

REDUCTION OF PERSONNEL

The Evangeline Parish School Board is cognizant of the fact that consolidation, financial exigency, elimination of a position due to enrollment, or reductions in personnel as a result of factors beyond the control of said Board, is sometimes necessary. Therefore, the Evangeline Parish School Board shall have the authority to make, and shall make provisions for, a reduction in the number of employees of the school district, which may be made for reasons of program elimination, declining enrollment, insufficient funds, or other reasons as approved by the Board. All reductions in the number of employees shall be in accordance with requirements contained in state statutes and Board policy. Normal attrition, voluntary retirements, and voluntary leaves of absence shall be considered prior to any employee reduction.

DEFINITIONS

1. *RIF* means a *reduction in force* of Evangeline Parish School Board employees due to factors other than those provided for dismissal due to cause precipitated by actions of employee. A reduction in force of employees, including tenured personnel, shall be made in accordance with existing state law and the procedures outlined in this policy shall yield, when held to be in conflict with said law or laws.
2. *Termination* means the cessation of employment of an employee before the end of a probationary or permanent appointment for necessary reasons. The non-reappointment of an employee after a specified term appointment is not a termination, and no objection to a non-reappointment may be filed under this procedure. It shall also not apply to:
 - A. Transfer to a lower-paying position,
 - B. Reduction to part-time employment, or
 - C. Reduction in pay as a result of actions covered by this reduction procedure.
3. *Teacher* means any employee of the Evangeline Parish School Board who holds a teacher's certificate and whose employment requires such teacher's certificate.
4. *Bus operator* means any employee of the Evangeline Parish School Board whose duty is to transport students in school buses and who possesses a valid Commercial Drivers License (CDL).
5. *School employee* means any other employee of the School Board who is not a teacher or a bus operator.

6. *Financial exigency* means any significant reduction in the Board's financial resources due to decline in enrollment or other action or events that compel a reduction in the Board's operations budget, or due to withdrawal of a specific source of funding.
7. *Program change* means any elimination, curtailment, or reorganization of a curriculum offering, program, or school operation, or a reorganization or consolidation of two (2) or more individual schools or school districts that may or may not be unrelated to financial exigency.
8. *Day*, except where calendar day is specified, means employee work days.
9. *Seniority* is defined as the first day the employee begins his/her current uninterrupted employment by Evangeline Parish School Board. If an employee leaves the system and returns, previous employment with the Evangeline Parish School Board is not counted toward seniority. Seniority is determined on a parish-wide basis for the category of personnel involved regardless of location.

GENERAL GROUNDS FOR TERMINATION

Employment may be terminated when the Board decides because of financial exigency, program change, or other reasons, the Board's obligation to one or more employees cannot be further met. Such a decision may be made and any resulting termination may be effected only in accordance with the procedure provided herein.

BOARD'S PRELIMINARY DETERMINATION AND STATEMENT

If the Board decides that for necessary reasons, such as a state of financial exigency exists or is imminent, or a program change has occurred or should seriously be considered, and termination of the employment of one or more employees may be a required consequence of such circumstances, it shall take action in an official Board meeting that identifies with reasonable particularity the reasons causing such concerns which may result in reduction of personnel. Simultaneously, Board action shall be published by any means reasonable, calculated to bring it to the attention of school personnel that reduction of personnel might be necessary.

RECOMMENDATION OF THE SUPERINTENDENT

After the Board gives general notice of the possible need for reduction in personnel, as required above, the Superintendent shall prepare a recommendation to the Board of the specific action which should be taken. In preparing such recommendation, the Superintendent shall consider all possible alternatives to the layoffs of employees.

BOARD'S DECISION

When the Board receives the Superintendent's report, and having due regard for the advice and recommendations received, the Board shall act on any recommendations for reductions. Any recommendations for reductions approved shall be based on seniority of service with the Evangeline Parish School Board in the employee category where reduction is necessary and certification/qualification where applicable, provided a sound and balanced educational program consistent with the functions and responsibilities of the Evangeline Parish School Board is maintained.

NOTICE TO INDIVIDUAL EMPLOYEE

If, after considering the Superintendent's recommendation, the Board acts to reduce personnel, the Board shall give written notice of that fact by certified mail, return receipt requested, to each employee to be terminated at least thirty (30) days prior to the termination date. The notice shall include a statement of the conditions requiring termination of employment and a general description of the procedures followed in making the decision. The employee's address, as it appears on school system records, shall be deemed to be the correct address. It shall be the responsibility of each employee to see that his/her current address is on file.

