

TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION

FROM: Big Bend Community College, Community College District No. 18
(Name of Institution)

TO: CODE REVISER
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)
OLYMPIA 98504

The enclosed rules Permanent rules , being Order No. 74-21
Emergency rules
relating to (Name of rules or description of subject matter)

REDUCTION-IN-FORCE POLICY FOR ACADEMIC EMPLOYEES:
DECLARATION OF EMERGENCY, WAC 132R-180

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 4940 (1) filed with the code reviser
on Nov. 7, 1974 (2) were regularly adopted as permanent rules of
(date)
this institution at Moses Lake, WA on Dec. 3, 1974 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 28B.19
RCW. The effective date of such rules shall be _____ (3)

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order,
that the immediate adoption of these rules is necessary for the
preservation of the public health, safety, or general welfare and
that observance of the requirements of notice and opportunity to
present views on the proposed action would be contrary to the
public interest, were regularly adopted as emergency rules of this
institution at _____ on _____ and
(place) (date)
are herewith filed in the office of the code reviser pursuant to
chapter 28B.19 RCW.

The undersigned hereby certifies that the requirements of chapter
28B.19 RCW and of the Open Public Meetings Act of 1971, chapter
42.30 RCW have been fulfilled.

Dated this 6 th day of January 1975.

STATE OF WASHINGTON
FILED
JAN 7 1975
CODE REVISER'S OFFICE
DOCKET # 202 FILE # 1

Big Bend Community College
(INSTITUTION)
Robert J. Wallenstien
By ROBERT J. WALLENSTIEN
President
Title _____

① Notice number as appears on the copy of notice returned to you by
reviser's office (if proceedings were continued, use no. of last notice)
② Stamped date as appears on the copy of notice returned to you by
reviser's office (if proceedings were continued, use date of last notice)
③ Unless a later date is specified in this order or is prescribed in
another statute, rules are effective 30 days after filing:
RCW 28B.19.050(2). Leave this space blank except in such special cases.

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 18

RESOLUTION NO. 74-21

WHEREAS, pursuant to the powers vested in us by RCW 28B.50.140, and because of the requirements of RCW 28B.19, we, the Board of Trustees for Washington State Community College District No. 18, do hereby find that the preservation of the general welfare of Big Bend Community College requires an adoption of rules governing reduction in force of Community College District No. 18;

NOW, THEREFORE, BE IT RESOLVED that the attached rules and regulations for Reduction-in-Force Policy for Academic Employees: Declaration of Emergency, WAC 132R-180, are hereby approved and adopted as permanent rules of Big Bend Community College;

BE IT FURTHER RESOLVED that this resolution and attached regulations shall be forwarded to the Code Reviser for filing.

ADOPTED at a regular meeting of the Board of Trustees of Community College District No. 18, State of Washington, on December 3, 1974, with a quorum of such Board members duly present after notice of such meeting had been duly given as required by law.

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 18


Chairman

ATTEST:

Secretary

Chapter 132R-180

REDUCTION-IN-FORCE POLICY

FOR ACADEMIC EMPLOYEES: DECLARATION OF EMERGENCY

NEW

WAC 132R-180-010 PURPOSE. The Board of Trustees of Community College District No. 18 is charged with the responsibility of providing educational services to the citizens of the District. The Board of Trustees perceives the Reduction-in-Force Policy as a document to be implemented only in the event of financial emergency as defined below.

Any reduction in force deemed necessary under the procedures of this policy is to be considered a temporary financial emergency due to either of the following reasons:

(1) A significant inadequacy of operating funds to the District, or

(2) A significant inadequacy of funds specified for a designated existing program or service.

NEW

WAC 132R-180-020 DEFINITIONS. As in WAC Tenure, RCW 28B.50.851.

(1) "Days": All references to days in these policies and procedures shall mean calendar days.

(2) "Needed Duties": Needed duties are those duties normally associated with an academic assignment as a teacher, counselor, librarian, or department head (division chairman) at Community College District No. 18, including, but not limited to, programs, course offerings and/or services, teaching scheduled classes, developing course outlines, holding conferences with students, maintaining records of student progress evaluation, providing records as may be required, serving on college committees, serving as a coach, or director of an instructionally-related activity.

(3) "Probationary Faculty Appointment". A faculty appointment for designated period of time which may be terminated without sufficient cause upon expiration of the probationer's terms of employment (as in RCW 28B.50.851).

(4) "Probationer": As in RCW 28B.50.851.

(5) "Reduction-in-Force": An action initiated by the Board of Trustees which reduces the number of and/or reassigns academic employees in accordance with the criteria and procedures established in this document.

