

APPENDIX A-2-79
Retrenchment/Reduction-In-Force Procedures

When the Board deems that financial exigency, no viability of programs, over-staffing, declining enrollment, or course discontinuance requires a reduction in the number of full-time instructors to be employed at the beginning of the next academic year, the Board may terminate an employee at the close of the academic year provided that the following provisions shall apply:

- 1) Prior to a reduction in the force of full-time instructors, it shall be the responsibility of the President to present to the Board competent evidence demonstrating that a change in circumstances has occurred necessitating a reduction-in-force. Any alleged change in circumstances must be specifically related to the full-time instructor or instructors to be reduced in force, and the Board, based upon evidence produced at the hearing required by Sections 79-1254 to 79-1262, Reissue Revised Statutes of Nebraska, 1943, and amendments thereto, shall be required to find that there are no other teaching vacancies on the staff for which the instructor(s) is qualified by professional training to perform.
- 2) The decision as to when retrenchment, or a reduction-in-force is necessary, is the decision of the President and the Board.
- 3) Whenever a reduction-in-force is necessary, an advisory committee shall be appointed to provide recommendations to the President. The advisory committee shall study the problem and provide recommendations to the President on the area affected by the proposed action, within time limits established by the President. It is understood that the advisory committee shall act as an advisory group. The following is a minimal list of criteria which the advisory committee shall utilize:
 - a) Program viability shall be the controlling consideration in all instances.
 - b) Discipline function and/or the overall curricular offerings.
 - c) Relationship of the discipline to the Role and Mission Statement of the College.
 - d) Reduction shall be made in such a manner that the remaining members of the force possess the necessary qualifications to perform assigned duties needed for offering a viable program.
 - e) The history of the number of students served.
 - f) After considering the above factors and where actual layoffs must occur, length of service shall be the factor used to determine which employee will be terminated and which retained, provided that the senior employee is qualified to teach in the areas for which retained.
 - g) Length of service shall be determined by the years of teaching experience in the College.
- 4) Any full-time instructor whose contract has been terminated under reduction-in-force procedures shall be considered to have been dismissed with honor, and shall upon request be provided a letter to that effect.
- 5) During a period of 24 months commencing at the end of the contract year, such instructor(s) shall have preferred rights to full-time re-employment and shall be recalled on the basis of length of service to the College to any position for which he/she is qualified by endorsement or college preparation to teach.
- 6) The said instructor(s) shall, upon full-time re-employment, retain any benefits which have accrued to said instructor(s) prior to termination, but such leave of absence shall not be considered as a year of employment by the College. The instructor(s) shall be responsible for maintaining his/her current address and telephone number with the Human Resources Office. Offers of reappointment may be made by telephone, but shall be confirmed in writing and the instructor(s) shall have

seven (7) days to accept or reject the offer of reappointment unless extended by mutual consent. The instructor(s) shall send a letter accepting or rejecting the offer of reappointment to the President.

- 7) The instructor(s) under contract to another educational institution may waive recall, but such waiver shall not deprive the employee of his/her right to subsequent recall.
- 8) The College shall attempt to absorb reductions in a department, division, or program through normal attrition due to resignations, retirements, leaves of absences, and/or alternate assignment of personnel.
- 9) Notwithstanding Sections 1 to 8 above, if the reduction of an instructor(s) based upon these provisions would place the College in non-compliance of any federal or state law or regulation requiring affirmative action employment practices, the College may vary from these provisions as necessary to comply with such laws and regulations.
- 10) The Board will comply with the current Nebraska statute(s) on Reduction-In-Force.