

20Definitions

Definitions used in this policy are as follows:

1. “Reduction in force (RIF)” means the dismissal of an instructor, professor, administrator, or other professional employee before the end of a contract term for reasons of financial exigency or program change. Nonrenewal of an employee’s term contract is not a “reduction in force” as used in this policy.
2. “Financial exigency” means any decline in the Board’s financial resources brought about by decline in enrollment, cuts in funding, decline in tax revenues, or any other actions or events that create a need for the College District to reduce financial expenditures for personnel.
3. “Program change” means any elimination, curtailment, or reorganization of a curriculum offering, program, or College District operation because of a lack of student response to particular course offerings, legislative revisions to program funding, or a reorganization or consolidation of two or more divisions or departments.

General Grounds for Dismissal

All contracts and tenure documents shall, unless excepted by the Board, contain a provision that a reduction in force may take place when the Board determines that a financial exigency or program change requires that the contract or tenure of one or more instructors, administrators, or other professional employees be terminated. Such a determination constitutes the necessary cause for dismissal.

Employment Areas

A reduction in force may be implemented in one, several, or all employment areas. Employment areas shall be defined as:

4. Administration.
5. Associate degree programs.
6. Certificate degree programs.
7. Remedial and other programs.
8. Academic support programs, such as library or computer programs.
9. Counseling and support programs.
10. Other noninstructional professional staff.

Criteria for Decisions

Using the following criteria, the College President shall determine which particular employees shall be RIFed and shall submit the recommendation to the Board:

11. Certification: Appropriate degree certificate and/or endorsement for current assignment required by the College District's accreditor [see GK] or the Coordinating Board.
12. Performance: Employee's effectiveness as reflected by the most recent written evaluations and/or other appraisal documentation.
13. Seniority: Years of service in the College District.
14. Professional Background: Professional education and work experience related to the current assignment.

These criteria are listed in order of importance. The College President shall apply them sequentially to the selected employment areas until the number of staff reductions necessary have been identified, i.e., if all necessary reductions can be accomplished by applying the certification criteria, it is not necessary to apply the performance or subsequent criteria.

Board Action

After considering the College President's recommendation, the Board shall determine which employees shall be dismissed. Each employee shall be given a statement of the reasons and conditions requiring such dismissal and shall, upon request, be given a hearing in accordance with the policy for termination during his or her contract. [See DMAA and DMB]

Appeals

Appeals of a dismissal due to a reduction in force shall be handled through the hearing afforded under DMAA or DMB, as appropriate, rather than the grievance policy.

Exception

Appeals of a dismissal due to a reduction in force of a former foster child entitled to an employment preference shall be handled through the hearing afforded under DC. [See DC]

Rights of Employees Subject to RIF

An employee dismissed pursuant to this policy, if subsequently re-employed by the College District, shall be credited with the amount of local sick leave that had accrued at the time of dismissal.

Reemployment

Upon written request, an employee dismissed pursuant to this policy shall be notified in writing of any subsequent availability of the position for a period of one calendar year following the effective date of such dismissal. The notice shall be mailed to the address that was on file for the former employee at the time of dismissal, unless the College District has been notified in writing of a change of address. A former employee so notified must respond to the Board in writing within 10 calendar days of receipt of such notification if the person wishes to be considered for the position. Any individual who responds shall be considered for employment on the same basis as all other applicants.