

REDUCTION IN STAFF

Background

The Division believes that its mandate to provide educational services to students enrolled in Division schools requires that it be sensitive to the educational needs of the students.

The Division recognizes, however, that its ability to provide such services may be constrained from time to time.

The Superintendent will consider such factors as may be deemed appropriate in determining whether or not the Division's ability to provide educational services has been affected and, without limiting the generality of the matters to be considered by the Division, the Superintendent may consider the following:

- Student enrollments both current and projected;
- Government and/or local financial support for education;
- Student educational needs;
- New and/or revised curricula;
- Changes in the function of existing physical facilities; and
- Changes in student/teacher ratio.

Should the Superintendent be satisfied that the Division's ability to provide educational services has been affected, or will reasonably be affected in the foreseeable future, then they may deem a reduction in the number of professional staff employees to be warranted.

Should the Superintendent be of the opinion that any of these factors warrant a reduction in the number of professional staff positions, this Administrative Procedure may be applied at the Superintendent's discretion, to a particular school, Division Office, or the Division as a whole.

The Superintendent and staff have the responsibility for applying this Administrative Procedure.

Procedures

1. Should the Superintendent deem a reduction in the number of professional staff employees to be warranted, they will endeavor, first, to effect such reduction through voluntary attrition by virtue of:
 - 1.1 Voluntary resignation;
 - 1.2 Voluntary retirement;
 - 1.3 Voluntary leave of absence; or
 - 1.4 Voluntary changes in employment status (i.e. full time to part time).

2. If voluntary attrition does not result in sufficient reduction, the Superintendent, second, may endeavor to effect reduction through transfer of staff to other assignments.
3. If reduction cannot be fully achieved through voluntary attrition and transfer to other assignments, the Superintendent will endeavor to effect reduction through termination of contracts of employment.
4. The following criteria may be utilized in the determination of which contracts of employment may be terminated.
 - 4.1 Appropriateness of academic and experience qualifications and the application of such qualifications to the needs and programs of the Division. Every effort will be made to ensure that appropriately qualified staff are retained to teach programs approved by the Division.
 - 4.2 Relative competency. Relative competency may be determined on the basis of performance appraisals by the Division's administrative and supervisory staff and other matters deemed appropriate by the Superintendent.
 - 4.3 Seniority. Where personnel qualifications, program needs, and relative competence are deemed equal, then seniority (i.e. years of service) with the Division will be the determining criterion.
5. The Superintendent and staff have the responsibility for applying these criteria and for recommending to the Board those contracts of employment that are to be terminated.
6. Upon application of these criteria and the recommendation of termination of a contract of employment, the Superintendent shall inform the teacher, in writing, of
 - 6.1 The recommendation to terminate the contract of employment;
 - 6.2 The date, time, and location of the Board meeting at which the Board will consider the recommendation;
 - 6.3 The teacher's right to attend the meeting and make representation to the Board; and
 - 6.4 The teacher's right to seek legal counsel.
7. It is the desire of the Board that recommendations to terminate contracts of employment be formulated at least sixty (60) calendar days prior to the conclusion of a semester or school term.
 - 7.1 Notwithstanding the above-noted, the Board recognizes that emergent situations may arise which preclude strict adherence to the sixty (60) day time period. In such instances the Board will consider such recommendations provided that they comply with the provisions of statute.

8. This Administrative Procedure does not require the Board to assign a teacher whose contract of employment may be terminated to any position that is or may become vacant.

Adopted/Revised: JUN 2016/SEP 2019/NOV 2019

Reference: Section 33, 52, 53, 68, 196, 197, 204, 212, 213, 215, 217, 218, 219, 222, 225, 232 Education Act
Employment Standards Code
Labour Relations Code
Collective Agreement