

**NORTH CENTRAL EDUCATIONAL SERVICE DISTRICT
BOARD POLICY**

No. 5270

REDUCTION IN FORCE

A. Special Funded Programs

This section of policy shall govern all reductions in staff employed by North Central Educational Service District (NCESD) in special funded programs for reasons including but not limited to a reduction in funding, reduction or abolishment of a staff position, or the reduction or abolishment of an activity or service performed by NCESD.

For the purposes of this policy, the term “staff” shall include all personnel working in a specially funded program operated by the NCESD.

North Central NCESD has several programs that are funded by special state funds, federal funds, or possibly local district funds. In the event funding earmarked for a specific activity or service is reduced or discontinued, and the activity or service is reduced or discontinued as a result, the staff positions performing that activity or service shall be non-renewed or terminated. If the reduction in force is for less than the entire staff within that specially funded program, the Superintendent shall have the sole discretion and authority to lay off the employees necessary to meet the budgetary limitations.

Employees whose contracts are non-renewed or terminated under the provisions of this section shall be given priority for rehiring in case the program is refunded. If, at the time of non-renewal or termination of staff positions funded from special sources, there are openings for staff from regular NCESD funding sources, the non-renewed or terminated employees shall be given fair consideration for those positions.

B. Non-Certificated Staff Reduction in Force

This section of policy shall govern reduction of NCESD non-certificated staff employed in non-special funded programs. Such reduction shall be for reasons including, but not limited to, a reduction in funding, the reduction or abolishment of a staff position, and the reduction or abolishment of an activity or service performed by NCESD.

The NCESD Board shall have the power, duty and responsibility to determine the activities and services to be performed by the NCESD and the number and qualifications of the staff necessary to perform such activities and services. In the event the NCESD Board determines that an activity or service is to be reduced or abolished or that a staff position is to be limited or abolished, and/or that the number of staff is to be reduced; the following procedures and criteria shall be applied:

1. In the event an activity or service which is to be reduced or abolished is being performed by two or more equally qualified staff members, the staff member(s) to be non-renewed or terminated shall be selected based on criteria (a.) through (c.) set forth below. Equally qualified staff members shall mean staff members who possess the minimum job qualifications established by the NCESD, state and federal statutes, and funding rules and conditions.

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- a. Staff members shall be ranked in the order that they possess qualifications for existing positions within the program activity or service to be reduced or abolished. Selection for non-renewal or termination will begin with the staff member(s) who do not meet qualifications for existing positions.
- b. In the event the application of criteria (a.) above results in a tie between any two or more staff members, such staff members will first be ranked in the order of seniority. Seniority shall be computed based on established hire or transfer date of each employee *into* that program. Time spent in other NCESD program areas shall not be considered in computing seniority. Selection for non-renewal or termination will begin with the staff member(s) with the least seniority.
- c. In the event the application of criteria (b.) above fails to break an existing tie between two or more staff members, the staff member(s) to be non-renewed or terminated shall be chosen by lot. All staff members affected shall be notified of the date, place, and time of the drawing. The drawing shall be conducted openly and drawn by a disinterested third party selected by the NCESD Superintendent.

C. **Certificated Staff Reduction in Force**

This policy shall govern reduction in certificated staff employed by the NCESD for reasons including but not limited to a reduction in funding, the reduction or abolishment of a staff position, and the reduction or abolishment of an activity or service performed by the NCESD. For the purpose of this policy, the term “staff” shall include personnel who are required to hold a professional certificate issued by the State Board of Education/Superintendent of Public Instruction as the condition of their employment by the NCESD.

The NCESD Board shall have the power, duty and responsibility to determine the activities and services to be performed by the NCESD and the number and the qualifications of the staff necessary to perform such activities and services. In the event the NCESD Board determines that an activity or service is to be reduced or abolished, or that a staff position is to be limited or abolished, and/or that the number of staff is to be reduced, the following procedures and criteria shall be applied:

1. In the event an activity or service which is to be reduced or abolished is unique and distinguishable from the activities and services performed by any other staff position, the staff member performing such unique activities and services shall be non-renewed or terminated.

A staff position job description, the capacity in which the staff member performs, the activities or services and the nature of the activities and services performed shall be considered in determining whether an activity is unique and distinguishable.

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2. In the event an activity or service which is to be reduced or abolished is being performed by two or more equally qualified staff members, the staff member(s) to be non-renewed or terminated shall be selected based on criteria (a.) through (d.) below. "Equally qualified staff members" shall mean staff members who possess the minimum job qualifications established by the NCESD, by the state and federal statutes, and funding rules and conditions.
 - a. Staff members shall be ranked in the order of the greatest number of years of experience. For the purpose of this criteria, a YEAR shall mean a contract unit or employment period for which step increments are granted on the NCESD salary schedule. EXPERIENCE shall mean employment by the NCESD and other educational service districts or public and private elementary or secondary schools within the State of Washington. Selections for non-renewal or termination will begin with the staff member(s) with the least experience.
 - b. In the event the application of (a.) results in a tie between any two or more staff members, such staff members will first be ranked in order of the greatest number of credits received from an accredited college after (point in time) receipt of their BA or BS degree as of the last October 1. Selections for non-renewal or termination will begin with the staff member(s) with the fewest number of such additional credits.
 - c. In the event the application of criteria (b.) above results in a tie between any two or more staff members, such staff members shall be ranked in the order of seniority. Seniority shall be computed based on the actual hire date or transfer date of the employee into the job where the employee performed employment duties for the NCESD prior to the fiscal year in which the action to reduce force is taken. Selection for non-renewal or termination will begin with the staff member(s) with the least seniority.
 - d. In the event the application of criteria (c.) above fails to break an existing tie between two or more staff members, the staff member(s) to be non-renewed or terminated shall be chosen by lot. All staff member(s) so affected shall be notified of the date, place, and time of the drawing. The drawing shall be conducted openly and drawn by a disinterested third party selected by the Superintendent of the NCESD.

D. Financial Detriment as a factor

Despite the provisions set forth in the previous sections A, B, and C, NCESD shall have the power, duty, and responsibility to retain a less senior employee instead of a more senior employee in the event retaining the more senior employee would result in a financial detriment to the NCESD or to the agencies it serves, that would not result or would be lessened if the NCESD retained the less senior employee. In determining whether retaining a more senior employee over a less senior employee would result in a financial detriment to NCESD or to the agencies it serves, the employees' salaries shall not be considered. However, incidental expenses such as mileage and/or travel expenses may be considered.

Adopted 3/21/77

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