

REDUCTION IN FORCE

6.91

- I. In accordance with The Code of Alabama §16-1-33 (1975) a reduction-in-force may be declared by the Henry County Board of Education and layoffs approved thereunder if the Board determines that decreased student enrollment or a shortage of revenues requires a reduction in the work force (beyond normal attrition) in order to maintain effective provision of educational services or to meet the Board’s financial, legal, or operational obligations.

A “layoff” within the meaning of this policy is a separation from employment with the Henry County Board of Education. However, employees who are laid off under this policy are eligible for recall to employment as conditionally provided in this policy. The term “layoff” does not include or apply to the expiration of temporary, occasional, or “at-will” appointments or to decisions not to renew or extend employment beyond the expiration of annual or other specified terms of appointment.

- II. The order, priority, rank or selection of individual employees who are to be laid off under authority of this policy shall be determined on the basis of objective criteria. However, nothing herein shall be deemed or construed to limit or abridge the Board’s legislative discretion to identify areas, department, programs, groupings or classifications for reductions (layoffs). (For example, the Board is not required to implement layoffs in classified or support categories of employees before laying off certified or instructional staff.)

- A. The criterion or criteria on which the layoffs are to be based shall be announced or otherwise communicated by the Board to affected employees no later than the date of the notice of layoff is provided to employees.

- B. “Objective criteria” within the meaning of this policy may include any lawful selection standard, or combination of standards, that is verifiable, calculable, measurable, or otherwise determinable by means or methods other than the personal or subjective judgments or opinions of the person(s) applying the criteria, and that would be expected to produce the same result if applied to the same employees or group of employees by different persons. Such objective criteria may include, but are not limited to:

- Seniority, longevity, or time in service that will be more specifically described in the notice of layoff that is provided to affected employees
- Years of experience
- Degrees, certification, or licensure
- Job classification
- Status as probationary or non-probationary employee

CHAPTER 6.00 – HUMAN RESOURCES

- III. Employees who have been laid off under the terms of this policy will be given priority in filling positions as enrollment or financial circumstances warrant, provided that:
 - A. The nature of the position and qualifications therefore have not materially changed;
 - B. The laid-off employee remains properly qualified, licensed, or certified; and
 - C. The laid-off employee confirms in writing his or her availability for and interest in re-employment to the Board’s Director of Human Resources in accordance with any directives that may be contained in or transmitted in conjunction with the notice of layoff.

Circumstances permitting, and to the extent practicable, the selection of employees for recall will be based on the criteria that were applied to the layoffs themselves if there are more employees eligible for recall than positions available to fill. When layoffs occur over a period of time, the Board will take relative length of separation from service into consideration in assigning recall priority, other factors being equal. In no case will any right to be recalled to employment extend beyond one (1) year from the effective date of the employee’s layoff. Recalled employees will retain credit for the tenure, years of service, and the pay and benefit status they held on the effective date of their layoff. No pay, benefit, status, or additional rights will accrue or be credited to the recalled employee for the time he or she has been laid off.

- IV. Notification of layoff and recall shall be by United States certified or registered mail, hand delivery, or such other means as are reasonable under the circumstances. Upon receipt of notification of recall, a laid-off employee shall respond affirmatively to the notice of recall in accordance with such specific directions or instructions as may be contained therein. Any laid-off employee who does not so respond or who otherwise declines an offer of re-employment by the Board will be deemed to have waived any right to be recalled under the terms of this policy.

REFERENCE(S):

**CODE OF ALABAMA
16-1-33, 16-1-30**

HISTORY:

**ADOPTED: JANUARY 6, 1997
REVISED: OCTOBER 11, 2007; JULY 18, 2013; _____
FORMERLY: GBNA, GCNA, 6.91.1**