

5.15 *Reduction-In-Force*

- 5.15.1 Scope and Definition – This policy applies to reductions-in-force (layoffs) within the meaning of ALA. CODE §16-1-33 (1975). As used herein, the term “layoff” means an unavoidable reduction in the work force beyond normal attrition due to decreased enrollment or shortage of revenues. The term “layoff” does not include, and the provisions of this policy do not apply to, decisions to terminate or not to extend the appointment of occasional, temporary, or “at-will” employees, or to decisions not to extend or renew the employment of employees following the expiration of annual or other specified terms of appointment. The Board may declare a reduction-in-force as to the system as a whole or as to any component parts of the system (for example, one or more particular schools, departments, areas, groupings, or classifications of employees), as is called for by the facts and circumstances at the time. Any reduction-in-force declared and implemented by the Board is not subject to challenge or review under the Students First Act.
- 5.15.2 Criteria for Determining if a RIF is Necessary – The Board may declare a RIF and implement such if it determines that financial circumstances or enrollment data require such action in order to maintain effective provision of educational services. The Board may consider the following criteria, as applicable to the circumstances:
- a. The Board’s determination of its educational needs, requirements, and priorities;
 - b. Current data and projected trends in revenue collection, anticipated expenditures, and/or enrollment;
 - c. The extent to which cost savings or other appropriate administrative objectives can be realized by taking into consideration voluntary retirements, resignations, transfers, and other normal attrition in the workforce;
 - d. Such other facts, circumstances or criteria that the Board deems reasonable given the circumstances.
- 5.15.3 Implementing Layoffs – Once the Board determines that the financial circumstances and/or enrollment data and/or projections require a RIF, the Board may implement elimination of positions and layoff of employees based upon consideration of the following criteria, as applicable to the circumstances:

- a. The comparative abilities of persons currently holding positions subject to elimination to meet the needs and requirements of the school system, taking into account such considerations as:
 - education,
 - training,
 - experience,
 - quality of job performance,
 - any special skills and aptitudes,
 - possession of necessary and appropriate licensure or certification,
 - proficiency in performing a variety of tasks, responsibilities, and functions;
- b. Other factors being equal, the comparative length of employees' service in the position and with the Board;
- c. Any nondiscrimination requirements that may be imposed by state or federal law;
- d. Such other facts, circumstances or criteria that the Board deems reasonable given the circumstances.

5.15.4 Recall – Recall of laid-off employees is not guaranteed. This policy shall not be construed in any way to create a right or entitlement to recall; the opposite effect is the intent of the Board. Circumstances permitting, and to the extent practicable, any recall of laid-off employees will be based on consideration of the criteria described above for layoffs and on relative length of separation from employment, other factors being equal. Under no circumstances will the Board be required to recall any laid-off employee after one year from the effective date of the employee's layoff. Employees who are recalled within one year from the effective date of their layoff will be credited with time-in-service, and the pay and benefit status they enjoyed on the effective date of their layoff. No pay, benefits, tenure (or non-probationary) status, or other employment right will accrue or be credited to any laid-off employee for or during the time he was not employed.

A laid-off employee will be eligible for recall if:

- a. The facts and/or circumstances justifying the need for a RIF have materially changed;
- b. The nature of the position and qualifications therefore have not materially changed;

- c. The laid-off employee remains properly qualified, licensed, and certified; and
- d. The laid-off employee confirms in writing his availability for and interest in reemployment to the Board's Director of Human Resources within thirty (30) days of receipt of notice of layoff from the Board.

5.15.5 Notice – Notification of any implemented layoff, and any recall implemented, will be by United States certified or registered mail, hand delivery, or by other means that are permitted for such purposes by law. Upon receipt of notification of any implemented recall, a laid-off employee will have fourteen (14) calendar days from the date of said notice within which to respond affirmatively to the notice of recall in accordance with such specific directions or instructions as may be contained therein. Any laid-off employee who does not so respond or who otherwise declines an offer of reemployment by the Board will be deemed to have waived any reemployment under the terms of this policy.

5.15.6 Reservation of Board Authority – Nothing in this policy will be deemed or construed to restrict or impair the authority of the Board to reorganize, consolidate, eliminate, reallocate, or otherwise modify the nature and configuration of its workforce.

[Reference: ALA. CODE §16-1-33 (1975)]

Board Approved: September 17, 2018