

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

Call Item 4

A Bill

SENATE BILL 83

5 By: Senator Wilkins
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For An Act To Be Entitled

9 AN ACT TO CREATE A REDUCTION IN FORCE POLICY FOR
10 TEACHERS AND CLASSIFIED EMPLOYEES; AND FOR OTHER
11 PURPOSES.
12

Subtitle

14 AN ACT TO CREATE A REDUCTION IN FORCE
15 POLICY FOR TEACHERS AND CLASSIFIED
16 EMPLOYEES.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code Title 6, Chapter 17, Subchapter 2, is amended
22 to add an additional section to read as follows:

23 6-17-211. Reduction in Force – Lay-offs.

24 (a) For purposes of this section, the following definitions shall
25 apply:

26 (1) “Certification area” means grade levels or subject area for
27 which the state provides a license to teach;

28 (2) “Classified employee” means a nonsupervisory employee
29 holding a position for which the employee is not required by law to hold a
30 license issued by the State Board of Education and whose salary is on a
31 support or classified salary schedule;

32 (3) “Consolidation” means any reorganization of a school
33 district effective on or before July 1, 2004, either voluntarily or
34 involuntarily under this section as provided by law;

35 (4) “Grade level” means:

36 (A) Prekindergarten;



1 (B) Elementary;

2 (C) Middle or junior high; and

3 (D) Senior High;

4 (5) "New school district" means the resulting school district
5 after consolidation;

6 (6) "Seniority" means the total uninterrupted number of years of
7 employment as a teacher or as a classified employee in the school districts
8 participating in a consolidation effort as defined in this subchapter. For
9 purposes of this section:

10 (A) Teachers may not count service as a classified
11 employee towards seniority and classified employees may not count service as
12 a teacher towards seniority;

13 (B) A semester under contract shall be counted as a year.
14 Less than a semester under contract shall not be recognized for seniority;
15 and

16 (C)(1) For a year to be interrupted, there must have been
17 a severance of any formal employer-employee relationship between the teacher
18 and the school district such that, at the time, there was no expectation that
19 the teacher would return to employment.

20 (2) Absences for maternity leave, the Family Medical
21 Leave Act, annual leave, sick leave, and military leave do not constitute an
22 interruption in employment;

23 (7) "Supervisory employee" means any individual employed by the
24 school district, other than the superintendent and assistant superintendent,
25 having authority, in the interest of the employer, to hire, transfer,
26 suspend, lay off, recall, promote, discharge, assign, reward, or discipline
27 other employees, the responsibility to evaluate them, or to adjust their
28 grievances or effectively to recommend such action and the superintendent
29 shall develop objective criteria for the reduction in force of any
30 supervisory employees; and

31 (8) "Teacher" means a nonsupervisory employee holding a position
32 for which the employee is required to hold a license from the state board
33 whose salary is determined by the teacher salary schedule.

34 (b)(1) In the event of a consolidation effective on or before July 1,
35 2004, the school districts to be consolidated shall not implement a reduction
36 in force and shall not nonrenew or terminate any teacher's or classified

1 employee's contract based upon the upcoming consolidation.

2 (2) The new school district shall become liable for all teacher
3 and classified employee contracts of the school districts being consolidated.

4 (c)(1) If prior to June 30, 2006, the new school district determines
5 that it is necessary to reduce its staff of teachers or classified employees,
6 or both, and that the reduction cannot be accomplished through attrition,
7 then the new school district shall follow the provisions of this section.

8 (2) Between July 1, 2004 and July 1, 2006, this subchapter shall
9 replace and supersede any existing or to be enacted school district policy
10 that may apply, and any personnel policy or any other school district policy,
11 procedure, or process concerning a reduction in force shall be null and void,
12 and shall not be legally binding on any party.

13 (3) However, nothing in this section shall exempt a new school
14 district from complying with The Teacher Fair Dismissal Act of 1983, § 6-17-
15 1501 et seq., as may be amended, the Public School Employee Fair Hearing Act,
16 § 6-17-1701 et seq., as may be amended, or § 6-13-1603, when implementing the
17 reduction in force.

18 (d) For both teachers and classified employees, the reduction in force
19 shall be accomplished through attrition as much as possible.

20 (e)(1) When a new school district determines that a reduction in force
21 is necessary, the superintendent shall approve a list of position reductions
22 by school, grade level, certification area, and classified job positions.

23 (2) All employees shall receive a copy of the list of necessary
24 job reductions.

25 (3) The list of necessary job reductions must be determined and
26 distributed to the employees before the listing of personnel with point
27 totals is determined.

