

8.30—CLASSIFIED PERSONNEL REDUCTION IN FORCE

SECTION ONE

The School Board acknowledges its authority to conduct a reduction in force (RIF) when a decrease in enrollment or other reason(s) make such a reduction necessary or desirable. A RIF will be conducted when the need for a reduction in the work force exceeds the normal rate of attrition for that portion of the staff that is in excess of the needs of the district as determined by the superintendent.

In effecting a RIF, the primary goals of the school district shall be: what is in the best interests of the students; to maintain accreditation in compliance with the Standards for Accreditation of Arkansas Public Schools and/or the North Central Association; and the needs of the district. A RIF will be implemented when the superintendent determines it is advisable to do so and shall be effected through non-renewal, termination, or both. Any RIF will be conducted by evaluating the needs and long- and short-term goals of the school district in relation to the staffing of the district.

If a RIF becomes necessary, the RIF shall be conducted separately for each occupational category of classified personnel identified within the district on the basis of each employee's points as determined by the schedule contained in this policy. The employee within each occupational category with the number of points will not be recommended for renewal or will be terminated first.

Points!

- Employee evaluation scores
 - 3 points - Received the highest evaluation score
 - 2 points - Received the second highest evaluation score
- Advanced degree in any area relevant to the employee's position (only the highest level of points apply)
 - 1 point - Master's degree
 - 2 points - Master's degree plus thirty additional hours
 - 3 points - Doctoral degree
- License or credential relevant to the position
 - 1 point - Basic license or certification
 - 2 points - Advanced license or certification

When the District is conducting a RIF, all potentially affected classified employees shall receive a listing of the personnel within their category with corresponding point totals. Upon receipt of the list, each employee has ten (10) working days within which to appeal their point total to the superintendent whose decision shall be final. Except for changes made pursuant to the appeals process, no changes will be made to the list that would affect an employee's total after the list is released.

Except as may occur during a RIF in the District's teaching staff, there is no right or implied right for any employee to "bump" or displace any other employee. When there is a RIF of the District's teaching staff, a teacher with full licensure in a position shall prevail over a teacher with greater points but who is lacking full licensure in that subject area. "Full licensure" means an initial, or standard, non-contingent license to teach in a subject area or grade level, in contrast with a license that is provisional; temporary; or conditional on the fulfillment of additional course work or passing exams or any other requirement of the

Division of Elementary and Secondary Education, other than the attainment of annual professional development training; or teaching under a waiver from licensure. The exception for a RIF in the District's teaching staff specifically does not allow a licensed employee who might wish to assume a classified position to displace a classified employee.

In the event of a tie between two (2) or more employees, the employee(s) shall be retained based on the following:

1. An employee with the highest evaluation rating shall be retained over an employee with the second highest evaluation rating.
2. If both employees have the same evaluation rating, the employee whose name appears first in the Board minutes to be hired shall be retained.

Pursuant to any reduction in force brought about by consolidation or annexation and as a part of it, the salaries of all employees will be brought into compliance, by a partial RIF if necessary, with the receiving district's salary schedule. Further adjustments will be made if length of contract or job assignments change. A Partial RIF may also be conducted in conjunction with any job reassignment whether or not it is conducted in relation to an annexation or consolidation.

~~**Recall** Reduction in Force is a Policy to guide the District, if it becomes necessary, to reduce staff members due to a decline in student enrollment, financial conditions, program revision or elimination, the closing of facilities, and/or District reorganization. Whenever a reduction in staff members becomes necessary in the opinion of the Board, the following Policy will be utilized to accomplish the necessary reduction action:-~~

~~**DEFINITION**~~

- ~~1. **Reduction in Force (RIF)**—RIF as used in this Policy will mean Districtwide reduction in staff members.—~~
- ~~2. **Seniority**—Seniority as used in this Policy will mean the employee's vertical salary schedule placement on the Fort Smith salary schedule.—~~
- ~~3. **Attrition**—Attrition is defined as a position left vacant when an employee voluntarily resigns, retires, or is dismissed from the District.—~~

~~**PROVISIONS**~~

- ~~1. **The** Board of Education, upon a recommendation by the Superintendent of schools, will determine the number of staff members to be placed on RIF leave and the job area(s), field(s), and/or program(s) to be affected.—~~
- ~~2. To the fullest extent possible, normal attrition will be considered first prior to reduction in force. Part-time employees in identified areas of specialization will be released prior to reduction of employees on full-time contracts.—~~
- ~~3. An employee placed on RIF leave may engage in working in another school District or another occupation during the period of such leave.—~~

4. ~~A RIF leave status will not continue beyond two years unless the leave status is extended by Board action. (See Section III-C for the individual's responsibilities while on RIF leave status.)~~
5. ~~The selection of employees to be recommended for reduction in force will be made by the Superintendent of schools on the basis of the criteria and priorities listed below:~~
 - a) ~~Seniority—Reductions will be accomplished by layoffs of the least senior staff members in the identified areas, provided however that employees in their first, second, or third year of Fort Smith experience will be maintained on a separate seniority list and will be considered as the least senior members for purpose of layoff;~~
 - b) ~~Professional Training—If two or more persons have the same seniority and license area status, reduction will be determined by training and position assignment in accordance with horizontal salary schedule placement. Those to the right will be considered the most senior;~~
 - c) ~~If seniority and educational placement (training and position assignment) of two or more employees are the same, reduction will be accomplished by selecting for retention the one with the most experience in the Fort Smith Public Schools. The initial employment acceptance date (month, day, year) may be used to determine reduction if the factors of seniority, educational placement, and Fort Smith Public School experience are equal for two or more persons.~~
6. ~~Specially funded programs such as adult education, federal programs, and Title I may be modified or eliminated independent of this Policy.~~

