



ADMINISTRATIVE PROCEDURE
SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 7765

PAGE: 1 OF 7

CATEGORY: **Personnel, Management/Supervisory Staff**

EFFECTIVE: **10-27-81**

SUBJECT: **Adverse Action Resulting from Reductions
in Funding or District Programs, or
Administrative Reorganization--Management/
Supervisory/Confidential Employees**

REVISED: **11-19-07**

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing adverse action to management, supervisory, and confidential employees resulting from reductions in funding or district programs or from administrative reorganization.
2. **Related Procedures:**
 - Application and examination of classified employees 7440
 - Appeals procedure for management, supervisory,
and confidential employees 7113
 - Classification of classified staff positions 7540
 - Classification of Management Salary Schedule positions 7610
 - Evaluation of classified staff 7520
 - Evaluation of management employees 7745
 - Qualified candidate pools for employment and promotion of
classified employees 7450
 - Recruitment, selection, promotion, and reassignment/transfer
of management employees 7640
 - Salary administration for site administrators 7621
 - Selection and appointment of classified employees
to confidential positions 7407

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: I-1800, I-6000, I-7150, I-8700, I-8750; Education Codes 7001-7007, 22724, 44660-44665, 44892, 44896, 44907, 44922, 44923, 44932-44961; Employment Regulations for the Classified Service of the San Diego Unified School District.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Human Resource Services Division, Office of the Chief of Staff.

SUBJECT: **Adverse Action Resulting from Reductions in Funding or District Programs, or District Programs, or Administrative Reorganization-- Management/Supervisory/Confidential Employees**

NO: **7765**

PAGE: **2 OF 7**

EFFECTIVE: **10-27-81**

REVISED: **11-19-07**

2. **Definitions**

- a. **Management employee:** An employee in a position designated by the Board of Education as a management classification compensated on the Management Salary Schedule or the Site Administrator Salary Schedule.
- b. **Certificated management employee:** A management employee assigned to a position requiring certification qualifications.
- c. **Classified management employee:** A management employee assigned to a position not requiring certification qualifications.
- d. **Supervisory employee:** An employee in a position designated by the Board as a supervisory classification compensated on the Supervisors' Salary Schedule.
- e. **Confidential employee:** An employee in a position designated by the Board of Education as a position assisting and acting in a confidential capacity to persons who formulate, determine, and effectuate management policies in the field of labor relations.
- f. **Assignment:** A personnel action consummated by a Board of Education-approved "Personnel Action Form," which assigns an individual to a specific budget code location, salary grade classification, percent of time (workday or workweek), and work year.
- g. **Transfer:** A voluntary, usually lateral, move from one site/program to another site/program *or* from one position class to a similar position class, usually involving no change in compensation.
- h. **Reclassification:** A change in classification level of a position based upon a classification review.
- i. **Reduction in force:** An instance in which it becomes necessary to reduce the number of positions because of significant reductions in funding and/or district programs. An affected employee may be reassigned to a position in the same or a lower salary grade or to a reduced workyear or may be laid off.
- j. **Layoff:** A reduction in force that results in employees being terminated from district employment or reduced to a lower position classification previously held in the classified service.

SUBJECT: **Adverse Action Resulting from Reductions in Funding or District Programs, or District Programs, or Administrative Reorganization-- Management/Supervisory/Confidential Employees**

NO: **7765**

PAGE: **3 OF 7**

EFFECTIVE: **10-27-81**

REVISED: **11-19-07**

- k. **Reorganization (of program or administrative unit):** A change in number or types of positions required to operate a program or administrative unit, due to reduction in funding, change of focus, or efficiency concerns.
 - l. **Reassignment:** A district-initiated move from one classification to another classification at a lower salary grade or within the same classification. Reassignment of a management or supervisory employee resulting in a lower salary grade or a decreased work year will be accomplished by a freeze of the daily rate for one year. Reassignment of a confidential employee resulting in a lower salary grade or decreased work year will be accomplished by a freeze of monthly salary for eighteen months. In such cases, the affected individual will be given consideration for placement in an appropriately classed position for the subsequent year, where available.
 - m. **Reassignment due to reduction in force or management reorganization:** A change of assignment (due to reduction in force or reorganization) to a position with a lower salary range maximum on the same or a different salary schedule, or to a reduced work year. Such reassignment of a management employee will be accomplished by a freeze of the daily rate for one year when reassigned to a lower level position on the management, site administrator, supervisors', or confidentials' salary schedule.

Reassignment to a job class on any other district salary schedule will involve salary placement and continued employment in accordance with rules and regulations of the schedule to which the employee is reassigned (e.g., reassignment to the Teachers' Salary Schedule involves placement in accordance with an individual's creditable training and experience).
3. **General Policies.** All management, supervisory, and confidential employees are entitled to these continuing elements of due process:
- a. Provision of specific and complete written description of professional duties and responsibilities expected to be fulfilled.
 - b. Provision of full and impartial evaluation of professional performance on a regular and continuing basis.
 - c. Provision of constructive counseling on a regular and continuing basis to upgrade performance.

