in the division, area, or unit at the same range and length of contract as the formerly held position for which the employee is licensed and qualified, as determined by Human Resources. An administrator who applies for and is competitively selected for another position within the School District waives any future return rights. An administrator who refuses a School District offer to return to a position waives any future return rights.

An administrator who is subject to layoff through a reduction in force procedure has a two-year right to return to the first vacant administrative position for which the employee is licensed and qualified, as determined by Human Resources. An administrator who refuses a School District offer to return to a position waives any future return rights.

26-4 Disputes arising in the implementation of this Article will be resolved by:

26-4-1 Mutual agreement between the superintendent/designee and the Administrators' Advisory Council.

26-4-2 Arbitration, as identified in Article 4-16 of this Agreement, if the dispute cannot be resolved by mutual agreement as described in Article 26-4-1.