

## REDUCTION IN CERTIFIED STAFF

## BOARD RIGHTS

This procedure shall apply when the Board of Control decides to reduce or layoff certified staff. After the Board of Control has determined where the reduction shall occur, the following procedure shall be used.

## REASONS FOR REDUCTION IN FORCE

In the event the Board determines to reduce the number of positions (full nonrenewal) or the number of hours in any position (partial nonrenewal), the provisions set forth in this section shall apply.

## NOTICE

The staff member or members so affected will be notified as soon as practical following the Board's determination. The Agency will provide notice of nonrenewal in accordance with the timelines set forth in Wis. Stats. 118.22. The nonrenewal notice shall specify the effective date of the nonrenewal and the right to a private conference under Wis. Stats. 118.22.

## SELECTION CRITERIA

In the implementation of staff reductions under this section, individual employees shall be selected for full or partial layoff in accordance with the following steps:

- A. Step One - Attrition: Normal attrition resulting from employees retiring or resigning will be relied upon to the extent that it is administratively feasible in implementing reducing staff.
- B. Step Two - Volunteers: Volunteers will be non-renewed first. The Agency will provide the volunteer(s) with a nonrenewal notice. Requests for volunteers will be sent to employees within each grade level, departmental and certification area. An employee who volunteers to be non-renewed under this section will put his/her request in writing. Volunteers will only be accepted by the Agency if in the Agency's opinion the remaining employees in the department/certification area are qualified to perform the remaining work. Volunteers will be treated as an Agency directed nonrenewal under this section of the *Handbook*.
- C. Step Three - Selection for Reduction/Layoff: The Agency shall select the employee in the affected certification areas/employment category for nonrenewal [full nonrenewal or a reduction in hours].
  1. Certification area/employment category for the purpose of this section shall be defined as:

- a. Certification Areas - examples of certification areas are school psychologist, speech/language clinician, physical therapist, occupational therapist, etc. By enumeration no restriction is placed on the number or types of certification areas. The number and type of departments is at the discretion of the Board.
- b. Employment Categories - examples of employment categories are project directors, grant-funded positions, etc. By enumeration no restriction is placed on the number or types of employment categories. The number and type of departments is at the discretion of the Board.

The Agency shall utilize the following criteria in order of application for determining the employee for nonrenewal:

- A. Educational Needs of the Agency: Will be those needs as identified and determined by the Board through normal channels in accord with its constituted authority.
- B. Qualifications as Established by the Board: Including, but not limited to specific skills, certification (if applicable), training, Agency evaluations, etc.
- C. Qualifications of the Remaining Employees in the Certification Area: Relevant qualifications will be those experiences and training that best relate to the position(s) to be maintained and Agency needs as determined by the Board. These experiences shall include but not be limited to current and past assignment and practical experience in the area of need.
- D. Performance of the Employee Considered for Nonrenewal: Performance of the employees under consideration as previously and currently evaluated in the last two (2) summative evaluations. A cumulative score is given on the four major sections on the performance evaluation instrument.
- E. Length of Service of the Employee.
  1. Length of Service: Is defined as length of service with the Agency commencing on the most recent date of hire. No distinction will be made between full-time and part-time employees in calculating length of service.
  2. Tie Breaker on Length of Service: In the event two or more employees start on the same date, the employee who is senior shall be determined by the Agency.

#### LOSS OF BENEFITS

There shall be no loss of previously accrued benefits in the event of a layoff of one (1) year or less, but benefits and the employment relationship shall be broken and terminated if the staff member:

1. Resigns or quits;
2. Is retired;
3. Is on layoff for more than one (1) year.

#### RECALL

Full-time staff members laid off under the terms of this policy will be given first priority for such vacancies that shall occur in their area of

certification for a period of one (1) year following the layoff. Reinstatements shall be made without loss of benefits accrued from prior years of service in the CESA Agency. Within ten (10) calendar days after a staff member receives a notice of re-employment, he/she must advise the CESA Agency in writing that he/she accepts the position offered by such notice and will be able to commence employment on the date specified therein. Any notice shall be considered received when sent by certified letter, return receipt requested, to the last known address of the staff member in question as shown on the CESA Agency's records. It shall be the responsibility of each staff member on layoff to keep the CESA Agency advised of his/her current whereabouts. Any and all re-employment rights granted to a staff member on layoff shall terminate upon such staff member's failure to accept within said ten (10) calendar days any position for which he/she is certified, offered to him/her by the CESA Agency.

Exceptions to the foregoing are permitted as required by the academic needs of the students of the school districts within the CESA Agency or by mandate of State Statutes (example: Chapter 115) but the Board of Control may not act in an arbitrary or capricious manner in making such exceptions.

No staff member may be prevented from seeking and securing other employment during the period he/she is laid off under this policy.

Legal Reference: Wis. Statutes Chapter 116  
Wis. Statutes Chapter 118

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