

WAC 132V-22-100 Procedure relating to reduction in force. (1)

Definition: A reduction in force is a dismissal of faculty members without prejudice and for adequate cause which shall include lack of funds and necessary curtailment of work.

(2) Layoff units and procedure for assignment:

(a) A full-time academic employee's assignment to a layoff unit will be that within which his/her job responsibility is classified.

(b) For the duration of this agreement, the layoff units and assignments thereto, as agreed to in the union-management meeting of February 3, 1974, or the most recent updating of those layoff units and assignments thereto, shall be used as the basis of reduction in force. A person may be assigned to only one layoff unit even though he/she is teaching in more than one unit.

(c) The institutional seniority list, which is to be published annually by November 1st of each year, under article 9 of the negotiated agreement, will also include the layoff unit to which an academic employee is currently assigned.

(3) Alternatives to reduction in force: Alternatives to reduction in force shall be implemented by management prior to the initiation of reduction in force procedures. The application of these alternatives will be handled through the appropriate division and department. A full-time employee will be given sections normally staffed by part-time employees before being offered other alternatives to reduction in force. Such alternatives may include, but not be limited to, those in article 6.00 of the negotiated agreement.

An academic employee's agreement to one or any combination of the above-referenced alternatives, or any other alternative agreed to, will be submitted in writing to the college president.

(4) Basis for reduction: If the number of full-time contracted academic employees is to be reduced, the college president, with advice from the appropriate supervising administrators and department chairmen shall determine in the case of each affected department or program what courses and services are most necessary to maintain quality education and services at Tacoma Community College. In making his determination on reductions, the college president shall consider the following factors:

(a) Budget limitations, lack of funds, change in instructional or service programs, or lack of students participating in particular programs or services.

(b) The enrollment, the trends in enrollment, and their effect upon the department or program.

(c) The present and anticipated service needs of the college and its students and prospective students.

(d) Information concerning faculty and administrative vacancies occurring through retirement, resignation, and professional and other leave.

Before arriving at proposed reduction in force decisions, the president will confer with representatives of the designated faculty organization and the student government regarding proposed reduction plans and will consider their opinions in the matter.

(5) Order of reduction: If a reduction is determined to be necessary within a layoff unit, the employment needs of the department or program shall be the primary basis for identifying the order of reduction in force. First consideration will also be given to seniority as defined in article 9.00 of the negotiated agreement, provided that such consideration results in the retention of qualified academic employees to replace and perform the necessary duties of the personnel

reduced. In determining what duties an academic employee is qualified to perform, the president will consider, but not be limited to:

- (a) General professional experience;
- (b) Actual work experience in the area under consideration; and
- (c) Educational background.

(6) Right to recall: A full-time faculty member whose contract is not renewed as a result of this reduction in force procedure shall have the right to recall to any faculty position, either a newly created position or a vacancy: Provided, That the individual is determined to be qualified for such position by the president of the college following recommendations by the supervising dean, department chairman and/or program director. The right of recall shall extend two years from date of layoff.

(7) Reduction in force review committee: A reduction in force review committee shall be composed of three members of the faculty who shall be selected by a majority of the faculty and faculty department heads acting in a body, one administrator who shall be appointed by the college president, and one student representative who shall be chosen by the student association of the college in such a manner as the members thereof shall determine.

(8) Preliminary procedure for reduction in force: When reason arises to dismiss an academic employee as a result of reduction in force, the initial step shall be for the appropriate administrative officer to discuss the matter with him/her in personal conference. At this conference, the academic employee may request the presence of a union representative. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, the case shall be referred to the president of the college. If the president of the college still deems dismissal to be necessary, the dismissal process shall be governed by the following procedure:

(a) At least thirty calendar days prior to the convening of the dismissal review committee, the union and the academic employee who is threatened with dismissal by the appointing authority shall be furnished with written notice which shall include grounds for dismissal, a statement of the legal authority and jurisdiction of the president's notice, and information of the employee's right of appeal. The notification shall be furnished directly to the employee during working hours, or if this is not possible because of the absence of the employee, it shall be mailed by certified return receipt mail to the academic employee's last known address.

(b) A reduction in force review committee will be established. The reduction in force review committee shall be the same as the tenure review committee. If the tenure review committee is no longer available, the reduction in force review committee shall have the same membership as required for a tenure review committee for a probationary academic employee. The members representing academic employees shall be selected by a majority of the academic employees and department chairmen acting as a body. The president shall deliver to the reduction in force review committee the statement of charges provided to the employee.

(c) In the event of a reduction in force, the reduction in force review committee shall conduct a hearing. At the hearing, the academic employee affected shall have the opportunity to be represented by counsel, to respond to and present evidence and arguments on all issues involved, and to examine and cross-examine witnesses. At the hearing, the academic employee shall have the opportunity for his counsel to protect his due process rights to respond to and present

evidence and arguments on all issues involved and to examine and cross-examine witnesses.

(d) Subsequent steps in the procedure for reduction in force are specified in WAC 132V-22-200 of these rules.

[Statutory Authority: RCW 28B.50.140(13) and 28B.50.852. WSR 81-08-002 (Order 6-81, Resolution No. 81-6), § 132V-22-100, filed 3/19/81; Order 16, § 132V-22-100, filed 12/28/73; Order 14, § 132V-22-100, filed 6/29/73.]