



SECTION: EMPLOYEES

POLICY: 311

TITLE: REDUCTION IN STAFF

ORIGINAL: November 5, 2018

CURRENT REVISION: December 13, 2021

LAST REVIEWED BY THE COMMITTEE:

I. PURPOSE

- A. The Board is responsible for maintaining appropriate numbers of administrative, professional and support employees to effectively manage and operate the district and its schools. This policy establishes the way necessary reductions of staff shall be accomplished.
- B. In the exercise of its authority to reduce staff through suspensions (furloughs) and elimination of positions, the Board shall consider the staffing needs of the district, the effect upon the educational program and the financial stability of the district, and shall ensure compliance with law, regulations, collective bargaining agreements, individual contracts, and Board resolutions.
- C. The Board shall not prevent any professional employee from engaging in another occupation during the period of suspension.
- D. Nothing in this policy shall be construed to limit the cause for which a temporary professional employee, or any employee other than a professional employee, may be suspended.

II. DEFINITIONS

None.

III. POLICY

- A. Employees Other Than Professional Employees and Temporary Professional Employees
 - a. The employment status of employees other than professional employees and temporary professional employees may be terminated or temporarily suspended whenever deemed necessary in the best interests of the district, subject to limitations and procedures provided for in collective bargaining agreements, if any.
- B. Temporary Professional Employees
 - a. The employment status of a temporary professional employee shall be nonrenewed when the employee's position has been eliminated or when the conditions for which professional employees may be suspended otherwise exist, subject to limitations and procedures provided for in collective bargaining agreements, if any.
- C. Professional Employees
 - a. The necessary number of professional employees may be suspended for the following reasons:
 - i. Substantial decrease in student enrollment in the district.
 - ii. Curtailment or alteration of the educational program because of substantial decline in class or course enrollments or to conform to standards of organization or educational activities required by law or recommended by the Pennsylvania Department of Education. Such curtailment or alteration must be recommended

by the Superintendent, agreed to by the Board, and approved by the Pennsylvania Department of Education. If not prevented by an existing or future provision of a collective bargaining agreement or employment contract, such a suspension may be effectuated without approval of the Pennsylvania Department of Education provided that, where an educational program is altered or curtailed, the district shall notify the Pennsylvania Department of Education of such action;

- iii. Consolidation of schools, whether within the district, through a merger of Districts, or because of Joint Board agreements, when such consolidation makes it unnecessary to retain the full staff of professional employees.
- iv. When new school districts are established as the result of reorganization of school districts and such reorganization makes it unnecessary to retain the full staff of professional employees.
- v. Economic reasons require a reduction in professional employees; however, the district is prohibited from using an employee's compensation in the suspension determination. A Superintendent knowingly in violation of this prohibition shall have a letter from the Secretary of Education placed in his/her permanent employee records.

D. Economic Suspension Requirements

- a. The Board may suspend professional employees for economic reasons if all the following apply:
 - i. The Board approves the proposed suspensions by a majority vote of all school directors at a public meeting;
 - ii. No later than 60 days (about 2 months) prior to the adoption of the final budget, the Board adopts a resolution of intent to suspend professional employees in the following fiscal year, setting forth:
 - 1. The economic conditions necessitating the proposed suspensions and how the economic conditions will be alleviated by the proposed suspensions include:
 - a. The total cost savings expected from the proposed suspensions;
 - b. A description of other cost-saving actions taken by the Board, if any;
 - c. The projected district expenditures for the following fiscal year with and without the proposed suspensions;
 - d. The projected total district revenues for the following fiscal year;
 - 2. The number and percentage of employees to be suspended who are: professional employees assigned to provide instruction to directly to students; administrative staff; professional employees who are not assigned to provide instruction directly to students and who are not administrative staff.
 - 3. The impact of the proposed suspensions on academic programs to be offered to students following the proposed suspensions, as well as the impact on academic programs to be offered to students if the proposed suspensions are not undertaken, compared to the current school year, and the actions, if any, that will be taken to minimize the impact on student achievement.