(6) "Salaried": To pay monthly a fixed payment for services based on an hourly rate.

NEW

WAC 132R-180-030 DETERMINATION OF NEED FOR REDUCTION IN FORCE.

(1) Budget Review Task Force. For the purpose of providing a continuous flow of information concerning the budget to faculty, classified staff, students, and administration of the college, and for the purpose of monitoring the possibility of a financial crisis in the District, there shall be a Budget Review Task Force. The Budget Review Task Force shall consist of the Dean of Administration (Chairman), an instructional division chairman chosen by the division chairmen, the Dean of Student Personnel Services, and the Dean of Instruction, plus two members from the recognized academic employee bargaining unit, and one from the All College Forum. The Task Force shall meet at the call of the chairman, but not less than once each month. Findings and/or recommendations will be made to the Management Team, Faculty Association, and All College Forum.

(2) Identification of Financial Emergency.

(a) When the Management Team becomes aware of a problem(s) which may constitute a temporary financial emergency, the President shall notify the recognized academic employee bargaining unit representatives regarding the problem(s). This notice shall be in writing and shall include a statement explaining the financial emergency which may necessitate a reduction in force.

(b) The Management Team shall meet and discuss with the recognized academic employee bargaining unit representatives regarding the problem(s). The meeting(s) shall include exchanges of information which will establish the need for such reductions in academic employees together with any alternatives or options which either party feels are available.

(c) The final determination for the need for a reduction in force of an academic employee shall be made by the President. At the time a decision is made for a reduction in force of academic employees, full consideration shall have been given to appropriate reductions of classified and administrative employees.

NEW

WAC 132R-180-040 DETERMINATION OF COMPREHENSIVE EDUCATIONAL SERVICES.

(1) If the number of academic employees is to be reduced, the three deans and division chairmen and/or directors shall evaluate, in the case of each seniority unit, which programs, course offerings and/or other academic employee services are most necessary to maintain a comprehensive educational program at Community College District No. 18. Their recommendations will be made to the Management Team, Faculty Association, and All College Forum. Consideration shall be given, but not limited to, the following factors:

(a) State of Washington law, directives, and guidelines;

(b) The enrollment and the trends in enrollment and their effect upon each seniority unit;

(c) The stated goals and objectives of Big Bend Community College;

(d) Total instructional program at Big Bend Community College.

(2) Those duties associated with the programs, course offerings and/or other services determined to be most necessary will be considered needed duties of an academic employee.

(3) After considering the recommendations, the President will make a final determination of the most necessary programs, course offerings and/or other academic employee services.

NEW

WAC 132R-180-050 DETERMINATION OF NUMBER OF ACADEMIC EMPLOYEES TO BE LAID OFF.

(1) If the number of academic employees is to be reduced, the President will, in consultation with the appropriate dean and division chairman or director, decide in which seniority units such reductions may occur. The President will apply the appropriate unit seniority list to determine which academic employees may potentially be laid off.

(2) The appropriate dean, in consultation with the division chairman or director, will explore the possibility of reassignment of needed duties of the academic employee who may be laid off to other members of the seniority unit. If a replacement cannot be found within the seniority unit, the division chairmen and directors, acting in a body, will explore the possibility of those needed duties of the academic employee who may be reduced to other qualified full-time academic employees of the institution. Recommendations from this body will be made to the Management Team. The final determination shall be made by the President of which duties an academic employee is qualified to perform.

NEW

WAC 132R-180-060 SENIORITY UNITS AND DETERMINATION OF SENIORITY.

(1) Seniority Units. The seniority units for the purpose of reduction in force will be: Health and Physical Education, Sociology and Anthropology, English and Literature, Mathematics, Physical Sciences, Biological Sciences, Business Administration and Economics, Secretarial Science, Air Frame and Power Plant, Commercial Pilot, Helicopter, Auto Mechanics and Recreational Vehicles, Welding, Nursing, Agriculture, Recreation Technology, Art, Music, Foreign Languages, History and Political Science, Speech, Psychology, Counseling, Adult and Continuing Education, and Library.

(2) Assignment to Seniority Units. An academic employee will be assigned to a seniority unit by the appropriate dean after consultation with the appropriate chairman or director based upon a majority of the individual's assignment for the previous academic year. Academic employees on leave will be assigned on the basis of the academic assignment of the previous three (3) quarters during which he was assigned, excluding summer quarters. New employees will be assigned on the basis of their first-quarter assignments.

