

Board Policy

Declining Enrollment/Reorganization

BP 4317.3

Personnel

In the event of a reduction in management services necessitated by declining enrollment or program reduction, selection of individual managers to be demoted or released from management will be based upon:

1. Specific program(s) to be eliminated or reduced.
2. Seniority in current management classifications.
3. Seniority in management in the Mt. Diablo Unified School District.

Assignment of an involuntarily demoted management employee in a position which he/she has not previously held will be conditioned upon appropriate credentials and judgment by the Superintendent of competency to fulfill adequately the requirements of that position.

In making the placement decision the Superintendent will, where appropriate, consider the district's non-discrimination policies.

Management Reorganization

Management personnel who may be demoted through management reorganization shall not be subject to these provisions. Instead, such manager's salary, rather than being reduced to that of the new management classification, shall be "Y-rated" (i.e., remain constant until the salary of the new management classification into which he/she has been placed overtakes the present salary).

(cf. 4313 – Assignment/Classification)

Policy MT. DIABLO UNIFIED SCHOOL DISTRICT
adopted: November 25, 2003 Concord, California

Administrative Regulation

Declining Enrollment/Reorganization

AR 4317.3
Personnel

Definition of Terms

1. Classification level: Class designation as entered on the Management Salary Schedule

(cf. 4351 - Compensation)

2. District seniority: The first day of paid service as a certificated employee in the district.

Determination of Seniority

1. All reference to seniority pertains to in-district experience.

2. Classification seniority will be dated from the first day of paid service in that classification, on a full-time basis, plus time served in higher or equal classifications. Time served in an acting capacity on a full-time basis in a classification will count toward seniority in that classification.

3. The number of days designated as the length of work year specified for a position shall have no bearing upon classification seniority.

4. Employees serving in a part-time teaching and part-time administrative classification at the time of reassignment will be considered administrators. For the purpose of reassignment, seniority will be prorated based on their percentage of assignment.

5. If two or more employees have equal amounts of seniority rights in a given classification, the one having the greater amount of service, if any, in a higher classification shall be ranked first. If they cannot thus be ranked, the one with the most experience at the next lower classification level shall be ranked first. If a tie still exists, each successive lower level of classification shall be used in a similar manner to determine the most seniority. Total time employed in the district will be the last factor to be utilized to determine seniority.

Order of Reassignment

The employee who has been employed the shortest time in the classification wherein

layoffs are required, including time spent in higher classifications, shall be reassigned first.

Retreat Rights

1. An administrator may retreat to a position not previously held, providing he/she is certified and qualified to serve in the position as judged by the Superintendent. In making the placement decision the Superintendent will consider, where appropriate, the preservation of gains made under equal employment opportunity.
2. An administrator to be reassigned may exercise retreat rights in the same or lower classification in which he/she holds classification seniority greater than that of an incumbent. The employee to be replaced through retreat rights from the classification shall be the employee with the least seniority in the classification.
3. If no position assigned to the administrative salary schedule is available, the administrator may retreat to a position for which he/she is credentialed within the certificated bargaining unit. The assignment will be made by the personnel office in consultation with the administrator affected.
4. Salary placement: An administrator not given notice in accordance with legal time lines and accepting a position in a lower administrative or teaching classification shall not have his/her salary reduced for one year. The employee will also be assigned the period of employment which has been established for his/her new classification, even though it may mean a reduction of working time from that required of the higher classification.

Rights of Reassigned Administrators

1. An administrator who has been involuntarily reassigned to a lower classification shall have reinstatement rights as described in this section, for a period of 36 months following such involuntary reassignment.
2. Reinstatement lists: A listing of personnel eligible for return to prior or lower classification shall be published in a manner which designates their seniority in terms of prior classification seniority and district seniority. These lists shall have common distribution and will be sent to those appearing on the list. Distribution shall occur each time a potential return to a prior position exists.
3. Employees on reinstatement lists shall be offered reinstatement in order of seniority as shown on reinstatement lists when openings occur. Said employees on reinstatement lists will be employed over all other candidates for administrative position vacancies in the listed classifications if judged by the Superintendent to be appropriately qualified.
4. Each employee on a reinstatement list may turn down two offers of reinstatement. He/she will be obligated to accept the third offer or his/her name will be removed from

the reinstatement list.

5. An administrative employee who accepts a reduction in classification will hold reinstatement rights to the administrative classification previously held.

If the title of the position formerly held is changed, but the duties remain substantially the same, said employee shall retain reinstatement rights the same as if no title change had occurred. The board and district administration shall not change job duties or job qualifications in an attempt to negate or subvert this reassignment procedure.

6. Whenever any certificated administrative employee resigns rather than accept reassignment to teaching, the employee shall have his/her name removed from the reinstatement list and shall forfeit all rights as an administrator to which he/she would otherwise be entitled.

7. Time devoted to sabbatical leaves in a classification shall be included in accumulated years of district service in that classification. Other forms of interrupted service are excepted from this provision.

Management Reorganization

An individual manager's salary will be "Y-rated" (i.e., remain constant until the salary of the new management classification into which he/she has been placed overtakes the present salary) rather than being reduced to that of the new management classification if:

1. The manager's former classification is eliminated causing him/her to have no reinstatement rights and under Governing Board policy he/she has no bumping rights or
2. The manager is an incumbent in a position that is reclassified downward.

Regulation MT. DIABLO UNIFIED SCHOOL DISTRICT
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