

# Reduction-in-Force: Plans and Pitfalls

March 26th (Walton County BOE)  
Monroe, Georgia

## Presenters

### **Dan Murphy**

McLocklin, Murphy & Dishman LLP  
Winder, Georgia

### **Mary Anne Ackourey**

Freeman, Mathis & Gary, LLP  
Atlanta, Georgia

In this economy, balancing the Board of Education's budget requires significant savings in personnel and payroll expenditures. If we have to cut staff, how do so without incurring expensive legal fees and challenges? Attendees of this presentation will learn:

- Coming to a Courthouse near you: Age Discrimination Claims and RIFs!
- What evidence must be presented in support of a Reduction-in-Force?
- How do we design/defend the decision to include employees in the RIF?
- Practical Tips for our RIF to minimize legal exposure & claims
- And what about our RIF Policy? Should we (or do we already) have one?

**Daniel Robert Murphy** is a partner in the education law firm of McLocklin, Murphy & Dishman, LLP. For the past decade, Dan's practice has consisted almost exclusively of the representation of public school districts in Georgia. Dan is the recent co-author of The Fair Labor Standards Act in American Schools: A Guide for School Officials (Rowman & Littlefield, 2006), the American Association of School Personnel Administrators' Family & Medical Leave Act Compliance Manual (AASPA, 2007) as well as the forthcoming Guide to Education Records (Rowman & Littlefield, 2009) and Discipline & the Disabled Student (Rowman & Littlefield, 2010).

**Mary Anne Ackourey** is a partner with the litigation firm of Freeman, Mathis & Gary LLP. Mary Anne has extensive experience representing public school districts and private employers in labor and employment law cases on a national basis, including federal jury trial and appellate matters. She also has lectured and written on a variety of personnel issues, including sexual harassment, disability discrimination, FMLA and preventive policies and procedures. Ms. Ackourey also specializes in employment and student issues unique to public and private educational institutions.

# Reduction-in-Force: Plans and Pitfalls

- 8:50 Welcome and Introduction
- 9:00-10:40 Georgia Fair Dismissal Act & Reduction-in-Force
- Caselaw from the State Board and Georgia Courts
  - What's been done, what works (and what doesn't!)
  - Can we put the bad apple in the RIF?
- 10:40 Break
- 10:50-12:00 Alternatives to a bona fide Reduction-in-Force
- Cutting Contract Days or Months: RIF by another name?
  - Transfer v. Demotion: What do the courts think?
  - Additional Georgia law issues
- 12:00-1:15 Lunch on your own
- 1:15-2:30 RIF plans and Federal Employment Law Issues:
- Avoiding Age Discrimination Claims
  - Disparate Impact Claims: Even if I didn't mean it?
  - More than Age: Disability, Race, National Origin & Gender
  - What if they're on FMLA Leave?
- 2:30 Break
- 2:40-3:45 Developing, Implementing and Defending OUR plan for a RIF
- RIFs that cause trouble (what NOT to do!)
  - Planning a RIF & Selection Criteria: Objective v. Subjective
  - Using Lawful Waivers and avoiding OWBPA claims
- 3:45-4:00 Insert your unanswered questions here \_\_\_\_\_ !

## Target Audience:

School Business Officials  
HR Directors & Administrators  
Payroll Administrators  
Personnel Leaders

Superintendents  
Principals & Assistant Principals  
Finance Directors  
Board of Education Members

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\_\_\_\_\_ **March 26th**      **Reduction-in-Force Plans & Pitfalls (\$195.00 pp)**      **Walton County BOE  
Monroe**

See also this upcoming presentations:

\_\_\_\_\_ March 3rd      NEW FMLA Rules and Amended ADA (\$195.00 pp)      Macon State College

\_\_\_\_\_ March 5th      NEW FMLA Rules and Amended ADA (\$195.00 pp)      Barrow County BOE  
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**From Atlanta:**

Take Hwy. 78 east towards Athens. Monroe is 10 miles past Loganville on Hwy. 78. Exit left on Hwy. 11. Go approximately 1.5 miles and turn left onto Double Springs Ch. Rd.. The Board Office is the first building on the right.

**From Hwy. 316**

Take Hwy. 11 east towards Monroe. Go approximately 10 miles. Turn right onto Double Springs Ch. Rd.. The Board Office is the first building on the right.

# Georgia Public Schools & the Reduction in Force: Plans and Pitfalls

**March 26th at the  
Walton County BOE (Monroe)**

For School Business Officials, Superintendents, HR Directors & Administrators, Principals & Assistant Principals, Payroll Administrators, Superintendents, Personnel Leaders & Supervisors, and Board of Education Members