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## Termination of Employment Procedures

### Purpose

The purpose of this document is to provide a procedure for a Reduction in Force (RIF) if required.

### Scope

This procedure applies to the Superintendent, Administrators, School Board and all employees of the Valley School District.

### Procedure

1. These termination procedures apply when, in the judgment of the Superintendent, a Reduction in Force (RIF) must be anticipated and planned for the upcoming school year due to declining enrollment, levy failure, reductions in state or federal funds, or any other events resulting in a reduction in revenue. The procedure for determining RIF will consist of working within defined principles as set forth in Section 2 below, determining the planned positions for the upcoming school year, and determining the actual RIF list.
  - 1.1. The Superintendent shall determine the organizational structure of the school district, the district's necessary schools and departments, and the number and nature of each position planned for the upcoming school year by April 15<sup>th</sup>, or the first workday thereafter, in any year in which RIF is anticipated. The Superintendent shall present these items to the board, in writing, on April 15<sup>th</sup> or the first school board meeting thereafter.
    - 1.1.1. When this task is impacted by uncertainty in State legislation or budget, the due date can be extended to May 15<sup>th</sup> with the understanding that a special board meeting may be required for presentation to the board for approval.
    - 1.1.2. In addition, if there is not enough information from the legislature for the organizational structure and related documents to be considered final, then those documents will be based on a foreseeable worst case scenario and will be considered tentative and subject to change based on the final budget adopted by and/or adjournment of the legislature.
  - 1.2. Prior to May 15<sup>th</sup>, or June 15<sup>th</sup> if the legislature has not passed the State budget by May 15<sup>th</sup>, the Superintendent shall present a list of employees to be released to the school board so that those employees can be notified by May 15<sup>th</sup> (or June 15<sup>th</sup> if adoption of the State budget occurs after May 15<sup>th</sup>).

## 2. PRINCIPLES OF REDUCING FORCE

### 2.1. **Washington State School District Certificated Retiree Return-to-work Employees**

All Washington State school district certificated retiree return-to-work employees in the district, regardless of the school or department in which they are employed, are

subject to RIF prior to all other district employees. This provision is an exception to the principle of least disruption discussed below.

**2.2. Least Staffing Disruption to Schools and Departments**

The Superintendent shall plan any anticipated RIF in such a way as to cause the least disruption to the schools and departments of the district. “Least disruption” means that any RIF shall be conducted in such a way as to ensure that employees working in any particular school or department remain in their positions in that school or department if possible. In addition, “least disruption” means that the RIF procedure should avoid the necessity of transferring employees from one school or department to another.

**2.3. Seniority per School and Department**

In order to ensure the least disruption to the district’s schools and departments, any RIF list shall ultimately be determined by seniority per school and department.

**2.4. Seniority List by School and Department**

“Seniority per school and department” means that the Superintendent shall determine RIF lists independently for each school and department in the school district. For example, a more senior employee currently employed in one district school or department may be subject to RIF while a less senior employee in another school or department is not. This procedure will ensure fidelity to the principle of least disruption to the staffing configurations of each district school and department.

**3. DETERMINING THE SCHOOL DISTRICT’S EMPLOYED POSITIONS FOR THE UPCOMING SCHOOL YEAR**

The Superintendent is responsible for the organization of the school district (see Policies 1622, 1623, and 1633). Using an organizational chart, or any other method of presenting the district’s organization in writing that the Superintendent sees fit, the Superintendent shall define the organizational structure of the school district including its necessary schools and departments and all positions necessary to operate those schools and departments as outlined in Section 1 of this procedure, of any year in which RIF is anticipated. In making these determinations, the Superintendent shall consider projected revenues for each school and department as well as any staffing ratio requirements within each school or department. The Superintendent shall also consider how many highly qualified teaching positions are required within each of the core academic subject areas within each school or department.

**3.1. The Organizational Structure of the District**

The first step in the reduction in force procedure is for the Superintendent to determine the organizational structure of the school district for the upcoming school year.

