



# NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

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**SECTION:** G - Personnel  
**POLICY TITLE:** Reduction In Force  
**FILE No.:** GCPF  
**DATED:** October 9, 2019

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### **1. PURPOSE AND PHILOSOPHY**

The Board of Education recognizes that under certain circumstances it may become necessary to initiate a Reduction In Force (RIF). A RIF may be District-wide or may affect only a particular school or department. In the event of a RIF, the Board desires that only those programs and/or positions be identified that can be eliminated, combined, or modified with minimal impact on the needs of the District. A fundamental goal of the Board is for the District to maintain sound and balanced educational programs. The RIF procedures in this policy apply to career and provisional employees and may take effect either during or at the conclusion of a contract year. The RIF procedures outlined in this policy do not apply to the dismissal of temporary employees who are at-will and have no expectation of continued employment, such as interns, seasonal, or substitute employees. At-will employees may be dismissed at any time and for any or no reason at the sole discretion of the District.

### **2. AUTHORITY AND NOTICE**

- 2.1. Under UTAH CODE ANN. § 53G-11-516, the District may reduce its staff by terminating an employee or reducing an employee's hours for one or more of the following reasons:
  - 2.1.1. Declining student enrollments;
  - 2.1.2. Discontinuance or substantial reduction of a particular service or program;
  - 2.1.3. The shortage of anticipated revenue after the budget has been adopted; or
  - 2.1.4. School consolidation.
- 2.2. Consistent with Utah law, the reasons set forth in subsection 2.1 could include a low or declining enrollment in a particular class, program, or school, or restructuring due to discontinuance or substantial reduction of a service or program that requires the elimination of a particular position.
- 2.3. The termination of an employee or reduction of an employee's hours under this policy does not require cause or unsatisfactory performance as set forth in Nebo School District Policy GCPD, *Employee Discipline, Administrative Leave, and Orderly Termination*, nor does it require the notice requirements set forth in Policy GCPD or applicable employee handbooks.
- 2.4. The District shall provide an employee terminated under this policy with written notice at least thirty (30) days before the effective date of the termination.

### **3. DELEGATION**

- 3.1.** The Board of Education hereby delegates to the superintendent the authority to determine when a RIF is necessary.
- 3.2.** The superintendent may assign this responsibility to the Director of Human Resources. The Director of Human Resources may convene a RIF committee consisting of the Director of Human Resources and all other directors whose departments may be affected by the proposed RIF, and may invite others who have relevant information.
- 3.3.** The RIF committee, after consultation with the Legal Department, establishes the nature and scope of the RIF, including whether the RIF is district-wide or affects only a particular school or department.

### **4. INITIATING A REDUCTION IN FORCE**

- 4.1.** Except as otherwise permitted by Nebo School District policy, a school principal or District administrator may reduce the hours of a part time employee with career or provisional status only for the reasons and criteria set forth in subsections 2.1 and 4.4. Notwithstanding the forgoing, a school principal may not reduce any employee's hours below 0.5 FTE without approval from the Director of Human Resources. A school principal may not reduce the hours of a full time employee under this policy. Termination or reduction in hours of a full time employee under this policy may be carried out only by the Superintendent or Director of Human Resources as described herein. The reduction or elimination of an extra duty assignment is not a RIF.
- 4.2.** A school principal or District administrator may recommend a RIF not otherwise permitted by paragraph 4.1 to the Director of Human Resources. The Director of Human Resources shall then notify the superintendent and may convene a RIF committee.
- 4.3.** When a recommendation for a RIF is made, the RIF committee shall determine whether a RIF is necessary. A reduction or termination based on cause or unsatisfactory performance is not a RIF. Likewise, a transfer without a reduction in pay or hours is not a RIF, even if the transfer is a result of any reason outlined in subsection 2.1. If a RIF is necessary, the committee shall identify which programs and/or positions will be eliminated, combined, or modified.
- 4.4.** In determining which employee(s) must be terminated under a RIF, the committee may not consider an employee's length of employment with the District. The committee may consider any or all of the following criteria
  - 4.4.1.** Personnel needs (District, school, or department)
  - 4.4.2.** Performance evaluations
  - 4.4.3.** Education / Specific work experience
  - 4.4.4.** Professional contributions
  - 4.4.5.** Professional conduct
- 4.5.** The RIF committee shall create a RIF Evaluation Form to rank the employees within each affected program and/or position on the criteria listed in subsection 4.3. The RIF Evaluation Form shall outline the specific criteria and corresponding points or weightings which will be used to establish the rankings. Utilizing the RIF Evaluation Form, the employee(s) with the lowest rank(s) shall have their employment terminated.
- 4.6.** An employee identified for termination due to a RIF will be given 30 days' notice of the termination before it becomes effective. During that 30 days the District will assist the employee in looking for available positions for which the employee may be qualified. If a position for which the employee is qualified becomes available, the employee will be considered for transfer to the new position. If more than one employee subject to the RIF is qualified for the position, the

ranking system described in paragraph 4.5 will be used to determine which employee may be transferred.

- 4.7. RIF decisions shall not be based on an employee's race, color, national origin, gender, gender identity, sexual orientation, religion, disability, age, or any other legally protected classification.

## 5. PROHIBITION AGAINST “LAST HIRED, FIRST FIRED” PROCEDURE

The District may not utilize a “last-hired, first-fired” procedure for layoffs when terminating District employees. “Last-hired, first-fired” procedure for layoffs means staff reduction that mandates the termination of an employee who started to work for the District most recently before terminating a more senior employee.

## 6. REHIRE

- 6.1. If an employee is terminated through a RIF, the employee may apply for available positions for which the employee is qualified. However, there is no guarantee of continued or future employment.
- 6.2. If an employee terminated through a RIF is rehired to the same or a similar position within one (1) calendar year from the date of termination, the employee will be granted the same career or provisional status held at the time of termination and will receive appropriate step increases, if any have been authorized. Accrued personal leave, sick leave, and other leave benefits will be reinstated at the level existing at the time of the RIF, excluding accrued vacation previously paid out.
- 6.3. Employees terminated through a RIF shall remain entitled to the protections outlined in paragraph 6.2 until one (1) year from the date of termination. If an employee accepts a position on a lower salary lane, the benefits and salary will be adjusted to reflect the new lane placement.

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### EXHIBITS

None

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### REFERENCES

UTAH CODE ANN. § 53G-11-501, et seq.

Nebo School District Policy GCPD, *Employee Discipline, Administrative Leave, and Orderly Termination*

Nebo School District Employee Handbooks

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### FORMS

None

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### HISTORY

**Revised 9 October 2019** – restructured; aligned notice requirement; authorized HR to form committee; authorized principals to reduce hours; clarified rehire provisions; updated code citations; made technical changes.

**Adopted 11 January 2012** – developed by pulling from policy GCPD and negotiated agreements to create stand-alone policy.

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