



Shonto Governing Board of Education, Inc. Policy Statement

SUBJECT: REDUCTION IN FORCE
POLICY NUMBER: GCQAA
DATE OF ORIGINAL POLICY: 3/4/08

EFFECTIVE DATE: 6/20/17
DATE OF NEXT REVIEW: 6/2020
DATED: 6/20/17

I. INTRODUCTION:

Every school district that is either declining in enrollment or that is facing financial restraints needs to have a policy that clearly outlines the procedures for reducing its staffing base. Due to the fact that we are a school district located within the Navajo Nation and must therefore operate within the provisions of the Navajo Preference in Employment Act, there are very specific guidelines that we must follow to be in compliance with the law when we make our decisions to reduce staff. Due to the potential for litigation, this policy contains no philosophy or beliefs. It is entirely based upon the procedures established by legal counsel. Therefore, the Governing Board establishes the following policy.

II. POLICY STATEMENT:

It is the policy of the Governing Board that whenever situations arise which call for a reduction in force that our focus will be on "positions" as opposed to the individuals within those positions.

III. EXCEPTIONS TO POLICY:

None.

IV. AMPLIFYING INSTRUCTIONS AND GUIDELINES:

A. DEFINITIONS

1. "Employee" mean both non-probationary and probationary employees.
2. "Non- probationary employee" is an employee who has completed the probationary period.
3. "Probationary employee" means a newly appointed employee or an employee who is promoted into a new position with an increase in pay and who is subject to an initial ninety (90) calendar day period of probation.
4. "Temporary employee" means an employee who is hired on an immediate need basis.



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B. INVOLUNTARY DISMISSAL THROUGH REDUCTION IN FORCE

An involuntary dismissal through a reduction in force may occur on account of the abolishment of a position due to lack of funds, change in duties, reorganization or lack of work. All terminations pursuant to this section must be authorized by the Governing Board at a duly called public meeting.

C. PROCEDURES FOR REDUCTION IN FORCE WHEN MORE THAN ONE EMPLOYEE IS AFFECTED

1. The Governing Board will create a revised organizational chart for the School which reflects the positions that will exist after the reduction-in-force, including the number of positions that will be retained. If the Governing Board decides to reorganize and revise the School's organizational chart so that new or consolidated positions are created with skills requirements that are different from the School's existing positions, position descriptions and qualifications for each of these new or consolidated positions will be established.
 - a. The Superintendent will establish lists grouping the positions that are going to be retained by each job class.
 - i. Each job class will be made up of those positions with the same required qualifications.
 - ii. The school does not recognize and/or revise its organizational chart, the job classes will be identified from the existing organizational chart and position descriptions.
 - iii. If there is only one position in the School that has certain required qualifications, that one position will be its own job class.
 - iv. Within each job class, the Superintendent will establish lists of current employees. The lists shall rank employees in the order by which employees will be laid-off (the employees highest on the lists are to be laid off first).
 - v. The lists to be established are as follows:
 1. Prior to any list, the Director of Human Resources and Superintendent will ask for voluntary resignation from the department and job class of the RIF. An incentive of \$5,000 for voluntary separation will be offered to the volunteer.
 2. The first list will include current employees in that job class that are neither Navajos nor the spouses of Navajos.
 3. The second list will include current employees in that job class who are Navajos or who are the spouses of Navajos.
 4. Within each of the above lists, groups will be developed and the employees should be ranked with probationary and temporary employees grouped first and with permanent employees grouped last.
 - a. Within each group, employees who are least effective, as reflected



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- by their performance evaluations, are ranked first and employees who are most effective, as reflected by their performance evaluations, are ranked last.
- b. If a tie exists within a group as to an employee's effectiveness, the tied employees shall be ranked by seniority with the employee with the least amount of seniority ranked first and those with the highest seniority ranked last.
 - c. If the RIF is based on revenue/budget concerns, those "eligible for retirement" will be considered in the list.
2. For each job class, the Superintendent will determine how many positions in that job class are going to be eliminated based upon a comparison of the existing organizational chart and the revised organizational chart for the next year.
 - a. Once the number of employees to be laid off in each job class is determined individual employees to be laid off are identified as follows:
 - i. By going to the first list for that job class and beginning from the top and going down to the bottom.
 - ii. Then going to the second list beginning from the top and going down to the bottom until the requisite number of employees to be laid off have been identified.
 3. If new or consolidated positions have been created through the above process, those new or consolidated positions will be advertised. Current and qualified Navajo employees and spouses of Navajo employees would have first preference for these positions.
 4. Any Navajo who is laid off through the above process has the right to displace a non-Navajo in any other position for which the Navajo demonstrates the necessary qualifications.
 5. Nothing in this policy shall prevent the Governing Board from exercising its right to implement a waiver of the Navajo Preference in Employment Act, in accordance with 10 N.N.C. §124©, in determining which employment should be retained in any individual employment position.
- D. SPECIAL PROVISIONS FOR TEACHERS AND PARAPROFESSIONALS
1. Teaching positions should be separated by the required certifications in appropriate grade level groupings.
 2. Teachers who do meet the Highly Qualified standards shall not be laid off before teachers who do not meet Highly Qualified standards. Specifically, if a Navajo who is not Highly Qualified would otherwise be retained, in lieu of the non-Navajo who is Highly Qualified, the Board shall exercise the waiver provision of 10 N.N.C. §124 © to retain the Highly Qualified individual.
- E. RIGHTS OF INDIVIDUALS WHO ARE LAID OFF
1. Individual employees who are laid off through the above process shall be given"
 - a. Thirty (30) days written notice that their contracts will be terminated because



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of a reduction in force due to lack funds, change in duties, reorganization, or lack of work.

- b. The written notice shall include copies of the latest lists which ranked the employees to be laid off.

F. REVIEW PROCESS

Actions regarding reduction-in-force are not subject to the grievance procedures. The review process for this section shall include:

1. Within five (5) working days after receiving the written notice that their contracts will be terminated because of a reduction in force, the employee may present to the Director of Human Resources a written request to review the reduction-in-force decision. The scope of the review shall be limited to determining if the Governing Board followed this policy in implementing the reduction-in-force. The employee and the Board shall be notified in writing of the Director of Resources' conclusions and the reasons therefore.
2. This section does not apply to the non-renewal of an employee's contract due to lack of funds, change in duties, reorganization, or lack of work.

V. DELEGATION OF AUTHORITY:

All principals and directors are expected to review the contents of this policy annually with students and/or staff. It is expected that the supervisor will point out the importance of receiving qualify ratings for job performance.


VI. EXPIRATION DATE:

This policy expires three (3) years after its acceptance unless reapproved.

VII. SIGNATURE BLOCK:

Submitted by: Lemual B. Adson Date: 6/20/17
Superintendent

1st Reading: April 7, 2017
2nd Reading: May 11, 2017
3rd Reading & Final Approval: June 20, 2017

Established: 
Martha Tate, President,
Shonto Governing Board of Education, Inc.