

MARISSA COMMUNITY UNIT SCHOOL DISTRICT #40
Official Board Policy

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REDUCTION-IN-FORCE/SENIORITY POLICY
FOR EDUCATIONAL SUPPORT PERSONNEL

I. Definitions

- A. Educational Support Personnel or Employees are any regularly employed employees not regularly required to be certified under laws relating to the certification of teachers or school service personnel. To qualify as regularly employed, an employee must be employed on a regular full-time or part-time basis during the school year. Employees hired on a short-term or substitute basis as temporary replacements for regular educational support personnel are not Aregularly employed for purposes of this Policy.
- B. Qualifications or Qualified consist of any conditions, restrictions or prerequisites for employment in a particular category of position, including any statutory or regulatory requirements (*e.g.*, licenses or permits) and any additional requirements set forth in job descriptions or otherwise established by the Board of Education,
- C. Category of Position is defined as a class or group of educational support personnel employees performing the same duties or functions and having the same qualifications and work hours for that position. The Board has determined that all current full-time and part-time educational support personnel employees shall be listed in the following categories of position for purposes of seniority under this Policy:

See Attached List of Categories of Positions

The Board reserves the right, in its discretion, to revise, modify or amend the list of categories of position.

- D. Available Position or Vacant Position or Vacancy shall include any regular full-time or part-time educational support personnel position which the Board determines is available within a specific category of position. Any substitute, short-term, temporary or other position which is not available on a regular full-time or part-time basis shall not be considered an Available Position or Vacant Position or Vacancy under this Policy.
- E. Seniority shall be defined as length of continuing service in the School District within the category of position to which the employee is assigned; provided, however, that no seniority shall accrue during a leave of absence from the position unless required by law.
 - (1) If the years of total full-time or part-time continuous service to the School District within the respective category of position are equal

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between two or more employees, then seniority shall be determined by total full-time or part-time service in the School District, whether or not continuous, and computed in the manner described in Paragraph I.E. above.

- (2) If two or more employees remain equal after application of the factors set forth in Paragraph I.E.(1) above, then seniority shall be determined by total service outside the School District, whether or not continuous, and computed in the manner described in Paragraph E above.
- (3) If two or more employees remain equal after application of the factors set forth in Paragraph E(2) above, the employee having greater seniority shall be determined by lot.

II. Seniority List Procedures

A. Prior to February 1st of each school term, the Superintendent or his/her designee shall post a tentative listing, by categories of position as set forth in Paragraph I.C. of this Policy, which sets forth the seniority of all full-time and part-time educational support personnel employed by the District. The listing shall provide the following information for each educational support employee:

- (1) Name;
- (2) Current position(s);
- (3) Date of seniority in the current category of position(s);
- (4) Date of employment in the School District.

Employees who are employed in more than one category of position and their combined hours in each category of position constitute regular full-time employment shall be listed in each category.

B. Each employee shall have ten (10) days from the date of posting to file specific written objections with the Superintendent to the information contained within the list. The Superintendent shall review and consider any objection and inform the employee of his/her decision within five (5) days. Within five (5) days of the Superintendent's decision or the deadline for such decision, whichever occurs first, the employee may file a written appeal to the Board of Education. The Board shall issue its decision within ten (10) days of the filing of the appeal. Failure of the employee to make a timely objection shall be deemed to be an acceptance of his/her placement on the seniority list; the employee shall be prohibited thereafter from challenging the employee's seniority in any category of position until the posting of a seniority list in the following school year.

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III. Reduction-In-Force and Recall Procedures

- A. If the Board of Education decides to decrease the number of educational support personnel employees employed by the Board or to discontinue some particular type of educational support service, the Board shall first dismiss, within the respective category of position, the employee with the least seniority as defined in Paragraph I.E. of this Policy. Employees who are removed or dismissed shall receive a written notice of honorable dismissal and the reason for the dismissal by first class mail and either by certified mail, return receipt requested, or personal delivery, with receipt, at least thirty (30) days before the employees are removed or dismissed in accordance with Section 10-23.5 of *The School Code*.
- B. If a vacancy occurs within a category of position from which an employee was dismissed for the following school term, or within one calendar year from the beginning of the school term following the reduction-in-force, the Board shall offer the vacant position to the employee with the most seniority on the recall list who was dismissed from that category of position and is qualified to hold the position. To be qualified for a position, an employee must meet all of the requirements for the position, including any prerequisites established by the Board for employees in the particular category of position. An employee's failure to maintain the necessary qualifications for a particular category of position will result in a waiver of recall rights to any vacancy arising in such category during the recall period.
- C. To be eligible for recall, an honorably dismissed employee must provide to the Board, in writing, prior to the last day of the school term of dismissal, the address where the employee may be reached. The employee must also notify the Board, in writing, within ten (10) calendar days of the Board's mailing of the notice of vacancy, or within five (5) calendar days of the employee's receipt of the notice, whichever shall first occur, of the acceptance of any vacant position offered to the employee during the recall period. The employee's failure to notify the Board of acceptance of any vacancy shall constitute a rejection of the offer of employment.
- Any employee who rejects an offer of an available position within the category of position from which the employee was removed and is qualified for that position shall be deemed to have waived his/her recall rights under Section 10-23.5 of *The School Code* and will no longer be eligible for any other vacant positions that become available during the recall period.
- D. This Reduction-In-Force policy shall not preclude the Board, in its discretion, from assigning or transferring educational support personnel employees to positions for which they are qualified.
- E. Any recalled employee shall retain his/her previously accumulated seniority within the category of position to which he/she was dismissed. A recalled

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employee shall not accrue additional seniority for the period after the date the employee is removed or dismissed and prior to the date of reemployment.

- F. Part-time employees have no seniority or bumping rights to a full-time category of position, i.e. part-time custodians do not have seniority or bumping rights to a full-time custodial position.
- G. Employees cannot bump across categories of positions.
- H. Any employee hired for or who voluntarily seeks a transfer to a different category of position in the District shall not be entitled to transfer seniority from the prior category of position for which the employee previously occupied. Rather, the employee's seniority shall start on the date the employee is hired or is voluntarily transferred to the new category of position. For example, a full-time classroom aide that was hired in 1997 applies for and is hired for the full-time library aide position in 2005...then the date of seniority begins with the 2005 hiring date in the library aide position and the employee loses his/her seniority in the classroom aide category).
- I. Any employee that is involuntarily transferred or reassigned (except for disciplinary reasons), to a different category of position in the District shall be entitled to transfer seniority from the prior category of position for which the employee previously occupied to the new category of position to which the employee is involuntarily transferred or reassigned. For example, a full-time bus monitor hired in 1997 that is involuntarily transferred to a full-time bus driver position shall be placed on the bus driver seniority list with a 1997 seniority date.

Legal Reference: *The Illinois School Code* (105 ILCS 5/10-23.5)

ADOPTED: April 19, 2004

EFFECTIVE: April 19, 2004

AMENDED: February 21, 2006