

3146 CONDUCT OF REDUCTION IN FORCE

It is the responsibility of the Board to provide the staff necessary for the implementation of the educational program of the district and to operate the schools efficiently and economically.

The Board reserves the right to abolish positions in the district and to reduce staff commensurately whenever reasons of economy, reorganization of the school district, reduction in the number of pupils, or other good cause warrant such action in accordance with Policy 3112. In all cases, statutes and the rules of the State Board shall govern the transfer and dismissal of employees affected by the abolishment of positions.

The Superintendent shall develop rules for the reduction of staff which comport with statute, rules of the State Board, and applicable case law and which ensure the following:

1. The efficiency and effectiveness of district organization and staffing patterns shall be under continuing review, and recommendations for eliminating, creating, and reallocating duties and positions shall be presented for Board consideration when the Superintendent considers such actions to be in the best interest of the district.
2. No person shall be employed by the Board to perform duties for which he/she is not properly certified.
3. Data necessary for the computation of each teaching staff member's seniority status shall be promptly and accurately recorded and maintained.
4. No tenured teaching staff member will be transferred or dismissed in a reduction in force affecting a category of employment in which a nontenured teaching staff member is employed. When two or more nontenured teaching staff members are employed within the category affected by a reduction in force, the nontenured teaching staff member(s) shall be retained in that category who has demonstrated greater competence.
5. Tenure and seniority entitlements will govern the transfer and dismissal of tenured teaching staff members affected by a reduction in force, except that, when two or more tenured teaching staff members within the same employment category affected by a reduction in force possess an identical seniority entitlement to that category, the teaching staff member(s) shall be retained in that category who has the greater seniority in the district at large.

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A. Seniority Lists

In order to determine the teaching staff member(s) affected by a reduction in force, a seniority list will be prepared for each seniority category. The Superintendent or designee will:

1. Determine the category or categories of employment in which each teaching staff member has served by reference to positions held and qualifying certification.
2. Determine whether the member has earned tenure in the district and in the position in which the category falls, in accordance with N.J.S.A. 18A:28-6. Tenure is earned in the positions of Assistant Superintendent, School Business Administrator, Principal, Assistant Principal, , Supervisor, educational services personnel, school nurse, and teacher.
3. Calculate length of service in each category within a tenure position in which the employee has earned tenure.
 - a. Length of service may be expressed in years, months and days.
 - b. Length of service commences from the day on which the employee began service in the category and ends with the end of the current school year or, in the case of previously rified employees, the day on which the employee's district service was terminated.
4. Deduct from time of service in the category any periods of unpaid absence taken for any purpose other than study or research, except that the first thirty days, consecutive and aggregate, of such unpaid absence taken within any one school year will not be deducted.
5. Add periods of prior active military service, to a maximum of four years, to the member's length of service in the first category of district employment. Each full year of military service equals one year of seniority; a fraction of a year, ten months or longer, equals one year of seniority for a ten month employee.
6. Enter the total amount of service for the member's initial category of employment.

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7. If the member has been transferred to a second category or successive categories, calculate the service time of each category in accordance with A1 through A4 and enter separately.
 - a. Service in succeeding categories is included in the member's seniority in each earlier category.
 - b. Each seniority list must clearly indicate the category or categories in which the member has earned seniority and the total accrued time in each.

B. RIF Procedures

1. Determine the category or categories of employment to be reduced in number in a reduction in force.
2. Transfer or dismiss nontenured teaching staff members in the reduced category, in accordance with Policy No. 3146.
3. If no nontenured member remains in the category, the least senior tenured member shall be transferred to a previous seniority category in the same tenure position over a nontenured member or a less senior member in that category.
4. If there are no positions within his or her seniority categories in the same tenure position to which the member may be transferred, the member shall be transferred to a position outside his or her seniority categories but within the same tenure position, provided the member is appropriately certified for the position and the position is held by a nontenured employee.
5. If there are no positions to which he or she can be transferred by right of seniority or tenure in the same tenure position, the member shall revert in reverse chronological order to each seniority category and tenure position in which he or she was previously employed in the district, in accordance with the procedure set forth in B3 through B4 above.
6. When there are no positions which the tenured member affected by a reduction in staff can claim over other tenured employees by superior seniority or over nontenured employees by tenure, he or she shall be dismissed, shall receive sixty days notice of such dismissal or pay in lieu thereof, and shall be placed on a preferred eligible list for each category in which he or she was employed by the district.