**3.2. Determination of District Schools and Departments**

The Superintendent shall record the organizational structure of the school district in writing in such a way as to make clear what schools and departments the district will

operate in the upcoming school year. These schools and departments constitute the largest components of the district's organizational structure and shall be considered as the necessary schools and departments of the district for purposes of carrying out this RIF procedure. This "necessity" shall be defined by Board action upon the recommendation of the Superintendent. In any year in which RIF is anticipated, the Superintendent shall also list which schools and departments currently operating within the district have been cut for the upcoming school year.

**3.3. Determination of Employed Positions within Each School and Department**

The Superintendent shall record the necessary positions within each school and department. This record shall make clear the number and nature of each necessary position within each school and department. In any year in which RIF is anticipated, the Superintendent shall also list which positions currently filled within the district have been cut for the upcoming school year.

**3.4. Board Action**

The Superintendent shall present all components of this section to the School Board with a recommendation for action as outlined in Section 1 of this procedure, of each school year in which a RIF is anticipated.

**4. DETERMINATION OF PERSONNEL REDUCTION – SPECIFIC RIF LISTS**

**4.1. Determination of Seniority**

4.1.1. Certificated Staff Seniority

4.1.1.1. Certificated Administrative Employees

Certificated administrative staff seniority shall be determined by computing the number of years, or fractions of years, of administrative experience each employee has worked in Washington State. For administrators with previous teaching experience, their teaching experience shall be computed separately and used only in the computation of certificated teaching experience. Administrators who are released from administrative employment, and who also have a valid teaching certificate, will be eligible to be considered for any remaining teaching positions for which they qualify. Their priority for any such positions shall be based on teaching seniority only. Washington State private school experience requiring a certificate shall count the same as public school experience. In the event of a tie in the number of years of service working within the state, the number of years working within the district shall break the tie. In the event of a tie in both categories, the tie shall be broken by lot.

4.1.1.2.      Certificated Teaching Employees

Certificated teaching staff seniority shall be determined by computing the number of years, or fractions of years, of certificated teaching experience each employee has worked in Washington State. Seniority shall be determined separately for non-provisional certificated teachers and provisional certificated teachers. Washington State private school experience requiring a certificate shall count the same as public school experience. With the exception of provisional teachers as defined by RCW 28A.405.220, in the event of a tie in the number of years of service working within the state, the number of years working within the district shall break the tie. In the event of a tie in both categories, the tie shall be broken by lot. All non-provisional certificated teachers shall be considered as having greater seniority than provisional certificated teachers. Provisional employees are of two types: (1) Teachers with fewer than three years of experience in Washington State and less than one year of experience in the district, and (2) Teachers with three or more years of experience within Washington State but less than one year of experience within the district. Type 2 provisional teachers will have seniority over Type 1 provisional teachers.

4.1.2.      Classified Staff Seniority

4.1.2.1.      Seniority Determined within Each Category of Classified Position

Seniority for classified staff positions shall be computed separately for the following categories of position: (1) Administration, (2) Administrative Assistant (3) Transportation, (4) Custodial, Grounds, and Maintenance, (5) Educational Support Staff, (6) Food Services, (7) Office and Clerical, (8) Other Hourly Staff.

4.1.2.2.      Computation of Seniority within Each Category of Classified Position

Seniority computations for all classified staff shall begin with their most recent hire date for a permanent position within the district and include all continuous experience working within the district.

In the event that a classified staff member has been called back to work within a year under the provisions of Section 5, that staff member shall retain all previous seniority, and total

seniority shall be counted as the sum of the previous experience plus all new experience gained after the call back but excluding the time of the layoff.

4.1.3. Filling Vacancies if a School or Department Has a Remaining Vacancy

In the event that a district school or department has a remaining vacancy after the other principles of this section have been applied, the most senior district employee who otherwise would be released and who qualifies for that position shall be assigned to it. In the event that no employees are qualified for the position, it shall be posted for hire.

**4.2. Exemption Based on Qualifications**

Any less senior certificated employee who holds the necessary qualifications for a position shall be retained if no employee with greater certificated seniority holds such qualifications. Retiree return-to-work employees, who are subject to release prior to any other employee, are an exception to this rule.

