

TERMINATION OF EMPLOYMENT  
REDUCTION IN FORCE

DMC  
(LOCAL)

**Definitions**

For purposes of this policy, the following definition of terms will apply:

1. "Reduction in force" will mean the dismissal of a term contract faculty member for reasons of financial exigency or program change in the College District.
2. "Financial exigency" will mean any decline in the Board's financial resources brought about by decline in enrollment, cuts in funding, decline in tax revenues, or any other actions or events that create a need for the College District to reduce financial expenditures for personnel.
3. "Program change" will mean any elimination, curtailment, or reorganization of a curriculum offering, program, or College District operation because of a lack of student response to particular course offerings, legislative revisions to program funding, or a reorganization or consolidation of two or more College District departments.
4. "Service" will mean the faculty member's total length of continuous full-time service with the College District. Service will date from the effective date of the faculty member's benefits-eligible employment. Approved leaves of absence will not be considered as an interruption of continuous service.
5. "Employment status" will mean the type of employment held by the faculty member, such as regular, probationary, temporary, and special funded (grants/contracts).
6. "Organization code" will mean the major budget code designation currently being used by the College District.
7. "Performance" will mean the faculty member's effectiveness as reflected by the most recent written evaluations and/or other appraisal or disciplinary documentation.

This policy will apply only to reductions in force of contractual faculty members when the reduction in force requires the termination of a contract during the contract period.

A reduction in force may take place when the Board determines that financial exigency or a program change requires the discharge of one or more faculty members in the affected areas. Such determination constitutes good cause for discharge for those faculty members in the affected employment areas.

The College District will make additional adjustments necessary to comply with any current Coordinating Board directives.

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**Employment Areas**

A reduction in force may be implemented in one, several, or all divisions and departments of the College District.

The appropriate executive leadership team member, with the technical advice of the chief human resources officer, will make recommendations to the District President to assist the District President in determining the employment areas to be affected. In determining the employment areas, the District President and the Board may combine and/or coordinate employment areas, as defined above, or may identify specific programs within the listed employment areas. The District President will review the recommendation and submit his or her recommendation to the Board as to the employment areas affected. The Board will then approve the employment areas to be affected.

**Procedures**

Using the following criteria, the District President will recommend to the Board faculty members within the affected employment area(s) for discharge or nonrenewal because of a reduction in force:

1. Contract status. Temporary faculty members, who will be the first to be reduced, probationary faculty members, who will then be the next to be reduced, and regular faculty members, who will then be the next to be reduced.
2. Education/Certification. Appropriate degree, certificate, and/or other academic credential for the current assignment required by College District Board policy, the College District's accreditor [see GK], and the Coordinating Board.
3. Performance. A faculty member's effectiveness as reflected by the most recent written evaluations and/or other appraisal documentation or disciplinary documentation, including reprimands, memos to the file, observations, or documented conferences.
4. Professional background. Professional work experience related to the current assignment.
5. Seniority. Length of service, if needed; total years of service; and, if needed, total years of service in the assignment.

These criteria are listed in order of importance. The District President will apply them sequentially to the selected employment areas until the number of staff reductions necessary have been identified, i.e., if all necessary reductions can be accomplished by applying the certification criteria, it is not necessary to apply the performance or subsequent criteria.

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**Board Action**

After considering the District President's recommendation, the Board will determine which faculty members will be dismissed. The faculty member will be given a statement of the reasons and conditions requiring such dismissal.

Once the District President has identified the appropriate faculty members in the affected area(s), those faculty members will be considered for other available positions for which they are qualified up to the date the dismissal is final.

**Appeals**

Appeals of a dismissal of a full-time, benefits-eligible contract faculty member because of a reduction in force will be handled through the hearing afforded under DMAA(LOCAL). [See DMAA]

Appeals of a dismissal due to a reduction in force of a former foster child entitled to an employment preference will be handled through the hearing afforded under DC(LOCAL). [See DC]

**Recall**

In the event of subsequent open positions following dismissal, faculty members terminated due to the reduction in force may apply for vacancies.

Upon written request, a faculty member dismissed pursuant to this policy will be notified in writing of any subsequent availability of the position for a period of one calendar year following the effective date of such dismissal. The notice will be mailed to the address that was on file for the former employee at the time of dismissal, unless the College District's human resources office has been notified in writing of a change of address. A former faculty member so notified must respond to the College District's human resources office in writing within ten calendar days of receipt of such notification if the person wishes to be considered for the position. Any individual who responds will be considered for employment on the same basis as all other applicants.

A full-time faculty member dismissed under the provisions of this policy who is notified of potential reemployment (within one calendar year) to his or her former job category will have his or her salary, service, and insurance benefits restored as of the date of reduction in force. The period of time between the reduction in force and recall for employment will not count toward salary, service, or insurance benefits.