28 (f)(1) If the reduction in force cannot be accomplished through
29 attrition, then points will be assigned to each teacher based upon data as of
30 July 1 of the year prior to the time in which the reduction in force is to
31 take place as follows:

32 (A) One (1) point shall be given for each year of
33 seniority;

34 (B) Additional points for graduate degrees, but only one
35 (1) applies:

36 (i) Two (2) points shall be given for an earned

1 master's degree with a maximum of two (2) points;

2 (ii) Three (3) points shall be given for a master's
3 degree plus thirty (30) additional graduate level hours with a maximum of
4 three (3) points;

5 (iii) Four (4) points shall be given for an
6 Educational Specialist degree with a maximum of four (4) points; and

7 (iv) Five (5) points shall be given for a doctorate
8 degree with a maximum of five (5) points;

9 (C) Six (6) points shall be given for certification by the
10 National Board of Professional Teaching Standards;

11 (D) One (1) point shall be given for a trained mentor
12 teacher;

13 (E) One (1) point shall be given for a certified Praxis
14 assessor;

15 (F) One (1) point shall be given for two (2) or more
16 academic content areas of endorsement as identified by the state board;

17 (G) One (1) point shall be given for certification or
18 teaching in a state board-approved shortage area; and

19 (H) One (1) point shall be given for multiple areas and
20 levels of licensure as identified by the state board.

21 (2)(A) All points assigned shall be verified by documents on
22 file with the new school district.

23 (B) Each teacher's points shall be verified by documents
24 on file with the new school district.

25 (C)(i) Each teacher's points shall be added and teachers
26 shall be ranked by the total points from highest to lowest in their
27 certification areas.

28 (ii) All teachers in the new school district shall
29 receive a listing of personnel and point totals.

30 (D)(i) Each teacher shall be informed when he or she
31 receives the list that he or she has ten 10 days from receipt within which to
32 file a grievance directly with the superintendent.

33 (ii) The superintendent shall have five (5) days
34 from receipt of the grievance to make a decision.

35 (iii) If the teacher is not satisfied with the
36 decision, he or she shall have five (5) days from receipt of the decision to

1 file an appeal with the state board.

2 (iv) The state board shall set a hearing as soon as
3 possible where all parties can attend.

4 (3) In each certification area, those teachers with fewest
5 points will be laid off first with the following provisos:

6 (A) A teacher with full certification in a position shall
7 prevail over a teacher with greater points; and

8 (B) If points assigned to two (2) or more teachers are
9 equal, The teacher with the earliest date of employment in an Arkansas public
10 school shall prevail.

11 (4) If a teacher is laid off from employment under this section,
12 he or she shall be offered an opportunity to fill a vacancy for which he or
13 she is qualified, for a period of up to two (2) years. The laid-off teacher
14 shall be recalled for a period of two (2) years in reverse order of the
15 layoff to any position for which he or she is qualified. A teacher's refusal
16 of a position shall end the district's obligation to place the laid-off
17 teacher.

18 (g)(1) In the event of a necessary reduction in force under this
19 section of classified employees, the school district shall supply all
20 classified employees with a list of employees and their length of service.

21 (2) Each classified employee shall be informed when he or she
22 receives the list that he or she has ten (10) days from receipt within which
23 to file a grievance directly with the superintendent.

24 (3)(A) The superintendent shall have five (5) days from receipt
25 of the grievance to make a decision.

26 (B) A certified employee shall have five (5) days from
27 receipt of the decision to file an appeal with the state board.

28 (C) The state board shall set a hearing as soon as
29 possible where all parties can attend.

30 (4) The school district shall first lay off probationary
31 classified employees, and then the classified employees with the least
32 seniority in the identified job classification.

33 (5) For two (2) years following the reduction, a classified
34 employee whose position has been eliminated due to a reduction under this
35 section shall have the right to assume a position for which he or she is
36 qualified that is held by the least senior classified employee with the same

1 job classification and length of contract.

2 (6) A laid-off classified employee shall be recalled for a
3 period of two (2) years in reverse order of the layoff to any position for
4 which he or she is qualified. Any classified employee's refusal of a job
5 shall end the district's obligation to place the classified employee.

6 (h) Laid-off teachers or classified employees with skills in the area
7 of a vacant position shall be given first consideration. If more than one
8 (1) teacher or classified employee is qualified for the vacant position, the
9 teacher or classified employee with the greatest seniority shall be employed
10 first.

11 (i) The provisions of this section shall expire on July 1, 2006.
12 Except for the recall provisions in subdivision (f)(4) and subsections (g)
13 and (h) of this section.

14 (j) The Arkansas Employment Security Department shall be available to
15 assist laid-off employees as may be appropriate.

16 (k) The provisions of this section shall not be construed to interfere
17 with or restrict the authority of a school district to comply with applicable
18 court orders regarding personnel matters.

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