

## **ARTICLE 26 – REDUCTION OF STAFF**

This article shall not apply to less than half-time employees or employees that have not successfully completed their probationary period.

### **SECTION I. SCHOOL CLOSURE**

In the event of a school closure or merger, all unit members from the merging school(s) initially will be assigned proportionately to the receiving school(s) or work locations(s). Preferences for preliminary assignment to the new school or work location shall be honored based upon the seniority of the unit member, unless the requirements of the position make the request impracticable. Employees who are not selected for assignments in the receiving schools, will be unassigned within classifications at the merged schools pursuant to Section II below.

### **SECTION II. LAYOFF, BUMPING AND UNASSIGNMENT**

- A. NOTICE: In the event staff reductions become necessary, the District shall give the Federation as much advance notice as is practicable of anticipated reductions and offer to meet with the Federation to discuss reductions before implementing such reductions.
- B. SENIORITY: For purposes of this article, length of service is defined as the length of continuous service in a bargaining unit position. The District will unassign, bump, and layoff personnel in the inverse order of their length of service. The District may exempt a less senior employee from unassignment, bumping, or layoff based on one or more of the following reasons: racial balancing, gender balancing, special qualifications, areas of experience, program and levels of training. PFSP will have the opportunity to review and provide feedback within 72 hours of notification from PPS for exceptions the District is considering for approval.

In the absence of such exemptions, length of service shall be followed. Prior to laying off or reducing work hours of employees who regularly work half-time or more, the District shall consider eliminating less than half-time assignments.

- C. ORDER OF LAYOFFS: Staff reductions shall be accomplished within job classifications based on length of service. An employee whose position is eliminated due to such reduction, shall be entitled to “bump” the least senior employee in the employee’s job classification (see Appendix A) or any other classification in which the employee has worked for the District in the last three (3) years. If a vacancy exists in a position that is

paid equal to or lower than the employee's current position, the employee may be offered the assignment at the District's discretion.

- D. **SPECIAL SKILLS:** The District may choose when conducting a layoff to retain an employee who would normally have been laid-off because of the special skills, training, or abilities that the employee to be retained has which are required for the position. In exercising this right, the District will notify the Federation of the District's intent to implement this exemption option and will discuss the reasons for exercising the exemption process with the Federation. The District and PFSP agree employees who are in positions that require specialized training or certificates as required by the grantor (i.e. federal funds) will be considered as exempted from bumping unless the more senior employee has the required training.
- E. **VOLUNTARY LAYOFF:** An employee offered an assignment of lower classification or reduced work hours due to staff reductions, may elect voluntary layoff. In such cases, the employee shall be entitled to any recall rights provided by this Article.
- F. **REASSIGNMENT:** An employee rejecting a change in assignment which is comparable in classification and work year shall, by doing so, relinquish any seniority and recall rights provided by this Article, and this Agreement shall be terminated.
- G. **RECALL:** Employees who are laid off, shall be rehired in inverse seniority order into future vacancies within their classifications in assignments for which they are qualified prior to employment of a new hire. Such rights of recall shall extend for a period of fifteen (15) months from the day of layoff. Employees recalled by the District shall be reinstated with seniority rights accumulated as of the date of their layoff. Any employee recalled by the District for a position comparable to the one from which they were laid off, and who rejects such an assignment, shall relinquish all rights provided in this Article and Agreement, and shall be terminated. Employees are responsible to provide the District up to date information and must respond within seven (7) calendar days from the time of notice to accept or reject such an assignment. Failure to respond within seven (7) calendar days shall constitute rejection of the assignment and such employee will relinquish all rights provided in this Article and Agreement, and shall be terminated.

Placement in support of students subject to 504 funding shall be voluntary. In the case of unassignments, choosing to not be placed in support of students subject to 504 funding shall NOT waive Recall Rights nor Seniority Rights. It is understood that an Educational Assistant agreeing to be placed in 504 support may be returned to work out of Seniority order.

- H. **LATE HIRES:** Employees who are hired on or before the first day of the second semester who are laid off and rehired into a regular position within five (5) months of their date of layoff, shall be given credit for time worked and attain rights of recall as described above.