E. Professional Employees Assigned to Provide Instruction Directly to Students.

- a. Suspensions, due to economic reasons, of professional employees assigned to provide instruction directly to students may be approved by the Board only if the Board also suspends at least an equal percentage proportion of administrative staff, except when all the following apply:
 - i. The Secretary of Education determines that the district's operations are already sufficiently streamlined or that the suspension of administrative staff would cause harm to the school stability and students' programs.
 - ii. The Secretary of Education submits the determination to the State Board of Education.
 - b. The State Board of Education approves the determination of a majority of its members. The Board may choose to exempt from this requirement any five (5) administrative positions, one of which shall be the Business Manager or other staff members with the primary responsibility of managing the district's business operation.
- F. Order of Suspensions
- a. Data necessary for computation of each professional employee's performance rating and seniority status shall be recorded and maintained to ensure compliance with the required order for suspensions.
 - b. Performance Evaluation Rating
 - i. Professional employees shall be suspended, within the area of certification required by law for the professional employee's current position, in the following order based on the two (2) most recent annual performance evaluations:
 - 1. Consecutive unsatisfactory ratings;
 - 2. One (1) unsatisfactory rating and one (1) satisfactory rating;
 - 3. Consecutive satisfactory ratings which are either consecutive ratings of proficient, or a combination of one (1) proficient or distinguished rating and one (1) needs improvement rating;
 - 4. Consecutive satisfactory ratings, which are consecutively distinguished, or a combination of one (1) rating or proficient and one (1) rating of distinguished.
 - c. Seniority
 - i. When the number of professional employees within each certification area receiving the same performance rating is greater than the number of suspensions, professional employees with the least seniority within each certification area shall be suspended before employees with greater seniority having the same performance rating.
 - ii. Professional employees shall be realigned to ensure that employees with more seniority have the opportunity to fill other positions within the district for which they are certificated, and which are currently filled by less senior employees with the same or lower overall performance rating.
 - iii. Seniority shall continue to accrue during a suspension and all approved leaves of absence.
 - iv. When there is or has been a consolidation of schools, departments or programs, all professional employees shall retain seniority rights they had prior to the reorganization or consolidation.
- G. Reinstatement
- a. Suspended professional employees, or professional employees demoted for reasons of this policy, shall be reinstated within the area of certification required by law for the

vacancy being filled in the district, in the inverse order by which they were suspended and based on their seniority within the district.

- b. No new appointment shall be made while there is a suspended or demoted professional employee available who is properly certificated to fill such a vacancy.
- c. Positions from which professional employees are on approved leaves of absence shall be considered temporary vacancies.
- d. To be considered available, suspended professional employees shall annually report in writing to the Board their current address and intent to accept the same or similar position when offered.
- e. A suspended professional employee enrolled in a college program during a period of suspension and who is recalled shall be given the option of delaying a return to service until the end of the current semester.

H. Local Agency Law Hearings

- a. The decision to suspend a professional employee shall be considered an adjudication for the purposes of the Local Agency Law and a professional employee shall be subject to such a decision shall have the right to a Local Agency Law hearing before the Board if a hearing is requested within 10 days (about 1 and a half weeks) after being notified of suspension.
- b. A decision not to renew the employment of a temporary professional employee whose position has been eliminated or who is not being renewed for reasons for which professional employees may be suspended shall be considered an adjudication for purposes of the Local Agency Law, and the employee shall be entitled to a Local Agency Law hearing. If a hearing is required within 10 days (about 1 and a half weeks) after being notified of the decision to not renew.

IV. **DELEGATION OF AUTHORITY**

- A. The Superintendent shall be responsible for the continuous review of the efficiency and effectiveness of district organization and staffing and shall present recommendations for reduction in staff for Board consideration when such actions are deemed to be in the best interests of the district.
- B. The Superintendent shall consult with the district solicitor as necessary to ensure that a reduction of staff is implemented in accordance with applicable laws.

V. **REFERENCES**

22 PA Code 4.4
24 P.S. 1106
24 P.S. 406
24 P.S. 1124
24 P.S. 1125.1
24 P.S. 524
24 P.S. 1123
2 Pa. C.S.A. 551 et seq