~~PROCEDURE~~

1. ~~Reduction of staff members will be made on a District wide basis rather than on a building by building basis whenever reduction in force occurs.~~
2. ~~Written notification to staff members affected by reduction in force will be provided as early as possible, but no later than thirty calendar days prior to the layoff.~~
3. ~~A staff member reduced from employment through the provisions of this Policy will be considered to be on RIF leave:~~
 - a) ~~RIF leave status will be maintained for a period of one year (unless re-employed sooner by the Fort Smith Schools).~~
 - b) ~~If the RIFed employee wishes to remain on RIF leave status for the additional one year period, he or she must notify the District in writing not later than the one year anniversary date of layoff.~~
 - c) ~~RIF leave status will not be affected by employment in another school District or in another occupation.~~
4. ~~Staff members will be selected for reduction according to the provisions and the procedures of this Policy. Staff members on leave of absence will be considered in the same manner as active employees.~~

~~Seniority lists will be used to identify persons for RIF leaves.~~

- ~~5. In the event a staff member not being considered for RIF desires to volunteer for RIF leave status, he or she would request RIF status in writing to the School District personnel office within five working days of the announced RIF action.~~
- ~~6. Approval of a RIF volunteer would be made considering the match of the volunteer to the job area(s) and/or program(s) affected by the RIF action. If placed on RIF leave status, the volunteer would be subject to all provisions, procedures, recall, and rights of this Policy.~~

~~RECALL AND RIGHTS~~

~~After reduction in force action has occurred and the need for the reduction in personnel has diminished, RIFed personnel will be offered employment in their job area prior to employment being offered to new applicants in their job areas. When positions are to be filled through the recall process, personnel on RIF leave will be recalled in the reverse order of layoff.~~

~~The person being recalled will be offered employment by certified mail from the School District Service Center. **Recall** notice will be sent to the person's last known address on file in the School District personnel office. It will be the responsibility of the RIFed person to supply the District with his or her current address.~~

~~Within ten calendar days of postmark of the recall notice, the recalled person must accept the offer by replying by certified mail or in person to the School District Service Center. Rejection of the offer or failure to respond within ten days removes the recalled person's right to any further employment consideration under the provisions of this Policy.~~

~~Failure to report to work in a position that the RIFed person has accepted, unless said employee presents proof of sickness or injury, will be construed to be a default. If said RIFed person has secured employment elsewhere, he or she will be allowed a fourteen-day period from the date of the acceptance before being required to report to work. A person on RIF leave who has contracted with another public school District may opt to complete his or her existing contract. In this case the person will be hired to fill a position at the beginning of the next school year.~~

~~All fringe benefits to which an employee was entitled at the time of RIF leave, including sick leave, personal business days, etc., will be restored to him or her upon returning to full-time employment with the School District. No benefits will accrue during RIF leave status.~~

~~The employees recalled from RIF leave will be placed on the salary schedule step that he or she would have been on prior to being placed on RIF leave.~~

~~All employees on RIF leave will be given priority over new applicants in filling positions which may open.~~

~~When a reduction in force is declared and personnel are placed on layoff (RIF) status, the School District personnel office will prepare appropriate seniority lists of personnel. These lists according to seniority~~

~~will include name, service, and job classification areas, and RIFed personnel will be designated. The lists will be maintained in the School District personnel office for review by the appropriate school officials and the personnel identified for RIF.~~

~~A person who is grieved may utilize the District's grievance procedures~~

~~For a period of up to two (2) years from June 30 of the year an employee was not renewed or was terminated under this policy, a classified employee shall be offered an opportunity to fill a classified vacancy comparable as to pay, responsibility and contract length to the position from which the employee was not renewed or was terminated, and for which the employee is qualified. No right of recall shall exist for the elimination or reduction of a stipend or a reduction in contract length. Recall of employees under this policy shall be in reverse order of that used to determine the employees that would be RIFed (i.e. the employee with the highest points will be recalled first and the employee with the lowest points will be recalled last).~~

~~Notice of vacancies to non-renewed employees shall be by first class mail to all employees reasonably believed to be both qualified for and subject to rehire for a particular position and they shall have ten (10) working days from the date the notification is mailed in which to conditionally accept or reject the offer of a position with the actual offer going to the qualified employee with the most points who responds within the ten (10) day time period. A lack of response, as evidenced by an employee's failure to respond within ten (10) working days, or an employee's express refusal of an offer of a position or an employee's acceptance of a position but failure to sign an employment contract within two (2) business days of the contract being presented to the employee shall constitute a rejection of the offered position and shall end the district's obligation to rehire the employee. No further rights to be rehired because of the RIF shall exist.~~

SECTION TWO

~~In the event the district is involved in an annexation or consolidation, employees from all the districts involved will be ranked in accordance with Section 1 of this policy. The date of hire by the board of an annexed or consolidated district shall be used to settle a tie between employees.~~

Legal Reference: A.C.A. § 6-13-636
 A.C.A. § 6-17-2301
 A.C.A. § 6-17-2407

Additional Reference: ASBA Model Policies

Date Adopted: June 22, 2020
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