

416 EMPLOYEE REDUCTION

Belief

A reduction in the number of employees within the MESC may be warranted if the ability of MESC to provide educational services would be negatively affected in the near future.

In the event reduction in numbers of employees becomes necessary, the primary consideration shall be the maintenance of as great a level of service in delivery of the various programs offered by the MESC to its students, as circumstances may reasonably permit.

Definitions

1. "Voluntary Attrition" shall mean any of the following actions on the part of a employee:
 - 1.1. Resignation.
 - 1.2. Retirement.
 - 1.3. Taking a leave of absence.
 - 1.4. Voluntary change in employment status (i.e. full time to part time).
 - 1.5. Voluntary transfer.

Procedures

2. The following factors may be considered in order to assess the MESC's ability to provide an educational program:
 - 2.1. a decrease in enrolment, both current and projected;
 - 2.2. population demographics within MESC;
 - 2.3. a decrease in financial support for education;
 - 2.4. school closure;
 - 2.5. school program reduction;
 - 2.6. new or revised curriculum;
 - 2.7. changes of functions of existing facilities;
 - 2.8. reorganization within schools or the MESC; and
 - 2.9. Board directives altering the student/teacher/instructor ratio.
3. The Superintendent has full authority to deal with employee reductions in accordance with these procedures.
4. These procedures shall apply to all employees holding an employment contract with the MESC except employees holding temporary or probationary contracts.

5. The employee needs of the MESC will be determined on the basis of the proposed program needs of each site.
6. In recognition of the fiscal responsibilities conferred upon the Superintendent, the Superintendent is responsible for determining the number of employees that the site can have within a balanced site budget.
7. When a reduction in teaching employees becomes necessary, the Associate Superintendent: People Services shall determine which employees have the appropriate academic qualifications, experience and ability to permit the maintenance of the highest level of program delivery within the site.
8. The Superintendent shall solicit input from affected employees and their site administration as to possible solutions as the Superintendent may consider advisable.
9. The Superintendent shall identify those employees that may be subject to release and will discuss with each employee affected the determination that s/he is surplus to the needs of the school and the intention of the Superintendent.
10. In determining which employees are surplus to the needs of the school the Superintendent may consider such factors as the Superintendent may deem relevant but will at least consider the following:
 - 10.1. the instructional needs of the system;
 - 10.2. the instructional needs of the school;
 - 10.3. appropriateness of academic and experience qualifications as determined by the Associate Superintendent: People Services and application of such qualifications to the needs programs of the MESC. Every effort shall be made to ensure that employees that are qualified by training and experience are retained to teach programs; and
 - 10.4. relative competency as determined on the basis of written performance appraisals carried out within the previous five years.
 - 10.5. Seniority will be used as the determining factor when qualifications, instructional needs, and relative competency are deemed equal.
11. When identifying surplus employees the Superintendent, shall identify the criteria used in reaching the decision to declare an employees surplus and shall confirm that the same criteria have been applied to all employees affected by this Administrative Procedure.
12. Once all surplus employees from all schools has been identified to the Superintendent, a list will be compiled by the Superintendent of those employees at risk of being terminated as surplus if no other position is found for them in the system.
13. Notwithstanding the foregoing, the Superintendent may determine that a particular teacher/instructor is required to provide specific teaching expertise in which case that teacher/instructor may be declared by the Superintendent to be exempt from the operation of these procedures from time to time.

14. Nothing in these procedures requires that an employee whose contract may be terminated be assigned to any vacant position.
15. The Superintendent will inform each teacher/instructor, in writing, of:
 - 15.1. the recommendation to terminate the contract of employment;
 - 15.2. the date, time and location of the Board meeting at which the Board will consider the recommendation;
 - 15.3. the right to attend the meeting and make representation to the Board;
 - 15.4. the right to legal counsel; and
 - 15.5. the reason for termination.
16. The Board will inform each employee of its decision 30 days prior to the effective date of termination.
17. This Administrative Procedure may be implemented on a site-by-site or on a MESC wide basis, as the Superintendent considers appropriate.

Reference:

Employment Standards Code