SUBJECT: **Adverse Action Resulting from Reductions in Funding or District Programs, or District Programs, or Administrative Reorganization-- Management/Supervisory/Confidential Employees**

NO: **7765**

PAGE: **4 OF 7**

EFFECTIVE: **10-27-81**

REVISED: **11-19-07**

4. **Policies Pertaining to Reassignment Involving Loss of Salary or Layoff (All Management, Supervisory, and Confidential Employees)**
- a. Before taking action to reassign or layoff a management, supervisory, or confidential employee, avenues for lateral movement to a position at same salary level will be explored.
 - b. Efforts will be made to reassign adversely affected managers, supervisors, and confidential employees to vacant management, supervisory, and confidential positions for which they qualify before promoting nonmanagers, nonsupervisors, and nonconfidential employees into those positions.
 - c. A management, supervisory, or confidential employee may be reassigned to a position involving loss of salary upon personal request or for any of the following reasons:
 - (1) **Program needs of the district** as derived through a process involving sequential reviews by managers responsible for district programs, culminating in the superintendent's decision or recommendation to the Board of Education, as appropriate.
 - (2) **Reassignment in lieu of layoff** to a position with a lower salary range maximum or to a reduced workyear or workweek as an option for an incumbent in a position to be reduced when it becomes necessary to reduce the number of management, supervisory, or confidential positions in a particular job classification.
 - (3) **Reduction in force** in which it becomes necessary to reduce the number of management, supervisory, or confidential positions because of reductions in funding or district programs.
 - (4) **Reorganization (of program or administrative unit)** resulting in a change in number or types of management, supervisory, or confidential positions required to operate a program or administrative unit, due to reductions in funding, change of focus, or efficiency concerns.
 - d. When making reassignments involving loss of salary or layoff, classified management and supervisory employees will be reassigned or laid off according to the Employment Regulations for the Classified Service of the San Diego Unified School District.

SUBJECT: **Adverse Action Resulting from Reductions in Funding or District Programs, or District Programs, or Administrative Reorganization-- Management/Supervisory/Confidential Employees**

NO: **7765**

PAGE: **5 OF 7**

EFFECTIVE: **10-27-81**

REVISED: **11-19-07**

- e. Layoff of certificated managers will be conducted according to applicable provisions of the Education Code (Education Code Sections 44892, 44955–44961).
- f. Prior to implementation, the proposed reassignment involving loss of salary shall be reviewed and approved by the supervisor of the management, supervisory, or confidential employee initiating reassignment. Proposed layoffs shall be reviewed and approved by the superintendent and by the Board of Education.
- g. The management, supervisory, or confidential employee facing loss of salary or layoff from a proposed reassignment shall be entitled to the following elements of due process:
 - (1) Furnishing, upon request, of reason(s) for proposed reassignment.
 - (2) Provision of a fair and private conference, upon request.
 - (3) Right to be represented by the Administrators Association or other counsel.
- h. **Reassignment pursuant to Education Code Section 44896.** Nothing in this procedure shall entitle a certificated management employee reassigned to a classroom teaching or other nonmanagement certificated position to avail him/herself of procedural due process as set forth in Procedure 7113. Such employee shall be entitled only to request a written statement of reasons from the chief human resources officer pursuant to Education Code Section 44896.
- i. When there is a reduction in force or management reorganization which results in the elimination of a confidential position, the impacted employee will be provided an interview for current and future vacant equivalent nonconfidential positions for a period of one (1) year from the date the employee was displaced.

Confidential employees who have had their position eliminated due to a reduction in staff or management reorganization are not provided with bumping rights to positions designated as confidential but may bump back into positions in the classified service previously held.
- j.. In the event that a child development center administrator must be reassigned with loss of salary, he/she will be considered for any vacant position on the Teachers' Salary Schedule, provided he/she possesses the proper credential. In the absence of teaching experience, the employee must possess satisfactory

practice teaching recommendations. Consideration will be given to appropriate Teachers' Salary Schedule positions before the administrator is reassigned to the Child Development Centers Teachers' Salary Schedule.

5. **Other Policies for All Management, Supervisory, and Confidential Employees**
 - a. **Reclassification.** Refer to Procedures 7540 and 7610.
 - b. **Reassignment and transfer.** Refer to Procedures 7440, 7450, and 7640.
 - c. **Layoff.** Management, supervisory, and confidential employees who are laid off may continue participation in the district Group Medical Benefits Plan, along with their qualified dependents, through the end of the twelfth month following the month in which paid service ceases, by paying required contributions to the district.

D. IMPLEMENTATION

1. **Reassignment Involving Loss of Salary/Layoff**
 - a. Continuing elements of due process, contained in C.3., must have been provided prior to consideration of reassignment involving loss of salary or layoff of a management, supervisory, or confidential employee. When a certificated management employee is reassigned to a classroom teaching or other nonmanagement certificated position, however, Section C.4.f. only shall apply.
 - b. Whenever reassignment involving loss of salary or layoff of a management, supervisory, or confidential employee is being considered, proposed action first shall be reviewed and approved by immediate supervisor of individual initiating reassignment.
 - c. Employee then shall be advised of proposed action by his/her immediate supervisor and, upon request, shall be furnished with reason(s) for action.
2. **Reclassification.** Refer to Procedures 7540 and 7610.
3. **Lateral transfer.** Refer to Procedures 7440, 7450, and 7640.
4. **Layoff of certificated management employees.** Refer to Education Code Sections 44892 and 44955–44961.

SUBJECT: **Adverse Action Resulting from Reductions
in Funding or District Programs, or District
Programs, or Administrative Reorganization--
Management/Supervisory/Confidential
Employees**

NO: **7765**

PAGE: **7 OF 7**

EFFECTIVE: **10-27-81**

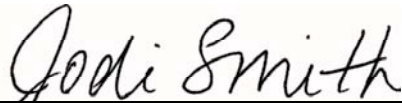
REVISED: **11-19-07**

5. **Layoff of classified management and supervisory employees.** Refer to the Employment Regulations for the Classified Service of the San Diego Unified School District.

E. FORMS AND AUXILIARY REFERENCES

F. REPORTS AND RECORDS

G. APPROVED BY



Chief of Staff
For the Superintendent of Schools