(3) Appeal of Unit Assignment. Any academic employee who feels he has been incorrectly placed in a seniority unit shall have the right to a hearing before the appropriate dean, division chairman, or director. Such hearing shall take place within seven (7) days from the time the academic employee was notified of this assignment. If no satisfactory settlement is reached, the academic employee may then appeal in writing to the President. The claim shall state the basis for the appeal, the President shall deliver to the academic employee and the president of the academic employee bargaining unit a copy of his decision. The decision shall clearly explain the reasons for his decision. Nothing in this section shall preclude the right of an academic employee to be accompanied by a representative of his choice in the appeal process.

(4) Notification of Seniority Unit Assignment. Each academic employee will be notified of his assignment to a seniority unit within:

(a) Thirty (30) days after the beginning of each academic year; or

(b) For new employees, thirty (30) days after being employed; or

(c) For the initial determination, thirty (30) days after the adoption of this policy.

(5) Establishing Seniority Unit Ranking. The ranking of each academic employee in a seniority unit shall be determined by:

(a) The date of the employee's signing of the first full-time contract, or affidavit, whichever is earlier, for the most recent period of continuous full-time professional services for Community College District No. 13 which shall include leaves of absences, sabbatical leaves, and periods of layoffs. Length of service or seniority shall include continuous professional services for the Moses Lake School District No. 161, prior to July 1967, if the academic employee was assigned full-time at that time to Big Bend Community College.

(b) In instances when employees have signed initial contracts on the same date or the date cannot be established from college records, seniority shall be determined by establishing the date the contract was signed by the agent of the District.

(c) In instances where neither of the above dates can be established, seniority shall be determined by the date of beginning full-time services with the District.

(d) In instances where academic employees have the same beginning date of full-time professional services, seniority shall be determined in the following order:

(i) First date of the signature of a letter of intent to accept employment;

(ii) First date of application for employment.

NEW WAC 132R-180-070 ORDER OF LAYOFF.

(1) Prior to the laying off of any academic employee with the Community College District No. 13 for the succeeding school year, the following actions will first be taken, provided there are qualified academic employees to replace and perform all needed duties of the academic employees to be laid off:

(a) Normal academic employee resignations will not be replaced.

(b) Voluntary academic employee retirements will not be replaced.

(c) Normal and regular academic employee leaves will not be replaced for duration of the time that such leave is applicable.

(d) Vacant positions within the District will be filled by and transfers made of currently employed academic personnel within the District, if possible.

(2) After taking the preceding actions, if a reduction in force is necessary within a seniority unit, the following order of layoff for academic employees will be followed, providing there are qualified academic employees to replace and perform all needed duties of the academic employees to be laid off:

(a) Academic employees who are still within the District and who exceed the District's retirement age.

(b) Those academic employees holding temporary contracts. (Temporary contracted academic employees such as replacements for tenured faculty on leave and/or experimental programs, etc.)

(c) Part-time salaried academic employees proceeding in order of the least amount of service and moving towards the greatest amount of service.

(d) Probationary academic employees proceeding in order of the least amount of service and moving towards the greatest amount of service.

(e) Full-time tenured academic employees proceeding in order of the least amount of service and moving towards the greatest amount of service.

NEW WAC 132R-180-080 REDUCTION-IN-FORCE HEARING REVIEW COMMITTEE,
Same as WAC 132R-128-100.

NEW WAC 132R-180-090 RIGHTS OF ACADEMIC EMPLOYEES ON LAYOFF STATUS.

(1) Academic employees who have been laid off as a result of this Reduction-in-Force Policy shall have the right to be recalled. Recall shall be in order of reverse seniority, to any academic employee position, either a newly-created position or a vacancy, provided the academic employee is qualified. The period of recall shall extend to September 1, two (2) days after the effective date of layoff. Not less than twenty (20) days before a decision is to be made to fill a position the appropriate dean shall notify all appropriate academic employees who are on layoff status.

(2) An academic employee's past educational training, degrees obtained, past positions, and related experience shall be the factors considered for determining qualifications in filling position openings. It is the responsibility of the academic employee on layoff to furnish the appropriate dean the address to which notices are to be sent and other pertinent information. Tenured employees on layoff shall have priority at part-time teaching at Big Bend Community College.

(3) Full-time academic employees upon recall who have been laid off as a result of this policy shall retain all accrued benefits such as sick leave and seniority.

(4) In the event an academic employee is laid off for reasons of this policy, the President of the college shall write a letter, if requested by the academic employee, to other institutions of the Northwest stating:

(a) That the layoff was for financial reasons, and

(b) The qualifications of the individual and other pertinent information which may assist in the securing of a position.