

ALMA D'ARTE CHARTER HIGH SCHOOL
EMPLOYEE POLICY

Policy No. EP0001
Adopted: 02/19/15
Amended:
Updated:

SUBJECT: REDUCTION IN FORCE

PURPOSE: Pursuant to the State Board of Education Regulation 80-1 "Local Boards shall have the right to discharge school personnel or terminate (tenure) teachers after notice and a hearing when a reduction in personnel is required as a result of decreased enrollment or a decrease or revision of educational programs."

PROCEDURES:

- A. The term reduction-in-force (RIF) as used herein refers to reduction of employment status of any school employee due to loss of revenue, decreased enrollment or a decrease or revision of educational programs. RIF does not refer to discharge or non-renewal of an individual for unsatisfactory work performance or insubordination.
- B. The proper certification and qualification of staff to maintain a sound and balanced educational program and environment shall be maintained pursuant to Educational Standards for New Mexico Schools, State Board of Education Rules and Regulations, and/or other authorities which are law or have the force of the law to the school.
- C. SENIORITY
 - 1. Seniority, for the purpose of RIF, is defined as years of continuous service with the school.
 - 2. Partial year and /or half-time employment shall be prorated.
 - 3. Leave of absence shall not be considered as interruptive of continuous service except that an individual on leave of absence shall not accrue additional seniority while on such leave.
 - 4. A seniority list of personnel hired during the last three (3) years will be used for reference prior to the implementation of RIF.
 - 5. When seniority is equal, positions on the seniority list shall be determined by a drawing. The first person drawn will have more seniority.
- D. In the event the Governance Council deems it necessary to initiate a reduction in the work force, the following conditions shall apply:

E. LAYOFF

1. The Governance Council shall approve the number and type of positions to be affected by the RIF taking into consideration what will have the least impact on the instructional program.
2. Prior to initiating the RIF, the Governance Council will attempt to absorb the necessary reductions through attrition, non-renewal of temporary short-term employees, and hiring freezes.
3. The Principal/CEO shall meet with the appropriate bargaining representatives prior to the implementation of the Reduction in Force plan to discuss the process of the implementation of the plan. Such discussion will include the reasons for the proposed action, the number of positions affected, and the financial impact on the school.
4. In the event of a RIF, the Principal/CEO shall provide written notice to all affected employees. Any employee who is to be RIFed will be so notified in writing at least thirty (30) days before the effective date of the layoff, except in cases of emergency. Such notice shall include the date of layoff and reason for the action.
5. Reduction-in-force shall be by inverse seniority.

F. RECALL PROCEDURE

1. A RIFed employee shall be considered to have a recall status for a period of twelve (12) months.
2. The Principal/CEO shall determine the number and types of positions to be affected by the recall.
3. The Principal/CEO shall offer employment to a person on the recall list who qualifies for the position available and possesses the most seniority from those available.
4. Any employee selected for recall shall be given written notice of the recall by telegram or certified mail to the last address provided to the school by the employee. Failure to accept the position in writing within fifteen (15) calendar days of the mailing of the recall notice shall constitute forfeiture by the recalled person of further rights under the provision.
5. Any employee recalled within one (1) year shall not lose any seniority or unused sick leave held previous to having been subjected to the RIF procedure.
6. If a RIFed employee has been recalled to a position other than that which the employee held immediately prior to being RIFed, the employee shall have the right to return to the position held at the time of the RIF if said position becomes open

within twelve (12) months following the employee's recall. An employee must, at the time of return to reemployment, indicate in writing the desire to return to the position vacated.

Legal Reference: 6.67.3 NMAC, State Board of Education Regulation 80-1

END