

**AMEND BOARD REPORT 02-1023-PO05**  
**ADOPT POLICY REGARDING LAYOFF OF**  
**EDUCATIONAL SUPPORT PERSONNEL**

**THE CHIEF EXECUTIVE OFFICER RECOMMENDS:**

The Chief Executive Officer recommends adoption of the following amended policy effective ~~August 28, 2002~~ May 1, 2003.

**DESCRIPTION:** The 1995 Amendatory Act to the Illinois School Code and other statutes prohibits collective bargaining on decisions regarding reductions in force. The merits of various options concerning reassignment reappointment and layoff of educational support personnel ("ESP") have been considered.

**Layoff and Reappointment of ESP.** Reductions in force or layoffs, may be made due to lack of work or funds, decline in student enrollment, change in subject requirements, closing of an attendance center, privatization contracts with third parties, abolition of positions because of changes in duties associated with them, change in organizational structure or pursuant to Sections 34-8.3 and 34-8.4 of the Illinois School Code. For the purposes of this policy only, "seniority" with regard to layoff and reappointment shall mean the length of full time accumulated service in any career service/ESP position, with such seniority accruing from the date of initial appointment to a career service/ESP position with the Chicago Board of Education. This definition of "seniority" shall apply only to those ESP employees who are represented by a bargaining unit at the time of their layoff.

1. **Notice.** When a reduction in force or layoff is to occur, the department head or other administrator will give fourteen (14) days advance written notice to affected employees. Such notice may be given prior to any final action by the Board to sever employment.

2. **Criteria For Determining Employees To Be Laid Off.** In determining layoffs, the department head or other administrator will consider the following factors: job classification, department or attendance center where assigned, recent performance ratings or evaluations, certifications or other qualifications, experience and seniority, and any other factors related to job performance. Where a job classification or department/attendance center is being closed and all positions in that classification or department/attendance center are being eliminated, other criteria need not be considered. Other criteria, where applicable, will be weighted equally.

3. **Reappointment.** An employee who is laid off or dismissed pursuant to a reduction in force will be included in the eligibility pool for the job classification he or she previously held for ten (10) school months following the dismissal or layoff, unless such job classification has been eliminated. When positions become available within the employee's classification, including at the attendance center from which the employee was laid-off, the employee will be considered for reappointment on the same terms as other qualified employees in the pool. An employee who is laid off or dismissed may apply for positions in classifications other than the one from which the employee has been laid off. In such instances, once the employee is determined to have met the established criteria for the alternate job classification, the employee will be considered for appointment on the same basis as other job applicants within that classification.

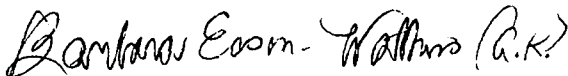
If no principal recommends appointment of an employee to a position within 60 days after it was created or became vacant, the Department of Human Resources will appoint on an interim basis an employee to the new or unencumbered vacancy provided the employee has a minimum efficiency rating of 70% in his/her previous position and is otherwise qualified for the position. If the number of employees to be appointed exceeds the number of new or unencumbered positions that have been vacant for more than sixty (60) days, appointments will be made by system-wide seniority. ~~Seniority shall mean the length of full time continuous service in any career service/ESP position. Career service/ESP shall accrue seniority from the date of initial appointment to their first career service/ESP positions.~~ An interim appointment will be no more than sixty (60) days during which the employee's performance will be evaluated by the principal or a qualified designee. An interim appointment will not extend the employee's ten (10) school month period for inclusion

in the eligibility pool provided above. At any point during this interim appointment, the employee may be removed or replaced with another permanently assigned employee. If the employee is not removed or replaced during the sixty (60) day interim period, he/she shall be appointed to the position. The employee's removal from the interim position prior to expiration of the interim period or failure to be offered a regular appointment when his or her interim appointment expires does not affect his or her continued inclusion in the eligibility pool for the ten (10) school month period following the employee's dismissal or layoff as provided above. If the employee is permanently appointed to the position, the employee shall be removed from the eligibility pool.

**4. Section 34-8.4 (Intervention).** ESPs may be laid off pursuant to Section 34-8.4. If the Board determines that a school shall be subject to Section 34-8.4, an evaluation will be conducted of each ESP prior to reassignment, layoff or dismissal, and based on that evaluation such employees may be reassigned, laid off or dismissed. Affected employees will receive fourteen (14) days advance written notice of a layoff. Employees so laid off will be eligible for reappointment, including to the same school, on the same terms as if their employment had been severed due to a reduction in force.

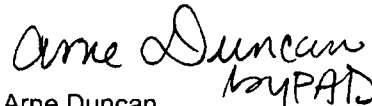
**5. Effective Date.** ~~This policy is~~ The amendments to this policy are effective prospectively only with respect to ESPs who receive a notice of removal on or after August 28, 2002 May 1, 2003. Any career service employee (i.e. ESPs) given a notice of removal prior to ~~August 28, 2002~~ May 1, 2003 will be subject to the provisions of ~~previous Board Policy 95-0814-RU1 adopted August 15, 1995~~ of this policy as it was adopted on October 23, 2002, Board Report 02-1023-PO05.

**Approved for Consideration:**



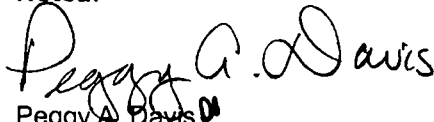
Barbara Eason-Watkins  
Chief Education Officer

**Respectfully Submitted:**



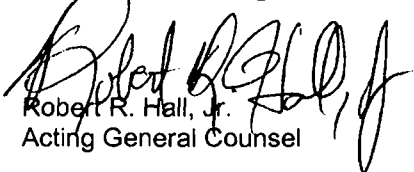
Arne Duncan  
Chief Executive Officer

**Noted:**



Peggy A. Davis  
Chief of Staff

**Approved as to Legal Form:**



Robert R. Hall, Jr.  
Acting General Counsel