

ARTICLE V – LAYOFF AND RECALL

Section 1: Seniority List

- A. By December 1 of each school year, the Superintendent will publish and distribute to all employees and the Association a seniority list ranking each employee from greatest to least seniority. The publication will be electronic; however, a printed version will be available for any certificated employee who requests one. It will be the responsibility of each employee to verify his/her seniority ranking and promptly to report any dispute thereof in writing to the Association and the District. Each employee who, within fifteen (15) days after posting, fails to notify the Association and the District that a dispute exists regarding his/her seniority ranking as posted, will be presumed to have concurred with the seniority ranking ascribed to such employee on the posted list.
- B. By February 1, the District will compile and electronically distribute to all certificated employees and the Association the final list, ranking from greatest to least seniority.
- C. In no event will personnel outside the bargaining unit be included on the seniority list nor will the Board add such personnel to the seniority list in the event of layoff. No employee outside the bargaining unit will be reassigned to a position within the bargaining unit.

Section 2: Layoff and Recall Procedures

- A. Prior to the implementation of a layoff, the District agrees to meet and confer with the Association regarding the rationale for reduction in force and to jointly explore alternatives. The District will provide the Association a detailed report of the financial affairs of the District and the District agrees to make a good faith effort to consider all resources available, prior to laying off employees.
- B. In the event of financial emergency, the Board on or before May 15, acting on the recommendation of the Superintendent following discussions with staff, will determine the extent of the modified educational program. Financial emergency may include loss of local school levy, significant decrease in school enrollment, or other serious revenue loss. The Board will determine the modified educational program for the ensuing school year and the positions to be eliminated.
- C. The term “layoff” as used herein refers to action by the Board reducing the number of certificated employees within the bargaining unit due to economic reasons only; it does not refer to decisions to discharge or non-renew an individual employee for cause.
- D. Certificated employees with valid contracts will not be laid off during any school year.
- E. All layoffs will take effect immediately following the end of the school year. In the event of a layoff, the Board will provide written notice to all affected certificated employees on or before May 15 of the current year.
- F. In an effort to eliminate the necessity of involuntary layoffs, a reasonable effort will be made to ascertain the number of certificated positions that will be open for the following school year by reason of normal attrition outlined below: ~~Such vacancies will not be filled except as indicated in (4) below:~~
 - 1. Certificated employee retirements.
 - 2. Certificated employee resignations.
 - 3. Nonrenewal Completion of leave replacement employees contracts
 - 4. Nonrenewal of rehire/retire employees

- 5. [Nonrenewal of provisional employees](#)
- 6. [Transfers of employees within the District](#)
- 7. [Leaves of absence](#)

- G. Before the implementation of the reduction in force procedure, the entire certificated staff will be offered the opportunity to make a written application for a year's leave of absence without pay. The Board may grant such leaves of absence if the granting of such leave would eliminate the necessity for involving termination of a certificated employee. Such permission may be withheld if such leave of absence, in the Board's opinion, will further impair the modified education program to be retained.
- H. Vacant positions will be filled by transferring qualified current certificated employees within the District.
- I. All retained employees will meet the following qualifications:
 - 1. A valid Washington State certificate as required by the Superintendent of Public Instruction, including appropriate endorsements.
 - 2. Teaching experience at that particular level. Levels are defined as elementary (K-5), broad subject area at the secondary level (6-12) or special program, or
 - 3. A major or WEST-E/NES Test in that particular subject area or level or ability to become- endorsed before the beginning of the next school year.
- J. Prior to May 15, as required by state law, the certificated employees to be laid off will be identified pursuant to the policy herein provided, and such employees will receive a notice of probable nonrenewal of their individual teaching contracts for the ensuing school year.
- K. When more than one person qualifies for a particular position under the criteria listed herein, the layoff will be by seniority. Seniority is defined as length of time of service within the State of Washington.
- L. In the event of more than one individual employee having the same seniority ranking after applying the above provision, the tie will be resolved using the following criteria in descending order:
 - 1. Seniority in the Deer Park School District;
 - 2. Number of years worked in the education profession;
 - 3. Graduate degree(s);
 - 4. Accumulated credits/clock hours as used for salary schedule placement;
 - 5. National Board Certification
 - 6. Lottery –all certificated employees so affected may participate in a drawing by lot to determine position on the seniority list. The Association and the certificated employees so affected will be notified in writing of the time, date and place of the drawing. The drawing will be conducted openly and at a time and place which will allow affected certificated employees and the Association representative to be in attendance.

Section 3: Provisions for Re-employment

- A. All certificated employees who are not recommended for retention in accordance with these procedures will be terminated from employment and placed in an employment pool for possible reemployment. Employment pool personnel will be given the opportunity to fill open positions for which they are qualified on a seniority basis defined herein.
- B. When a vacancy occurs for which any person in the employment pool qualifies, notification from the Superintendent to such individual will be by certified or registered mail and the Superintendent will attempt personal contact. The job will be held for ten (10) days after the issuing of the certified or registered mail. Such individual will have five (5) calendar days from receipt of the letter or from date of personal contact to accept the position. It will be the obligation of the individual in the employment pool to keep the Superintendent's office notified as to where they can be reached. An employee will remain in the employment pool for three (3) years.

- C. An employee assigned out of his/her usual teaching assignment will have first opportunity at a position similar to his/her previous teaching assignment at the time of layoff when such a position becomes available.
- D. At the end of any school year in which any modified educational program is implemented, certificated employees remaining in the employment pool will be offered contracts for certificated positions for which they are qualified in accordance with this policy. In the event that there are insufficient vacant positions to offer contracts to all employment pool personnel, the employment pool will be reestablished.
- E. It is understood and agreed that although employees properly laid off pursuant to the terms hereof and in compliance with applicable law may not have a continuing contract guaranteeing them a position and a salary for the forthcoming fiscal year, each laid off employee will be considered as to have employment status with the District for purposes of accruing seniority.

Section 4: Layoff Benefits

- A. Providing the carrier permits, the Board will allow the individual to pay the full cost of the insurance benefit program. (2012)
- B. An employee may be on the District-wide substitute list. Substitute positions will be offered to individuals in the reemployment pool until all substitutes in the pool have been contacted or an attempt to contact them has been made.
- C. All benefits will be restored to the current benefit package to the employee upon his/her return to active employment and the certified employee will be placed on the proper step of the salary schedule for the employee's current position according to the employee's experience and education.