REVIEW OF INDIVIDUAL TERMINATION

1. *Request for a Hearing:* Within ten (10) days after receiving a notice of termination, an employee may request a review of the action by the Board. The review, if conducted, shall be solely to determine whether the decision to terminate was arbitrary or capricious with respect to that individual.

The request for review must be in writing and addressed to the President of the Board. It must specify the grounds on which it is contended that the decision was arbitrary or capricious and must include a short, plain statement of facts that the employee believes will support the contention.

Submission of such a request constitutes on the part of the employee (i) a representation that he/she can support his/her contention by factual proof, and (ii) an agreement that the Board may offer in rebuttal of his/her contention any relevant data in its possession.

A hearing shall be held only after the employee has been given at least five (5) days notice of the hearing.

2. *Conduct of the Hearing:* The hearing shall be conducted informally before a *quorum* of the Board. The employee and the Superintendent may each be accompanied by a person who may give counsel, but may not participate directly in the hearing (and otherwise represent the party). A *quorum* for purposes of the

hearing shall be a *simple majority of the Board's total membership*. A Board member who has a significant conflict of interest shall disqualify himself/herself. A Board member with a significant conflict who does not disqualify himself/herself may be disqualified by a motion adopted by the Board. An employee may request a transcript of the proceeding and if the transcript is made, the cost of preparing it shall be borne by the employee. The employee may transcribe the proceeding. The Board shall consider only such evidence as is presented at the hearing, and it need consider only such evidence that it considers fair and reliable. All witnesses may be questioned by Board members, the employee, or the Superintendent. Except as herein provided, the conduct of the hearing shall be under the control of the Board President.

The hearing shall begin with the employee's presentation of contentions, limited to those grounds specified in the request for a hearing and supported by such proof as he/she desires to offer. When this presentation is concluded, the Board shall consider the evidence presented. If the Board determines that the employee's contention has not been established, it shall so notify the parties and conclude the proceedings, which action shall finally confirm the decision to terminate. If the Board determines that the hearing should continue, the Superintendent shall then present in rebuttal of the employee's contention or in general support of the decision to terminate, such testimonial or documentary proofs as he/she desires to offer, including his/her own testimony.

After the Superintendent completes his/her presentation, the Board shall consider all evidence presented to it during the hearing. The burden shall be on the employee to satisfy the Board by a preponderance of substantial evidence that the decision to terminate was arbitrary or capricious.

3. *Procedure after the Hearing:* If the Board determines that the employee's contention has not been established, it shall, by a simple statement, so notify the employee and Superintendent. Such a determination shall finally confirm the decision to terminate. If the Board determines that the employee's contention has been established, it shall so notify the employee and the Superintendent by a written notice that states what corrective action must be taken.

OBLIGATION WITH RESPECT TO RE-EMPLOYMENT OR OTHER EMPLOYMENT

1. For one (1) year after the effective date of a termination pursuant to provisions set forth herein, the School Board shall not replace an employee whose employment has been terminated without first offering to the terminated employee any position that becomes available for which he/she is both certified when certification is required and qualified.

The offer of re-employment shall be made by registered mail, return receipt requested, and the employee shall be notified that if he/she wishes to accept,

he/she must do so in writing with fifteen (15) calendar days. Failure to accept within fifteen (15) calendar days or rejection of the position eliminates all re-employment rights of the employee.

2. A tenured employee who has been laid off and re-employed within three (3) years shall be reinstated with credit for prior service in this parish. A probationary employee who was laid off but is later re-employed shall be given credit for the time already served as a probationary employee for purposes of determining when he/she is eligible to be considered for permanent employment or salary increments.
3. An employee who is recalled within one (1) year of being laid off shall have restored to him/her all of the sick leave and unused personal leave he/she had accrued on the effective day of the layoff.
4. When requested by the person whose employment has been terminated, the Board shall give him/her reasonable assistance in finding other employment.

EXCLUSIVE RIF PROCEDURE

The procedures outlined in this *Reduction of Personnel* policy are the only procedures that may be used for reducing personnel. Any existing procedure for reconsidering or examining an employee discharge, reappointment, or grievance shall not be considered in implementing a reduction of personnel. Similarly, no personnel action other than a reduction of personnel may be considered under this policy.

SEVERABILITY CLAUSE

If any provision of this policy or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this policy, which can be given effect without the invalid provision or item of this policy and to this end the provisions and items of this policy are declared severable.

TIES

Employee seniority of service shall be determined by the effective date of employment. In the event of tie(s), attendance records shall be used to determine the higher seniority ranking for reduction of personnel purposes.

Ref: La. Rev. Stat. Ann. §17:81.4; Board minutes, 4-4-07.