In the case of classified employees, if a more junior employee possesses expertise and ability greater than a senior employee in an area deemed as necessary to the district, the district may retain the more junior employee and will document in writing the reason(s) for retaining the more junior employee.

**4.3. Retiree Return-to-Work Employees**

The Superintendent shall list all district retiree return-to-work employees in order of seniority. All retiree return-to-work employees are subject to RIF prior to any other employee.

**4.4. Administrative and Supervisory Employees**

The Superintendent shall list all district administrators and supervisors, currently occupying an administrative position, by seniority. In the event that cuts to administrative positions are planned, those positions shall be filled within each district school or department by the most senior administrators currently working within that school or department who are qualified for the remaining positions. The remaining administrators who hold teaching certificates shall be placed on the certificated teacher seniority list within the school or department in which they are currently employed. Those who do not hold teaching certificates shall be released from employment.

**4.5. Certificated Teachers**

In the event that teaching positions have been cut from the schools and departments planned for the upcoming school year, those positions shall be filled by the most senior teachers currently working within that school or department who are qualified for the remaining positions. The remaining certificated teachers shall be released.

#### **4.6. Hourly Classified Employees**

In the event that hourly classified positions have been cut from the schools, departments, and categories planned for the upcoming school year, those positions shall be filled by the most senior hourly classified employees currently working within that school, department, and category who are qualified for the remaining positions. The remaining classified employees shall be released.

#### **4.7. Board Action**

The Superintendent shall present all seniority lists described in this section to the School Board with a recommendation for action on April 15<sup>th</sup>, or the first board meeting date thereafter or as outlined in Section 1 of this procedure, of each school year in which a RIF is anticipated.

Between April 15<sup>th</sup> and May 15<sup>th</sup> of each school year in which a RIF is anticipated (or June 15<sup>th</sup> if the omnibus appropriations act has not passed the legislature by May 15<sup>th</sup>) the Superintendent shall present a list of employees to be released from employment to the School Board with a recommendation for action.

#### **4.8. Notification**

All employees released by the district will be notified in writing on or before May 15<sup>th</sup>, or if the omnibus appropriations act has not passed the legislature by May 15<sup>th</sup>, then no later than June 15<sup>th</sup>. Except in extraordinary cases, the district will give classified employees a minimum of two weeks' notice. Such notice shall be served personally, or by certified or registered mail, or by leaving a copy of the notice at the house of his or her usual abode with some person of suitable age and discretion then resident therein, by the Superintendent or designee.

### **5. NOTIFICATION OF POSSIBLE RE-EMPLOYMENT**

Employees released shall be placed on the notification list for a period of one year commencing May 15<sup>th</sup> and ending May 14<sup>th</sup> of the following year. Retiree return-to-work employees are an exception and will not be added to the list (but are welcome to apply for openings). In the event that vacancies occur, those employees who qualify for the vacancies shall be called back in order of seniority within the school or department from which they were released and for which there is a vacancy. In cases where there are no released employees from a school or department where a vacancy exists, call back shall be based on seniority of those released employees who qualify for the position(s).

Any employee who has been released shall file his or her address in writing with the personnel office of the district and shall thereafter promptly advise the district in writing of any change of address. If the employee fails to file his or her address in writing with the personnel office within 30 calendar days of the date of notice and does not receive a notice of vacancy, that employee forfeits the right to callback under this section. Notice of vacancies will be mailed to the last known addresses of employees who have been released. If the employee fails to file a change of address and does not receive a notice of vacancy,

that employee forfeits the right to callback under this section. An employee must indicate interest in a vacancy for which he or she qualifies by the closing date on the notice. If the employee fails to respond by the closing date, that employee forfeits the right to callback under this section.

The Superintendent shall report the names of employees called back to fill vacant positions to the board at the next regularly scheduled meeting after the call back.

**Supporting Documentation**

RCW 28A.405.220

Policies 1622, 1623, and 1633

Valley School District Organizational Chart

**Document History**

<b>Action:</b>	<b>Date:</b>
New	April 18, 2012
Revised	October 17, 2012
Revised	March 20, 2013
Revised	April 17, 2013