

STAFF REDUCTIONS HUMAN AND LEGAL CONSIDERATIONS

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INTRODUCTION:

Over the past 10 years, school districts have been somewhat exempt from dealing with reductions in staff. It has been the private sector that has suffered most of the employee layoffs.

In surveying 25 Superintendents, I found that very few school districts have a formal or routine process for handling employee layoffs. Most of the Superintendents I contacted indicated that over their career, they had been involved in hiring and had very little experience with reduction in staff.

I offer the following suggestions for “Humanizing the Process of Staff Reductions and Layoffs”, which is based on both the survey of Superintendents, and my own experiences of 27 years serving as a Superintendent of Schools.

QUESTIONS TO ASK:

1. Is there a strong indication that layoffs will actually occur, and in what areas?
2. Will there be enough staff members retiring to offset layoffs?
3. Would it be a benefit to speak with local union leadership regarding concessions to avoid layoffs?
4. Will the layoffs have any effect on school-community relations, budget vote, or board member elections?

THE FOLLOWING ARE PRACTICES, COMMENTS, AND SUGGESTIONS OFFERED BY THE SUPERINTENDENTS SURVEYED.

SUGGESTIONS:

- Meet with representatives of local unions to inform them of anticipated or potential layoffs. (Have unions on board early in the process.)

- Publicize both the need for a reduction in staff, and the reasons why specific categories were selected. (Get ahead of the rumor mill.)
- Review contract language, civil service law and Education Law on the provisions for layoff and recall.
- Notify the individual at the earliest possible date. (Keep the individual from hearing the bad news through the “grapevine.”)
- For the principal and then the Superintendent to meet with each individual who would be laid off. (Focus on individualizing and personalizing the process.)
- Indicate to the individual that confidentiality is extremely important. (Avoid “lame duck” status.)
- Conduct an Exit Interview, with principal and superintendent (union representative optional). These are resources that may be drawn upon in the future.
 - Superintendent, principal or supervisor to meet with each individual staff member, to demonstrate a personal interest.
 - Inform the individual that they are a valued employee.
 - Distribution of layoff and Recall Information Package.
 - Procedures and forms to apply for Cobra, to continue group insurance coverage
 - Information on unemployment and/or retirement benefits
 - District provisions for layoff and recall
 - Information on retirement benefits, if age appropriate
 - Services offered by Employee Assistance Program, if appropriate
- Maintain a dialogue with the staff member and his/her respective union throughout process. (*This is a difficult time for both the individual and union, and provides the opportunity to develop a sense of trust.*)
- Ask the local BOCES to establish a “clearing house” for individuals laid off that could represent an interview pool for other school districts.

**IF SPECIFIC INDIVIDUALS ARE TARGETED FOR LAYOFF,
YOU MAY WANT TO ASK YOURSELF THE FOLLOWING
QUESTIONS:**

1. Does the staff member have an above satisfactory employment record?
2. Having knowledge of the individual staff member and their employment record, would you hire the individual?

**SUPERINTENDENTS REPORTED
THAT IF THE ANSWER TO BOTH QUESTIONS IS YES,
THEY OFFERED THE FOLLOWING SUGGESTIONS:**

- Ask if the individual would like to be included on the substitute list.
- Develop a letter of introduction:
- State clearly that the staff member is a valued employee.
- The reason for their departure is due solely to economic reasons beyond their control.
- State several examples of the individuals skills, potential and attitude toward job responsibilities.
- Send a list of the individuals being accessed, along with a brief statement to support each, to superintendents in area school districts.
- Offer assistance to the individual in developing a resume.
- The staff members name and address would remain on the districts mailing list for newsletters, information updates, etc.
- Send the individual Notices of Vacancies for positions in their field.

LEGAL CONSIDERATIONS WHEN ABOLISHING TEACHING/ADMINISTRATIVE POSITIONS

By James M. Merrins, Ed.D.

Staffing reductions can be a legal and political minefield for the Superintendent. My three pieces of advice are:

1. Consult with your school attorney for a clear understanding of the law and proper procedures.
2. Run all your proposed actions by the employees bargaining units before taking action, to see if there is agreement that you are targeting the correct individuals. This may save you later legal problems.
3. Reread your School Law book and all your bargaining contracts.
 - Education Law §§ 2510 and 3013 govern the abolition of positions. Attached are a sample Board of Education resolution and notice letter.
 - Part 30.13 of the Regulations of the Commissioner of Education governs the right of some employees to “bump” other positions.
 - Review your Seniority lists.

Always Seek Recommended Wording from the District's Legal Council

Sample Board of Education Resolution

BE IT RESOLVED that the Board of Education of the __Name__ School District, County of __Name__, hereby abolishes __Number__ position(s) in the __Name__ tenure area, effective __Date__. And, the Superintendent of Schools is hereby directed to notify the affected staff of this Board of Education action.

Sample Notice to Employee

Dear

I regret to inform you that the Board of Education of the __Name__ School District, County of __Name__, at its meeting of __Date__ voted to abolish __Number__ position(s) in the __Name__ tenure area, effective __Date__.

Since you are one of the (the) least senior person(s) in that tenure area, your employment with the District will be terminated effective __Date__. Please be advised that your name will be placed on the District's preferred eligible list in that tenure area for reinstatement to a similar position for a period of seven (7) years.

Please keep us informed of your current address so that we may contact you in the event of a recall. It is your responsibility to keep the District informed of your whereabouts so that we may contact you if a vacancy occurs. Notice of availability of employment will be sent to the last address on file with the District unless you notify us otherwise.

You may be entitled to a continuation of your District insurance benefits for a limited period of time under COBRA law at your own expense. Please contact __Name__ for further information on these benefits.

We are sorry to lose you as an employee. We wish you well in your career goals. Thank you for your dedication and service to the __Name__ School District.

Sincerely,

Name
Superintendent of Schools