ARTICLE 18

LAYOFF

DEFINITIONS

18.1 A “layoff” is the termination or reduction in hours of an employee because of lack of work or a lack of funds. An employee may be laid off if:

18.1.1 A 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 layoff.

18.1.2 A position is being eliminated and the employee has the least seniority in the classification.

18.1.3 The employee has been displaced or bumped by an employee whose position was eliminated.

18.2 A “reemployment right” is the right to the next vacant position in a classification ahead of any person who is not higher on the reemployment list and ahead of all new applicants.

18.3 A “reemployment list” is a list of the names of laid off employees arranged in rank order from the greatest to least seniority in the classification from which laid off plus higher classifications.

18.4 A “bumping right” is the right when actually facing layoff to displace an employee with the least seniority regardless of the number of hours per day or days per year in the same classification or a lower classification in which the employee who is facing layoff has formerly held permanent regular status. No bargaining unit member may bump into a special education position unless they are specifically qualified to perform the particular service and that displacement is not in conflict with Federal law (IEP).

18.5 A “break in service” is a complete separation of a regular employment relationship with the District. A Board approved leave of absence, either paid or unpaid, is not considered a break in service. Upon return to work from an approved leave of absence, the District shall restore all rights, benefits and burdens of a permanent employee in the class to which he or she is reinstated or reemployed.

SENIORITY

18.6 Length of service (seniority) shall be the only criterion used to effect layoffs. Length of service is determined by date of hire within the classification.
Seniority or length of service for layoff purposes shall be calculated on the basis of hire date into a particular classification plus equal or higher classifications:

18.7.1 Time served prior to a break in service shall not be counted toward seniority, with the following exception: a break in service is disregarded and seniority credit for prior service is granted if an employee is reinstated, reemployed in regular status, or appointed to a regular position within 39 months after layoff while his/her name is on a reemployment list.

18.7.2 Time served as a substitute or short-term employee prior to regular appointment shall not count towards seniority in classification.

18.7.3 “Higher classifications” shall refer to service in any classification which receives a higher rate of pay than the classification being laid off. The basic salary range for a classification is the determining factor and not responsibility or longevity of individual employees.

In the event of a question of equal seniority where two or more employees have the same date of hire, layoff and reemployment shall be determined by lot.

Human Resources will maintain an updated seniority list of employees by classification and distribute it to all affected employees including those in a different classification if relevant.

An employee may challenge his/her place on the seniority list by making objections known in writing to the administrator in Human Resources who shall review the objections and conduct an audit and make the results known to CSEA and the employee prior to the effective date of any layoff involving the employee. If no such objection is received prior to layoff, the employee is considered to have waived his/her right to grieve.

PROCEDURES

The District will give an employee no less than forty-five (45) calendar days notice prior to the effective date of their layoff. Such notices shall inform the employee of his/her/displacement rights, if any, and reemployment rights.

Classified employees shall be laid off in reverse order of seniority by job classification. Employees who have been employed the shortest time in the classification plus higher classifications shall be laid off first.

No permanent or probationary classified employees shall be laid off from any position while employees serving under emergency, provisional, short-term, or substitute status are retained in positions of the same classification.

A short-term or substitute employee may be separated at the completion of the assignment without regard to the procedures set forth in this policy.
REEMPLOYMENT

18.15 Laid off employees are eligible for reemployment in the classification from which laid off for a 39-month period from the effective date of layoff and shall be reemployed in the reverse order of layoff as vacancies become available.

18.16 Laid off employees are responsible for maintaining a current address and phone number with Human Resources.

18.17 A reemployment list for each classification subject to layoffs will be established and maintained in Human Resources for at least 39 months, or until exhausted, whichever is sooner.

18.18 The names of employees who are laid off will be placed on the reemployment list in accordance with length of service in the classification plus higher classifications.

18.19 Persons on layoff reemployment lists will be reemployed over all other candidates for a position vacancy.

18.20 Employees on reemployment lists shall be eligible to compete for vacancies for which they can qualify and shall be considered. (Refer to 18.4) as promotional applicants as provided for in the rules of the District.

18.21 When a vacancy occurs in a classification for which a layoff reemployment list has been established, the senior employee will be notified and given an opportunity to accept the vacancy. The laid off employee may decline the offer of employment and retain his/her position on the list. The offer will then be made to the next person on the list. An employee who has been laid off is eligible for rehire in a position without regard to the number of hours in the position as held at the time of the layoff. An employee who has been laid off may refuse the first bona fide offer of reemployment but the rejection of the second bona fide offer will constitute a waiver of the employee’s statutory right to be on the reemployment list. A bona fide offer is an offer for the same number of hours or more held prior to the layoff.

18.22 An employee who has been laid off for lack of work or lack of funds and who is on a layoff reemployment list, may be employed as a substitute or short-term employee in his/her original classification or any other classification for which he/she is qualified, and such employment shall in no manner jeopardize or otherwise affect his/her status or eligibility for reemployment.

18.23 A permanent employee who is laid off and is subsequently reemployed within 39 months shall have all rights and privileges restored. A probationary employee shall continue to serve out the remainder of the probation period and shall also have all rights and privileges restored. No seniority credit shall be earned during periods of separation from the District.

DEMOTION IN LIEU OF LAYOFF
18.24 In lieu of being laid off, an employee may elect demotion to a classification with a lower salary status in which he/she had previously served under permanent status and for which he/she is still qualified, provided that the employee has more seniority in the classification than the incumbent employee. He/she shall be allowed to bump the employee with the least seniority in the lower classification.

18.25 To be considered for demotion in lieu of layoff, an employee must notify the District in writing of such election no later than the meeting held to resolve bumping rights.

18.26 Any employee demoted pursuant to this section shall be placed on the step of the salary range of the classification to which he/she is demoted which is closest to, but not greater than, his/her present step on the salary schedule.

18.27 An employee displaced pursuant to this section shall have the same rights as person laid off for lack of work or lack of funds.

18.28 Laid off employees who, at the time of layoff, took voluntary demotions or voluntary reductions in assigned time shall be, at the employee’s option, returned to a position in their former classification or to a position with increased assigned time as vacancies become available for a period of 63 months from the effect date of layoff or reduction. Such employees shall be ranked in accordance with their seniority on the reemployment list.

RETIREE IN LIEU OF LAYOFF

18.29 An employee who meets the qualifications may elect retirement under the Public Employees Retirement System and shall be placed on an appropriate reemployment list. If an employee subsequently accepts, in writing, an appropriate vacant position within the period of 39 months, the District shall maintain the position until PERS has processed the request for reinstatement from retirement.

18.30 The above constitutes the full and complete understanding of the parties concerning layoff and effects of layoff.