**Reduction in Force**

**Talking Points**

**WHAT IS A REDUCTION IN FORCE?**

The Board of Education of Montgomery County retains the right to reduce its force, and its decision on such reduction is not subject to the grievance procedure. Reduction of staff shall mean that the termination of an employee will occur because of one or more of the following reasons: decrease in student enrollment, changes in curriculum, decline in subject or grade-level enrollment, budget limitations.

**WHY IS THIS HAPPENING NOW?**

Throughout the development of the Fiscal Year 2025 budget, Montgomery County Public Schools (MCPS) became aware of significant budgetary challenges. Despite initial reductions included throughout the budget development process and the expenditure restrictions implemented January 17, 2024, the final budget approved by the Montgomery County Council resulted   
in a $33 million budget deficit. Addressing the budget deficit has demanded significant actions including: reduction in central office supports, increase in class size by 1 student, elimination of the Montgomery Virtual Academy, delay in Pre-Kindergarten expansion, reduction of secondary staff development teacher allocation by 0.4 Full-time Equivalent, reduction in contractual services, decrease in CollegeTracks funding, and reduction in musical instrument repair funding.   
As a result, a reduction in force (RIF) is necessary to ensure financial stability. The RIF impacts all employee groups.

**PROCEDURES FOR REDUCTION IN FORCE (per negotiated agreements)**

**SEIU**

When a reduction in staff within a given classification occurs, the determination of those who are to be released will be in the following order:

1. Probationary employees to be laid off first.

2. If further reductions are needed, those unit members with less than four years’ service whose two most recent performance evaluations have been unacceptable and/or below average will be laid off next.

3. If further reductions are required, seniority (as defined below) will govern, with the least senior unit member to be laid off first. The foregoing procedure will be applied on a systemwide basis and seniority is defined as MCPS service.

**MCEA**

In any reduction in personnel within any given field of certification, the determination of those who are to be released will be in the following order:

a. Unit members holding Class II certificates

b. Nontenured unit members holding provisional certificates

c. Nontenured unit members holding regular certificates

d. Tenured unit members

When a reduction in professional staff is necessary, a unit member’s length of MCPS service and quality of job performance will receive equal consideration in determining those individuals who will be terminated. Among additional factors to be considered will be the competency of the teacher as it relates to the program needs of the school.

For the duration of this contract, length of MCPS service will be given additional weight for unit members with six or more years of service with MCPS, unless individuals with demonstrably superior qualifications are available for the positions

**MCAAP/MCBOA**

When a reduction in force within a given job classification is made, MCPS will determine which unit member(s) will be released in the following order:

1. Unit members holding Class II certificates.

2. Unit members on probationary status as defined within the Professional Growth System shall be laid off first.

3. Unit members holding provisional certificates.

4. All other unit members not in 1 or 2 above.

For unit members in 2, 3, and 4 above, such unit member’s length of service in MCPS and quality of job performance will receive consideration. Among additional factors to be considered by MCPS will be the competency of the unit member as related to the needs of MCPS.

**HEALTH BENEFITS (Employees who currently have MCPS health benefits)**

*10-month employees* who work through their last duty day of the fiscal year will be covered by MCPS health benefits until September 30, 2024.

*10-month employees* who terminate prior to the last duty day of the fiscal year will be covered by MCPS health benefits until the last day of the month in which they terminate. The employee will be reimbursed for all contributions to their health benefits beyond the last day of the month of termination.

*12-month employees* will be covered by MCPS health benefits until the last day of the month that they terminate.

Any employee who is terminated due to a RIF may be placed on leave without pay for the six months immediately following the last duty day and may choose to continue membership in the MCPS health benefit plan in which the unit member is enrolled by paying the full cost of membership in such plan during those six months. If the employee is not recalled, or refuses an assignment before the end of the initial six-month period, the leave without pay and the membership in the MCPS health benefit plan is terminated automatically.

**TERMINATION WITH RECALL OPTION**

All employee associations offer the members who are impacted by RIF the option to be recalled.

* SEIU – recall list for three (3) years
* MCEA – recall list for two (2) years
* MCAAP – recall list for two (2) years

When MCPS decides to fill vacancies, the employee who selected the recall option will receive priority consideration for a vacancy that aligns with the employee's education, experience, qualifications, and credentials. If an employee is offered an assignment and refuses that offer, the employee loses the opportunity for further recall.

Priority consideration means that as a vacancy becomes available that aligns with the employee’s education, experience, qualifications, and credentials, the Office of Human Resources and Development staff will contact the employee to offer that assignment.

