

TUSD

Tucson Unified School District

Administrator and Certificated Staff Reduction in Force Plan

I. USP LANGUAGE

IV. ADMINISTRATORS AND CERTIFICATED STAFF

G. Reductions in Force

The provisions of this Section do not apply to persons dismissed for cause.

1. *By February 1, 2013, the District shall develop a plan ("RIF Plan") which takes into account the District's desegregation obligations for any reductions in force ("RIF") or other employment actions requiring the dismissal of administrators and/or certificated staff members who have been hired to fulfill a need specifically identified in this Order. (This shall refer to individuals hired pursuant to Sections (II), (IV), (V), (VI), and (VII).) The RIF Plan, and any future modifications, shall be communicated to all personnel in writing and posted on the District's website. No reductions in force may take place sooner than 30 days after the RIF Plan is communicated to all personnel. If reductions in force are necessary before February 1, 2013, due to school closures or other significant changes in schools' capacities, the District shall communicate informally regarding the substance of the new RIF Plan to administrators and certificated staff members before any such RIFs take place.*
2. *Administrators and certificated staff members who have been hired to fulfill a need specifically identified in this Order (This shall refer to individuals hired pursuant to Sections (II), (IV), (V), (VI), and (VII)) and who are meeting performance and conduct standards shall not be subject to a RIF for at least three full school years after they have been hired. Principals who are selecting candidates for RIFs shall consider administrators and certificated staff members' evaluations in making their selections.*
3. *After a reduction in force, the District shall place the names of those administrators and certificated staff who have been subject to RIF and who wish to be considered for reemployment in the District on a list of candidates for future employment. In the event that the District has future job openings, it shall review this list and determine whether these administrators or certificated staff are qualified for the vacant positions. If so, the District shall contact them to determine if they are interested in the position, and if so, the District shall place them in the pool of job candidates. (This provision shall not be interpreted or applied to provide lesser rights than certificated staff members or administrators may have pursuant to separate agreements with the District.)*
4. *No vacancy created as a result of the RIF of an African American or Latino administrator or certificated staff member may be filled until such displaced administrator or certificated staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.*
5. *The District shall ensure that any reductions in force or employment actions requiring the demotion or dismissal of administrators or certificated staff shall not be made due to the race or ethnicity of the demoted or dismissed individual.*

II. EXECUTIVE SUMMARY

The Reduction in Force (RIF) Plan outlines details for implementing various RIF-related USP provisions. The Plan provides an overview, definitions, and three key substantive components: measures to ensure appropriate RIF notifications; methods to identify employees impacted by a RIF; and strategies for RIF recall.

III. OVERVIEW

The purpose of the Reduction in Force (RIF) Plan is to articulate necessary actions when administrators and certificated staff are subject to a RIF. When financial, organizational, and/or programmatic needs deem a RIF is inevitable, TUSD shall ensure compliance with employment laws, the USP, other relevant court orders, and Governing Board Regulation GCQA-R (Reduction in Force Guidance).

If a RIF occurs, TUSD shall appropriately communicate and notify personnel. No reductions in force may take place sooner than thirty (30) days after the RIF Plan is communicated to all administrators and certificated staff. TUSD must determine who may be affected by the RIF and convey recall considerations. In developing and implementing the RIF Plan TUSD shall, at a minimum:

1. Include appropriate notification measures to ensure employees are notified about the anticipated RIF;
2. Identify and address the employees that may be subjected to the pending RIF; and
3. Develop strategies to communicate the recall procedures of RIF'd personnel.

The District shall ensure that any reductions in force or employment actions requiring the demotion or dismissal of administrators or certificated staff shall not be made due to the race or ethnicity of the demoted or dismissed individual.

IV. DEFINITIONS

A.R.S. §15-544 authorizes the governing board to utilized reduction in staff in order to effectuate economies in the operation of the District or to improve the efficient conduct and administration of the schools.

A.R.S. §15-505 establishes deadlines for the governing board to issue notices of non-renewal to Superintendents, principals, head teachers and school psychologists.

District Initiated Transfer (DIT) means an employee is required to transfer job sites due to a District decision. This is a common personnel action that takes place as a result of student enrollment. Personnel on regular contracts are given priority placement on DIT assignments.

Employee Agreements – the referenced employee agreement are:

- Consensus Agreement with Teacher Education Association (TEA)
- The Meet and Confer Agreements for ELI Administrators, Psychologists and Research Project Managers

Governing Board shall mean the Governing Board of Tucson Unified School District.

Hire/Hired for purposes of this plan, the terms “hire” or “hired” are defined as employed through the competitive process, or designated through action of the Superintendent or Governing Board.

Reduction in Force (RIF) means the elimination of a position or positions. A RIF does not create a vacancy. A RIF is not a demotion or a dismissal because it eliminates a position or positions.

TUSD/Tucson Unified School District is synonymous with the term “District” in this plan.

TUSD Performance and Conduct Standards refers to employment standards set by the Governing Board in TUSD policy that relate to either performance or conduct, and may lead to discipline and/or termination.

USP/Unitary Status Plan refers to the Court-ordered desegregation plan filed on February 20, 2013.

V. REDUCTION IN FORCE (RIF) PLAN

If or when it is necessary, Tucson Unified School District (TUSD) shall seek to reduce administrative and certificated staff because of financial, organizational, and/or programmatic needs. The Reduction in Force (RIF) Plan identifies the processes that demonstrate the integration of the compliance with employment laws, court orders, Governing Board Regulation GCQA-R, and Employee Agreements.

The District's RIF Plan details the three focused areas that shall ensure the fair and equitable treatment of all RIF'd employees: (1) measures to ensure appropriate RIF notifications; (2) methods to identify employees impacted by a RIF; and (3) strategies for RIF recall.

