

South Coast Education Service District

Code: **CPA-AR**
Adopted: 8/20/96
Reviewed: 8/2/17
Readopted: 2/13/18
Orig. Code(s): CPA-AR

Layoff/Recall - Administrative Personnel

General

This procedure is applicable to all licensed, confidential and director level administrators below the rank of assistant superintendent.

The Board based on the superintendent's recommendations 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. The superintendent or designee may consider license, qualifications, merit, competence, special training, additional educational attainments and other factors deemed relevant when making the recommendations. Length of service may be considered.

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, confidential and director level is deemed necessary, the superintendent or designee will use the procedures described in Section II of this procedure. The superintendent or designee will make every reasonable effort to transfer a qualified administrator and/or confidential employee who will be laid off to a vacant 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 ESD program needs, so that administrators continue to be licensed and qualified to perform available jobs.

Section I - Definitions

1. "Competence" means the ability to perform the essential functions of a job or assignment based on recent experience or educational attainments, or both, but not based solely on type of license and endorsements of an employee. The superintendent or designee may interpret "recent experience" as having performed the essential functions of the job or assignment within the last four school years. The superintendent or designee, as a guideline, may consider whether a person has held a position "directly above" or a position "directly below" the eliminated position. "Directly above" means a supervisory position. "Directly below" means a direct or indirect reporting relationship to the superintendent.
2. "Merit" means the measurement of one administrator's ability and effectiveness against the ability and effectiveness of another administrator.

3. "Seniority" is calculated from the first day of actual continuous service as an administrator in the ESD inclusive of approved leaves of absence, if necessary, ties in seniority shall be broken by drawing lots.
4. "License" means a document or document(s) issued by Teacher Standards and Practices Commission permitting an individual to perform certain duties within a public school district.
5. "Qualifications" means training, experience, skill and other attributes in addition to the individual's license.

Section II - Layoff Procedures

1. Administrative positions will be grouped by positions or assignments which the superintendent or designee determines are sufficiently comparable to use in the layoff process.
2. The superintendent or designee may use the following job groups as a guideline:
 - a. Group 1: Executive Directors
 - b. Group 2: Directors
 - c. Group 3: Supervisors
3. 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.
4. Upon recommendation by the superintendent or designee, the Board may eliminate one or more administrative positions within a job group or groups.
5. The superintendent or designee may recommend layoffs within job groups based on license, qualifications, merit, competence, special training, additional educational attainments, length of service and other relevant factors.
6. 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.
7. 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 given the choice of a classroom teaching assignment.

Section III - Reassignments and Transfers

1. The superintendent or designee will determine who will be laid off under Section II can be transferred to a vacant administrative position. Each transfer may be based on license, qualifications, merit, competence, special training, additional educational attainments, length of service, experience in or preparation for the new assignment 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 which is currently vacant.
 - b. If the administrator previously taught in the ESD, the administrator may displace ("bump") a probationary or permanent teacher with less seniority.
 - c. If the administrator never taught in the ESD, the administrator may displace ("bump") a probationary teacher with less seniority.
3. An administrator who voluntarily accepts a classroom teacher assignment will be covered by the seniority, layoff and other provisions of the collective bargaining agreement governing regularly employed teachers.

Section V - Recall

1. An administrator who is laid off under this procedure shall be placed in a recall pool. An administrator who resigns rather than accept layoff or reassignment under this procedure forfeits rights to be placed in the pool.
2. 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.
3. A laid off administrator who rejects recall to a position offered by the ESD for which the administrator is licensed and qualified to perform unless excused by physical disability, and which is similar to the workday or work year of the person's previous position, thereby waives any further recall rights, and the administrator's employment terminates effective the date of rejection of the job offer.
4. In order to be considered for recall, the employee must be licensed and qualified to perform the essential functions of the job.
5. Administrators will be recalled based on license, qualifications, merit, competence, special training, additional educational attainments, length of service and other relevant factors.
6. 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 administrator to ensure up-to-date mailing information is provided to the ESD. 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 10day 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 district and waives any further right of recall.
7. An administrator who wishes to remain eligible for reinstatement to a position requiring a license must maintain a valid license.

8. Individuals who wish to waive re-employment 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.
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.
10. 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).
11. Nothing in this regulation shall be construed so as to interfere with the ESD's right to dismiss a permanent employee or dismiss or non-renew the contract of a probationary employee pursuant to state law.
12. An individual who is no longer employed as an administrator in the ESD due to resignation, assignment to a non-administrative position, expiration of the recall period or rejection of a position offered by the ESD shall receive salary for all unused vacation time following the termination of employment as an administrator.

Section VI - Announcements of Decisions

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

Section VII -Appeal Procedure

An appeal from a layoff decision shall be by arbitration pursuant to the employee's individual employment contract, administrator group contract ("collective bargaining agreement") or rules of the Employment Relations Board.

Section VIII - 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.