

LAYOFF/REHIRE

Notice of Layoff

Any employee to be laid off due to lack of work or lack of funds shall be given notice no less than 30 days prior to the effective date of layoff. The notice shall inform the employee of any displacement rights and reemployment rights.

Procedure Regarding Layoff

When classified employees are laid off for lack of work or lack of funds, layoff shall be made in the inverse order of seniority in the class in which the layoff occurs. The employee who has been employed the shortest time in the class, plus higher classes, shall be considered to have the least seniority and shall be laid off first.

Seniority for the purpose of establishing retention lists shall be computed as follows:

1. Seniority shall include all regular time in a class, plus time in higher related classes. In the event of a tie, preference would be given to the employee with:
 - a. Greater hire date seniority.
 - b. Determined by lot.
2. Time on the following leaves of absence shall be counted toward seniority; Military leave, illness leave or leaves resulting from an industrial accident or industrial illness.

An employee whose position is abolished during a leave of absence shall be accorded the same rights as a person laid off for lack of work or lack of funds, on the date his/her leave expires.

Following layoff, a person who is reemployed within 39 months shall be fully reinstated to a position in the former class with all prior rights to permanent status and cumulative sick leave.

Refusal of an offer of limited-term employment shall not affect the standing of any employee on a reemployment list.

Seniority for service commencing or continuing after July 1, 1971, shall be computed on the basis of hours in paid status, excluding the hours compensated on an overtime basis.

Should the work for which a probationary employee has been appointed prove temporary instead of permanent, and should he/she be laid off without fault or delinquency on his/her part before his/her probationary period is completed, his/her name shall be restored to the eligibility list and the time he/she has served shall be credited to him/her on his/her probationary period.

LAYOFF/REHIRE (continued)

If any employee is on the eligibility list and is laid off, he/she shall retain his/her place on the eligibility list for the life of the list.

Following lay off, an employee may elect to displace another employee in any classification with the same or a lower maximum salary in which he/she has previously served under a permanent appointment and in which he/she holds seniority rights greater than those of the incumbent.

Any employee displaced by the above procedure has the same rights afforded by this rule as if his/her position has been abolished.

Any permanent employee who is laid off in this manner may elect to fill a position in a lower classification in which he/she had not served if there is a vacant position in the lower classification and he/she meets the minimum qualifications as established by the job specification.

Decrease in Assigned Time

When a position is to be reduced in assigned time per day, week, month or year, the incumbent may transfer into a vacant position in the class which is not greater in assigned time than in the former position. If there is not such a vacancy, the incumbent may bump the least senior person with equal assigned time in the class provided he/she has more seniority. If this is not possible, he/she may bump the least senior employee in a position of less, but not greater, time than the original position.

Legal Reference:

EDUCATION CODE

45101 Definitions

45103 Classified service in districts not incorporating the merit system

45105 Positions under various acts not requiring certification qualifications; classification

45113 Rules and regulations for classified service in districts not incorporating the merit system

45114 Layoff and reemployment procedures; definitions

45115 Layoff: Reinstatement from service retirement

45117 Notice of layoff due to expiration of specially funded programs or bona fide reduction or elimination of service

45286 Limited term employees

45298 Reemployment and promotional examination preference of persons laid off; voluntary demotions or reductions in time

45308 Order of layoff and reemployment; length of service

45309 Reinstatement of permanent noncertified employees after resignation