

## ARTICLE 15

### REDUCTION OF WORK FORCE DUE TO LACK OF FUNDS AND/OR WORK

#### 15.1 Definitions:

- 15.1.1** Layoff: Any termination of employment or any reduction in hours of employment or assignment to a class or grade lower than that in which the employee has permanence, voluntarily consented to by the employee, in order to avoid interruption of employment by layoff. (E.C. 45101)
- 15.1.2** Class or Grade: A group of position alike in duties, authority, and responsibilities that require the same general knowledge, skills, and standards of performance and that are placed on the same step of the salary schedule.
- 15.1.3** Seniority Rank in Class: Date of hire in the present class assignment or higher classes.
- 15.1.4** District Seniority Rank: Date of hire in any class as a probationary or permanent employee.
- 15.1.5** Paid Service Hours: Any hours of duty or service in a paid status during the school year including holidays, recesses, summer school, approved military leave, unpaid illness leave, and unpaid industrial accident leave. (E.C. 45102, 45195, 45198, 45308) (MVC 395, 395.1)
- Paid service hours shall not include any hours compensated for on an overtime basis. (E.C. 45128, 45308)
- 15.1.6** Computation of Seniority Rank: Seniority rank in class and DISTRICT service shall be computed using date of hire in paid status excluding overtime basis.

#### 15.2 Layoff Procedures:

- 15.2.1** Classified employees shall be laid off inverse order of seniority by job classification (E.C. 45308). Any tie in seniority shall be determined by lot.
- 15.2.2** No permanent or probationary employee shall be laid off as long as class vacancies exist or temporary short term or substitute employees are in a status of employment in the same class (E.C. 45013, 45107).
- 15.2.3** Layoff notices must be served personally or by certified mail at least sixty (60) days prior to the effective date of layoff. Layoff notices for specially funded programs ending June 30 must be given on or before May 1<sup>st</sup> of the terminating year. Layoff notices shall inform employees of their displacement rights, if any, and of their reemployment rights (E.C. 45117).
- 15.2.4** An employee facing layoff may voluntarily displace (bump) an employee with less seniority in an equal or lower class in which the employee facing layoff formerly held permanent or probationary status (E.D. 45101, 45308).
- 15.2.5** An employee facing layoff may, if granted the privilege, accept a reduction in assigned time in lieu of layoff or reclassification (E.C. 45298).

- 15.2.6** An employee laid off or facing layoff may elect service retirement from the Public Employees Retirement System (E.C. 45115).

**15.3 Rights of Employees:**

- 15.3.1** Any employee laid off shall be placed on a reemployment list ranked according to length of service in the class plus higher classes. The list shall be maintained for thirty-nine (39) months or until exhausted, whichever is sooner.
- 15.3.2** Any employee who elects voluntary retirement in lieu of layoff shall be placed on the appropriate reemployment list for their classes of service according to length of service (E.C. 45115).
- 15.3.3** An employee who took a voluntary demotion (bumping) or reduction of hours in lieu of layoff shall be placed on the appropriate reemployment list for their classes of services according to length of service. In addition, such employee shall retain preferential reemployment and reinstatement rights for an additional twenty-four (24) months beyond the thirty-nine (39) month period in accordance with Education Code Section 45298.

An employee who voluntarily demotes in lieu of layoff will remain on the reemployment list until they are reemployed in the highest classification in which they have reemployment rights or until the 63 months of reemployment rights expires, whichever comes first. An employee who reduced hours in lieu of layoff will remain on the reemployment list until all hours have been restored or until the 63 months of reemployment rights expires, whichever comes first. (Effective 4/24/14)

- 15.3.4** Employees shall be reinstated by class as employment opportunities occur according to seniority rank and eligibility on the reemployment lists. Reemployment shall be in the reverse order of layoff, retirement, reclassification, or reduction in hours due to lack of work or funds (E.C. 45308).
- 15.3.5** Employees on Industrial Accident Leave (E.C. 45192) or Non-Industrial Accident or Illness Leave (E.C. 45195) upon ability to return to service, shall be placed on the appropriate reemployment list according to seniority rank when such lists have been created by layoffs due to lack of work or funds.
- 15.3.6** Employees on reemployment lists are eligible to compete for vacancies and to participate in promotional exams and procedures for which they can qualify.

**15.4 Reemployment:**

- 15.4.1** Employees on reemployment lists may be employed as temporary or short-term employees in any class for which the employee is qualified. However, such time served shall not count towards establishing seniority credits; neither shall it jeopardize their status for full reemployment.
- 15.4.2** A permanent or probationary employee reemployed within thirty-nine (39) months shall have all rights and privileges restored.

- 15.4.3** Any employee who is laid off and is subsequently eligible for reemployment shall be notified in writing by the DISTRICT of an opening. Such notice shall be sent by Certified mail to the last address given to the DISTRICT by the employee. A copy shall be sent to CSEA by the DISTRICT. Employee notification shall be considered effective three (3) mail delivery days following mailing or upon receipt, whichever occurs first.
- 15.4.4** An employee shall notify the DISTRICT of their intent to accept or refuse reemployment within ten (10) mail delivery days following receipt of the reemployment notice. If the employee accepts reemployment, the employee must report to work within twenty (20) working days following receipt of the reemployment notice. An employee given notice of reemployment need not accept the reemployment to maintain the employees' eligibility on the reemployment list, provided the employee notifies the DISTRICT of refusal of reemployment within ten (10) mail days from receipt of the reemployment notice.
- 15.4.5** The District shall maintain a current seniority roster.