

**Layoff/Recall – TSPC Licensed Administrative Personnel
Administrative Regulation**

- A. Seniority shall be defined as the employee’s total length of continuous service with LBL as a licensed administrator. Seniority will be computed and accrue from the administrator’s first day of actual service in an administrative position, and shall continue to accrue during approved leaves of absence. In case two or more administrators have the same date of employment with LBL, the tie will be resolved by drawing lots.
- B. Whenever LBL determines that a layoff is necessary, it will notify the affected administrators of their layoff.
- C. In the event LBL, in its discretion, determines that a layoff is necessary, then it will determine the administrators to be retained by means of the following criteria:
1. A determination of whether the administrators to be retained hold the proper license to fill the remaining position(s).
 2. A determination of the seniority of the administrators to be retained; and
 3. A determination of the competence or merit of an administrator being retained if LBL desires to lay off another administrator with greater seniority.
 - a. If LBL desires to retain an administrator with less seniority than an administrator being released under this section, LBL will determine that the administrator being retained has more competence or merit than the administrator with more seniority who is being released.
 - b. Nothing in paragraph C, 3, shall be construed to limit the operation of paragraph C, 1, that is, the requirement that a retained administrator be licensed to fill the remaining position.
- D. Nothing in this administrative regulation shall be construed so as to interfere with LBL’s right to dismiss or non-extend a contract administrator pursuant to the provisions of ORS 342.865 or 342.845(5) and (6), or to dismiss or non-renew a probationary administrator pursuant to ORS 342.835.
- E. In conducting a layoff under this administrative regulation, LBL will first determine the program(s) or area(s) scheduled for reduction or elimination.

1. After such determination, LBL will make every reasonable effort to transfer administrators in such program(s) or area(s) to other vacant positions for which they are qualified and properly licensed.
 2. LBL will make every reasonable effort to combine positions in a manner which allows administrators to remain qualified so long as the combined positions meet the curricular needs of LBL and the competence considerations specified in subsection C, 3, of this administrative regulation.
 3. Layoffs will be based upon the criteria set forth in Section C above.
- F. For the purpose of this administrative regulation, the term “competence” shall mean the ability to administer a particular facility, building level, or program area based upon recent administrative experience related to the facility, building level, or program area within the last five years, or educational attainments, or both, but not based solely upon being licensed as an administrator.
- G. For the purposes of this administrative regulation, the term “merit” shall mean the measurement of one administrator’s ability and effectiveness against the ability and effectiveness of another administrator, as determined by LBL through its evaluation, discipline, and commendation processes.
- H. Recall

If within 27 months from the first date of layoff, a vacancy occurs within LBL for which a laid off administrator is qualified as per paragraph I below, the recall procedure outlined below will be followed.

1. At the time of layoff, LBL shall provide for laid off administrators to express in writing a desire to return to LBL. LBL shall also receive the administrator's address for recall notification. In the event of a recall, LBL shall notify the administrator who has expressed a desire to return to LBL of the recall by certified mail, return receipt, sent to the last address given by the administrator to LBL’s office. The administrator will have 15 calendar days from the receipt of such notice to notify LBL of intent to return. The administrator must thereafter report on the starting date specified by LBL providing that this will not be less than 14 days from the date the notice of recall was received, or lose all recall rights.
 2. All benefits to which an administrator was entitled at the time of layoff, including unused accumulated sick leave, will be restored to the administrator upon the administrator’s return to active employment, and the administrator will be placed at the proper salary level. An administrator will not receive increment credit for the time spent on layoff unless the administrator was employed by an accredited school district as an administrator for a period of time equal to a majority of LBL’s work year nor will such time count toward the fulfillment of time requirements for acquiring contract status. Employee benefits do not accrue during the time of layoff.
 3. Administrators covered by this administrative regulation will have the option to continue insurance programs at their own expense subject to the approval of the insurance carrier.
- I. In determining which administrator or administrators to recall, LBL will utilize the criteria set forth in paragraph C above. Any administrator who does not accept a recall will lose all further recall

rights and will be deemed to have resigned from employment with LBL. Any administrator not recalled pursuant to this Article within 27 months of layoff will be deemed to have resigned from LBL.

J. Any “appeal” from LBL’s decision on layoff or recall pursuant to this administrative regulation shall be by arbitration under the Rules of the Employment Relations Board. The decision of the arbitrator will be final and binding on all interested parties as long as the arbitrator’s decision is within his/her jurisdiction. The arbitrator’s jurisdiction is further restricted as follows: The arbitrator is authorized to reverse the layoff or recall decision made by LBL only if LBL:

1. Exceeded its jurisdiction;
2. Failed to follow the procedure applicable to the matter before it;
3. Made a finding or order not supported by substantial evidence in the whole record; or
4. Improperly construed the applicable law.