

Board Policy GBKA: Professional Personnel Lay-Off

Status: ADOPTED

Original Adopted Date: 09/12/1995 | **Last Revised Date:** 06/25/2020 | **Last Reviewed Date:** 06/25/2020

Professional Personnel Lay-Off

SECTION ONE: RESPONSIBILITIES AND PREROGATIVE OF BOARD OF EDUCATION

The most important functions of the Gilmer County Board of Education are to employ personnel and manage resources within the limitations defined by the funding sources of the school system. Consequently, it shall be the prerogative of the Gilmer County Board of Education (hereinafter the "Board") to abolish job positions, to reduce the length of the work year and salary of certificated or non-certificated personnel (hereinafter "to downgrade") and/or to reduce the number of employees when seeking to cope effectively with program changes or financial exigency.

SECTION TWO: REASONS FOR REDUCTION IN FORCE (HEREINAFTER "RIF")

The Board shall consider a reduction in the professional work force to include the abolition of job positions, the downgrading of an employee's position, and/or the reduction of the number of employees, as a response to the following:

- a. A decrease in student enrollment in the Gilmer County School System which would necessitate a decrease in personnel or a discontinuation of programs;
- b. A change in State or local curriculum, personnel, or financial practices which would necessitate a change in or the elimination of programs or services provided by the Gilmer County School System;
- c. A lack of funding for programs, personnel, or services provided by the Gilmer County School System;
- d. Any reasonable reorganization plan to achieve a more efficient school system.

SECTION THREE: APPLICABILITY OF POLICY

This RIF policy shall apply to all professional personnel employed by the Gilmer County Board of Education.

SECTION FOUR: RIF PROCEDURES

When the Superintendent of Gilmer County School System determines that the application of this reduction in force policy is necessary, it shall be his or her primary responsibility to prepare for presentation to the Board a plan for reduction in force (RIF) in the affected program area(s). In making recommendations for termination or downgrading of employee positions, the Superintendent may consider any position or employee of the Gilmer County Board of Education.

Factors to be considered by the Superintendent in devising a RIF plan shall include, first and foremost, the professional expertise, effectiveness and overall job performance of individual employees as reflected in annual evaluations as well as the Superintendent's own observations and knowledge. Only where demonstrated competence and expertise are equal among employees shall other factors such as tenure status, level of certification, and length of continuous service with the Gilmer County Board of Education be considered in order to make recommendations for the termination or downgrading of an employee's position.

In order to develop a RIF plan, the Superintendent may consult with any and all school system personnel who might have information which would enable the Superintendent to rank employees according to overall job performance. Once the Superintendent has completed a comparative assessment of employees, he or she shall prepare and present a plan for reduction in force for Board approval and action.

SECTION FIVE: NOTICE AND HEARING PROCEDURES

If the Board acts at the recommendation of the Superintendent to terminate an employee or to downgrade an employee's position, the Superintendent shall notify the affected employee.

Board Policy GAMA: Drug-Free Workplace

Status: ADOPTED

Original Adopted Date: 10/10/1990 | **Last Revised Date:** 06/25/2020 | **Last Reviewed Date:** 06/25/2020

Drug-Free Workplace

The Board declares that the manufacture, distribution, sale or possession of controlled substances, marijuana and other dangerous drugs in an unlawful manner or being at work under the influence of alcohol, controlled substances, marijuana or other dangerous drugs is a serious threat to the public health, safety and welfare. With this in mind, the Board declares that its work force must be absolutely free of any person who would knowingly manufacture, distribute, sell or possess a controlled substance, marijuana or a dangerous drug in an unlawful manner. This prohibition specifically includes, but is not limited to, the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol in the employee's workplace.

Any employee who is convicted for the first time, under the laws of this State, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance, marijuana or a dangerous drug shall be subject to disciplinary action. At a minimum, such an employee shall be suspended for a period of not less than two months and shall be required to complete, at his or her own expense, a drug abuse treatment and education program licensed under Chapter 5 of Title 26 of the Official Code of Georgia and approved by the Board. At a maximum, such an employee may be terminated from employment with the school system. Any employee who is convicted for a second or subsequent time under the laws of this state, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale or possession of a controlled substance marijuana or a dangerous drug shall be terminated from employment and shall be ineligible for employment for a period of five years from the most recent date of conviction.

If, prior to an arrest for an offense involving a controlled substance, marijuana or a dangerous drug, an employee notifies the Superintendent or the Superintendent's designee that the employee illegally uses a controlled substance, marijuana or a dangerous drug and is receiving or agrees to receive treatment under the drug abuse treatment and education program licensed under Chapter 5 of Title 26 of the Official Code of Georgia and approved by the Board, the employee shall be entitled to maintain his or her employment for up to one year as long as the employee follows the treatment plan. During this period, the employee shall not be separated from employment solely on the basis of the employee's drug dependence, but the employee's work activities may be restructured if practicable to protect persons or property. No statement made by an employee to the Superintendent or the Superintendent's designee in order to comply with this code section shall be admissible in any civil, administrative or criminal proceeding as evidence against the public employee. The rights granted by this policy shall be available to any employee only once during a five-year period and are intended to be and shall be interpreted as being the same as those minimum rights granted pursuant to the Georgia Drug-Free Work Force Act and any subsequent amendments thereof.

As a condition of employment, each employee must abide by the terms of this policy and must notify the Board within five days after any arrest on any drug-related criminal charge and further notify the Board within five days of any conviction of a drug-related offense.

A copy of this policy shall be disseminated to all employees either directly or through employee handbooks.

The Board of Education shall not consider for employment any applicant who has been convicted for the first time of any drug offense as described above for a three month period from the date of conviction nor shall the Board of Education consider any applicant for employment who has been convicted for the second time of any drug offense as described above for a five year period from the most recent date of conviction.

For purposes of this policy, "conviction" refers to any final conviction in a court of competent jurisdiction, specifically including acceptance of a plea of guilty, nolo contendere, or any plea entered under the First Offenders Act of Georgia or any comparable State or federal legislation.

This policy is not intended and shall not be interpreted as prohibiting the school system from taking appropriate disciplinary action against any employee where there exists evidence that an employee uses, distributes or sells illegal drugs even though the employee has not been convicted of any criminal offense or where there exists evidence that an employee is under the influence of alcohol while on duty, except that the school system may not use the statement of any employee to the Superintendent requesting treatment as described in this policy.

The school district shall provide such staff development as required by State or federal law to inform employees of the dangers of drug abuse, the availability of employee assistance and drug counseling and treatment and the terms of this policy.