1. Measures to Ensure Appropriate RIF Notifications

The TUSD Governing Board RIF process is outlined in Governing Board Regulation GCQA-R and Employee Agreements that are posted on the District's Internet and Intranet websites. The RIF Plan will be posted on the District's Internet and Intranet websites, and will be communicated in writing to all personnel. When it is determined that a RIF of administrators and/or certificated staff is required, personnel are notified at least thirty (30) calendar days prior to the implementation of the process to reduce the workforce. All affected employees will be notified in writing (by letter or email) that they may be subjected to a RIF.

It is important to note that a "District-Initiated Transfer" (DIT) is a staff reassignment that results from student enrollment or other District needs and is not a RIF action. Certificated staff issued a regular contract are given priority placement for DITs and then temporary contract teachers are placed, if needed.

2. Methods to Identify Employees Impacted by a RIF

TUSD shall identify and monitor all positions that will be affected by an anticipated RIF through Governing Board policies, the USP, and employee group agreements.

a. Administrators

The Supervising Administrator identifies the individual(s) to be affected by the RIF using the following parameters:

i. Factors to be considered

- Performance Evaluation
- Qualifications
- Programmatic Need

ii. Supervising Administrators shall not consider the following:

- Race, color, national origin
- Sex, sexual orientation
- Disability
- Pregnancy
- Age
- Religion
- Whether or not the Supervising Administrator socializes with the employee

iii. Appeal process

If an administrator believes that the Supervising Administrator considered improper factors in selecting the administrator for the RIF, the administrator may submit a written appeal to the Superintendent or designee within five (5) days of the written notice to the administrator. The Superintendent's or designee's decision is final.

iv. USP RIF Protection

Administrators who meet both of the following criteria will not be subject to a RIF for at least three full school years after they have been hired¹: (1) hired or designated to fulfill a need specifically identified in the USP Section II, IV, V, VI, or VII, and (2) meet TUSD performance and conduct standards. If a RIF occurs, TUSD Administration will analyze the relevant positions against these criteria to identify which administrators qualify for the protection.

¹ "Designees" shall only receive RIF protection during the designation period.

b. Certificated Staff

i. *Content Area*

The RIF process for Certificated Staff begins with the identification of the content area that needs to be reduced at the site level (based on enrollment, budget capacity, and attrition).

ii. *Certifications and Qualification Endorsements*

Administration analyzes whether all employees in the identified content area are appropriately certified and highly qualified.

iii. *Need Specifically Identified in the USP*

Administration analyzes which, if any, of the employees in the identified content area were hired or designated to fulfill a need specifically identified in the USP Section II, IV, V, VI, or VII.

iv. *The individual with the lowest points on the RIF Profile.*

Administration identifies the individual to be affected using the following parameters (if there is a tie, the relevant supervising administrator breaks the tie):

- Performance Evaluation
- Experience
- Programmatic Need
- Professional Growth
- Leadership Roles
- Professional Conduct

v. *Administrators may not consider the following:*

- Race, color, national origin
- Sex, sexual orientation
- Disability
- Pregnancy
- Age
- Religion
- Whether or not the Administrator socializes with the employee
- Teacher Plan for Improvement

vi. Appeal process

Pursuant to Governing Board Regulation GCQA-R (and subject to change), if an employee believes that the Administrator considered impermissible factors in selecting the employee for the RIF, the employee may submit a written appeal to the Superintendent or designee within five (5) days of the written notice to the employee. The Superintendent's or designee's decision is final.

vii. USP RIF Protection

Certificated staff members who meet both of the following criteria will not be subject to a RIF for at least three full school years after they have been hired²: (1) hired or designated to fulfill a need specifically identified in the USP Section II, IV, V, VI, or VII, and (2) meet TUSD performance and conduct standards.

² "Designees" shall only receive RIF protection during the designation period.

3. Strategies for RIF Recall

The Employee Agreements for both administrative and certificated staff articulate more specific details about RIF recalls. The District shall give written notice of recall by email to the last known email address, or by sending a first class letter. If an employee is being recalled into a position that they have previously occupied, that employee does not have to reapply.

a. Administrators

Administrators affected by a RIF in good performance standing are eligible for recall.

- Vacancies that occur within one (1) year from contract non-renewal will be placed on the Administrator Notify of Vacancy list.
- The District will notify the recently RIF'd employee that a new position has opened for which they are qualified.
- Administrator must submit an application along with all the required documentation noted on the job announcement for consideration.
- Completed applicant packets will be forwarded through the selection process to the screening interview level.
- Affected administrators are responsible for notifying the District of any changes to their address, certifications, endorsements and other credentials.

b. Certificated Staff

Certificated staffs affected by a RIF in good performance standing are eligible for recall.

- The District's programmatic needs shall be considered.
- Certificated personnel must be appropriately certified and highly qualified.
- Seniority shall be used, if appropriately certified and highly qualified requirements are met.
- RIF'd employees shall specify in writing the grade level, program and subject matter for which they wish to be considered for recall and they have the right to limit the positions for which they will be considered for recall.
- The District will notify the recently RIF'd employee that a new position has opened for which they are qualified.
- Certificated personnel will have forty eight (48) hours from the receipt of the recall opportunity to accept or decline a job offer.
- If three (3) recall opportunities are rejected the person is removed from the recall list. Certificated personnel subject to a RIF after March 16, 2012, shall have right to recall for a period not to exceed one (1) year.
- Affected certificated staff members are responsible for notifying the District of any changes to their address, certifications, endorsements and other credentials.
- Affected certificated staff with expired fingerprint clearance cards, certifications and/or required endorsements shall be removed from the RIF list.