

TIPS REGARDING A REDUCTION IN FORCE

James Hanks
Ahlers & Cooney, P.C.
100 Court Avenue, Suite 600
Des Moines, Iowa 50309
(515) 243-7611
www.ahlerslaw.com

1. Anticipate and plan for resistance to every reduction in force from one or more of the following:

- The employee(s) affected by the layoff
- Relatives of the employee(s)
- Co-workers or other employees unaffected by the layoff
- The affected employee organization (union/association)
- Parent organizations (PTA, Booster Club, etc.)
- Community members
- Media

The reaction to a proposed reduction in force is usually emotional, sometimes irrational, and occasionally mean-spirited, personal, and nasty.

2. If the reduction in force is one which has a statutory deadline (teachers and administrators), you should always start the process 30 to 60 days in advance of the deadline in case there are any complications.

3. You should always check any applicable collective bargaining agreement and board policies for deadlines or requirements such as identification of area/department targeted for layoff.

4. If there is a disagreement with regard to the employee(s) proposed to be laid off, you should consider either issuing notices to more employees than the number required to be laid off or starting the layoff process 60 or more days prior to the statutory/contractual deadline.

5. You should serve the notices personally whenever possible, rather than delivering them by certified mail.

6. If you make a mistake, especially a procedural one like missing a deadline, you can withdraw or cancel the proceedings and start over, provided you have sufficient time remaining.

7. Whenever you serve a notice and recommendation to terminate the contract of a teacher, you should serve the notice on a Friday, Thursday or Wednesday so that the five-day period for requesting a private hearing includes, but is not extended by, a weekend.

8. Whenever you select a date for a private hearing for the termination of a teacher's contract, you should schedule the hearing on a Monday, Thursday or Friday so that the three-day deadline for the teacher to deliver his/her list of witnesses and documents is a full three days prior to the hearing.

9. If the teacher lists more than two witnesses, you should move to sequester witnesses at the hearing to minimize the crowd-effect on the board.

10. If the teacher wants a chance to talk to the board but does not want a formal, private hearing, you should propose an informal, private hearing to the teacher as part of a written agreement in which the teacher agrees to waive the formal hearing requirements and accept the decision of the board as final.