- I. NOTIFICATION OF ASSIGNMENT: By May 30, the District will notify, in writing, employees of their intended employment status with the District for the following school year. The District shall make a reasonable effort to notify affected employees of changes in staffing plans that occur during the summer recess. The District shall make a reasonable effort to provide 260-day employees with as much notice as practicable regarding changes in staffing plans, with a minimum 2-week notice of layoff. Failure by the District to provide such notice of changes in staffing plans following issuance of notification will not interfere with the authority of the District to reassign or terminate an employee.
- J. REDUCTION OF HOURS: An employee's work hours shall not be reduced without two (2) weeks written notice to the employee with a copy to the Federation. An employee whose total hours are reduced more than 30 minutes per day, may reject the reduction in hours, and exercise their seniority for reassignment.

Employees shall not be entitled to "bump" into a position with greater FTE than their previous assignment. If a vacancy exists in a position that is paid equal to or lower than the employee's current position, the employee may be offered the assignment at the District's discretion.

Temporary hours may be added at the District's discretion, but shall not be included in determining reduction in hours, bumping, or recall.

- K. RESTORATION OF HOURS: In the event the number of hours of work are reduced for any employee or group of employees within a department or school, and budget funds are restored to that department or school within the following twelve (12) months, the District shall, when practicable, give priority to reinstating the hours to the affected employees before hiring additional staff in the employee's classification within the department or school. In addition, if the position is reinstated before the beginning of the employee's scheduled work year following its elimination, the employee may return to their previous position. An employee whose work hours are reduced may submit an online application indicating the positions for which the employee is interested.
- L. UNASSIGNED EMPLOYEES: An employee declared unassigned at the end of the academic year, but who has been given reasonable assurance of continued employment by the District, shall be placed on a list of such employees for assignment in accordance with Article 12.E.2. The District, when practicable, shall consider preferences of the employee, which shall be collected and recorded in a standardized manner.
- M. NOTIFICATION TO THE FEDERATION: The Federation shall be provided with the names of all unassigned employees, their preferences per Section L, above, and the staffing placement.

- N. EVALUATION PERIOD: When an employee is reassigned, due to an unassignment, to a department they have never worked in, the employee will be required to complete a sixty (60) working-day probationary period. The purpose of the probationary period is to ensure the employee has the necessary skills and abilities to perform the duties of the new job. If it is determined that the employee is unable to perform the necessary duties, the employee will be unassigned and referred to the Human Resources Department for a new placement.
- O. DEPARTMENT or SCHOOL-BASED REDUCTIONS OF STAFF: In the event that staff reductions must be made in individual departments, worksites, or schools, these reductions must be made based on seniority, according to Section II of this Article. Volunteers for unassignment will be considered within the classification experiencing the reduction. Such volunteers may be selected for full unassignment if they have comparable hours and are from within the same classification(s) where the positions are to be eliminated.
- P. EXCEPTION TO BUMPING AND PLACEMENTS – HEADSTART: Employees at Headstart locations are exempt from bumping. Vacancies at such schools are not subject to placements of unassigned employees nor are they subject to employees with recall rights, unless mutually agreed by the employee, Administrator and the District.
- Q. EXCEPTION TO BUMPING AND PLACEMENTS – CSI DESIGNATED SCHOOLS: Employees at schools that have been designated by the Oregon Department of Education (ODE) as Comprehensive School Improvements (CSI) within the last three years are exempt from bumping. Vacancies at such schools are not subject to placements of unassigned employees nor are they subject to employees with recall rights unless mutually agreed by the employee, Administrator, and the District.
- R. EXCEPTION TO BUMPING AND PLACEMENTS – 504 EAs: Educational Assistants that support students subject to 504 funding are exempt from bumping due to special qualifications, areas of experience, program and levels of training. Educational Assistants that support students subject to 504 funding remain eligible to bump or fill vacant positions within the EA classification that do not support students subject to 504 funding. Placement into vacant Educational Assistant positions that support students subject to 504 funding will follow the requirements in Section II G.