Employees recalled by June 30, 2024 will not experience a break in service.

At the time of recall, the individual will be required to complete the hiring process for the agreed upon assignment. This process may require that the individual update their MCPS Careers profile. The hiring process will require that the individual complete the fingerprinting and HB486 employer verification process. The cost for fingerprinting will be paid by MCPS.

Employees who accept a recall assignment on the salary lane or grade of their previous position will retain their current step. Employees who accept a recall assignment at a lower grade position will be assigned a step on the salary lane of the new position which takes their prior salary into consideration to determine the assigned step. Longevity will be retained for all employees who are recalled.

**TERMINATION WITH RECALL OPTION – ANNUAL LEAVE PAYOUT**

**(Per negotiated agreements)**

**SEIU**

All annual leave should be used before the effective date of employment termination, or a lump sum settlement shall be made at the current salary rate, but not to exceed a maximum of 40 days.

**MCEA**

All annual leave should be used before the effective date of employment termination, or a lump sum settlement shall be made at the current salary rate, but not to exceed a maximum of 30 days

**MCAAP/MBCOA**

All annual leave should be used before the effective date of employment termination, or a lump sum settlement shall be made at the current salary rate, but not to exceed a maximum   
of forty-five (45) days

**TERMINATION WITH RECALL OPTION – SICK LEAVE PAYOUT**

**(Per negotiated agreements)**

**SEIU**

At the time of their termination after five years of MCPS service, any unit member who has performed their duties satisfactorily shall receive termination pay at their current salary rate for one-fourth of their accumulated sick leave.

After the unit member has completed 30 years of MCPS service, the termination pay described in this subsection shall be for 30 percent of the unit member’s accumulated sick leave.

**MCEA**

At the time of their termination after five years of MCPS service, any unit member shall receive termination pay at their current salary rate for one-fifth (35%) of this accumulated sick leave.

**MCAAP/MCBOA**

After five (5) years of MCPS service, any unit member who has performed their duties satisfactorily shall receive termination pay at their current salary rate for 25% of their accumulated sick leave.

After a unit member has completed twenty-five (25) years of MCPS service, the termination pay described in this paragraph shall be for 35 percent of the unit member’s accumulated sick leave

After a unit member has completed thirty (30) years of MCPS service, the termination pay described in this paragraph shall be for 30 percent of the unit member’s accumulated sick leave.

**TERMINATION WITHOUT RECALL OPTION**

Per the association negotiated agreements, employees may choose to terminate without the option of recall. Employees who make this choice will receive a lump sum payment of all earned annual and sick leave. These employees forfeit the opportunity for recall.

**TERMINATION WITHOUT RECALL – SEIU ADDITIONAL PAYOUT**

For those terminated unit members having two full years of service but less than six years   
of service, they will receive, in addition, one-half month’s salary for each year of creditable to MCPS service. For those terminated unit members having six or more years of service, they will receive, in addition, one month’s salary for each year of creditable to MCPS service up to a limit of 12 months’ salary.

**TERMINATION WITHOUT RECALL – MCEA ADDITIONAL PAYOUT – TENURED MEMBERS ONLY**

Terminated unit members with tenure and less than 12 years of MCPS service will receive,   
in addition, one month’s salary for each year of MCPS service, up to a limit of six months’ salary. Terminated unit members with tenure and 12 or more years of MCPS service will receive,   
in addition, one month’s salary for each year of MCPS service, up to a limit of 12 months’ salary.

**TERMINATION WITHOUT RECALL – MCAAP/MCBOA ADDITIONAL PAYOUT**

Terminated unit members with two (2) or more years and less than twelve (12) years of MCPS service will receive one (1) month’s salary for each year of MCPS service, up to a limit   
of six (6) months’ salary. Terminated unit members with twelve (12) or more years of MCPS service will receive one (1) month’s salary for each year of MCPS service, up to a limit of twelve (12) months’ salary.

**WHEN WILL EMPLOYEES RECEIVE LEAVE PAYOUTS?**

The payments for earned sick and annual leave after employment termination are usually received by the employee within two (2) months of the date of termination.

**WHAT ARE THE NEXT STEPS?**

All employees who are impacted by the RIF will be notified by their supervisor and will receive written notification from Ms. April Key, chief of human resources and development. On the written notification, the employee must indicate the option (RECALL or NO RECALL) that best aligns with their personal and professional situation by checking the appropriate box and returning the signed notification document to the Office of Human Resources and Development by Wednesday,   
May 29. 2024. Employees who do not return the signed notification document indicating their choice will be processed as terminations with no recall option.