



**4170.1: REDUCTION IN FORCE - CERTIFICATED STAFF**

**In all instances, permanent employees will not be reduced while a probationary employee is retained to render a service which such permanent employee is qualified by reason of certification and endorsement to perform or where certification is not applicable by reason of college credits in the teaching area. All reduction decisions based upon certification and endorsement will be based upon each employee's certificate on file in the Human Resource Office as of February 1 of the year of the proposed reduction. Staff reduction determinations will be made in the following sequence and each step will be implemented before initiating the next procedure.**

**I. Persons to be released first shall be those holding a temporary or provisional certificate or license.**

**II. Following the completion of Step 1, persons selected for vacancies during the school year, those filling a leave of absence and part-time probationary employee shall be released.**

**III. Probationary employees rendering a service which a permanent certificated employee is qualified by reason of certification and endorsement to perform or where certification is not applicable by reason of college credits in the teaching area shall be released.**

**IV. Personnel with permanent certificated status shall be reduced based upon the following considerations:**

**A. The date permanent certificated status was attained.**

**B. In the event two or more employees attained permanent certificated status on the same date, the date of the signing of the contract by the Board of Education will take precedence.**

**C. In the event the length of service and date of signing is the same, the next priority will be given to the date the contract was offered by the office of the Superintendent.**

**D. Staff members to be retained must be retained in the endorsed area unless assigned otherwise by the District because no other qualified personnel are available.**

**E. Due to the confidential and unique personal working relationship necessary between the administration and the Board of Education, a certificated employee who is not currently serving in a predominantly administrative capacity shall have no rights under this policy to any administrative position within the District.**

**V. Individuals who are terminated or percentage of employment reduced because of a reduction in force shall be automatically placed on a list for recall in order of length of service, as provided by law, for a period of two years, commencing at the end of the contract year.**

**A. When vacancies occur, individuals on the recall list shall be given first priority for re-employment to any**

position for which he or she is qualified by endorsement or college preparation to teach on the basis of length of service to the District. Employees desiring to be selected shall advise the Human Resources Office of any change in name, address or telephone number.

**B. Notification of a vacancy shall be made in writing by certified or registered mail to the last known address of the persons involved and if no written response is received to that correspondence within twenty calendar days of date of mailing, then an attempt shall be made to reach the individual by telephone each day for a period of five calendar days. After the fifth day, and if no written response is received, the next person whose name appears on the recall list will be contacted.**

**C. For the purpose of establishing length of service only, individuals re-employed from the recall list shall be given credit for the years employed by the District.**

**D. In case of termination, the affected individual may continue health insurance at his or her own expense in accordance with the provisions of COBRA.**

**E. In the event of re-employment, the individual will be placed upon the salary schedule or ranges in the same position that he/she would have been had he/she not been terminated, excepting that the period of time while the employee was not employed will not be recognized for vertical movement on the schedule.**

**F. An employee under contract to another educational institution may waive recall but such waiver shall not deprive the employee of his or her right to a subsequent recall.**

#### **Date of Adoption**

**December 4, 1978**

#### **Date of Revision**

**September 7, 1982**

**August 3, 1992**

**October 21, 2002**

**December 7, 2009**

**January 23, 2017**

#### **Related Policies and Rules**

**[4170: Reduction in Force - Certificated Staff](#)**

#### **Legal Reference**

**Neb. Rev. Stat. § 79-846, § 79-847; § 79-848; § 79-849; § 79-839**