

Classified Personnel

Layoff/Rehire

Whenever it becomes necessary to abolish or reduce a classified position(s) because of lack of work or lack of funds, the Classified Personnel Office is to be notified. This notification should come from the appropriate school administrator at least 60 days in advance of the effective date of any employee layoff. Layoff procedures shall be administered by the Classified Personnel Director.

Legal Guidelines: Layoff

1. Classified probationary or permanent status employees shall be subject to layoff for lack of work or lack of funds. The order of layoff shall be determined by length of service within the affected classification. Length of service means date of regular employment into the classified service for all employees serving in the district on or before July 1, 1971, and is determined by hours in paid status for all employees employed after July 1, 1971. Nothing in this section shall preclude the governing board of a school district from entering into an agreement with the exclusive representatives of the classified employee that defines length of service to mean the hire date. The employee with the least seniority in the affected classification plus seniority accrued from serving in a higher classification shall be laid off first. If the layoff-affected employee previously served in a lower classification, seniority rights to employment in the lower classification may be exercised by the employee. Should this action result in the necessity to lay off an employee from the lower classification, the same seniority and reemployment procedures shall be applied.
2. Layoff-affected employees shall be given written notice not less than ~~30~~ 45 days prior to the effective date of the layoff. Should the layoff result from the expiration of a specially funded program at the end of a school year, employees to be laid off for lack of funds shall be given written notice on or before ~~May~~ April 29 informing them of their layoff effective at the end of the school year and of their displacement and reemployment rights. If the program termination date is other than June 30, such notice shall be given not less than ~~30~~ 45 days prior to the effective date of the layoff. If the employee is eligible for continued employment in a lower class which will result in the displacement of another employee, this information will be included in the written notice along with a form on which the employee shall indicate the option to displace an employee in the lower classification or accept layoff.
3. An employee who elects to be laid off in lieu of displacing another employee shall be entitled to reemployment rights.

4. Should layoff for lack of funds become necessary because the district experiences an actual and existing inability to pay salaries of classified employees, or a layoff for lack of work results from causes not foreseeable or preventable, the written notice provisions shall not be required.
5. An employee occupying a regular position will not be subject to layoff from any position while employees serving on a short-term or substitute basis are retained in the same class.

Legal Guidelines: Reemployment

1. Reemployment following a layoff shall be in the reverse order of layoff. Employees laid off for lack of work or lack of funds shall be eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. In addition, such layoff-affected employees shall be notified of and be afforded the right to participate in any promotional opportunities offered by the district during the 39 month period.
2. Employees who take a voluntary reassignment to a lower classification or voluntary reduction in assigned time in lieu of a total layoff, shall be granted an additional 24-month period of time toward restoration of previous classification or level of hours for a total of 63 months.

Administrative Rules: Layoff

1. Layoff applies to probationary or permanent classified employees and means separation or reduction in months or hours due to lack of work or lack of funds. It does not discredit employees.
2. Layoff shall be based on seniority within the classification and higher classifications. The employee with the least seniority in the affected classification plus seniority credit accrued from serving in a higher classification shall be laid off first.
3. In lieu of layoff an employee may accept a voluntary reduction of months or hours or exercise rights to employment in a lower classification in which previous service had been rendered. Should this action result in the necessity to lay off an employee from the lower classification, the same seniority and reemployment procedures shall apply.
4. An eligible employee may elect service retirement from the Public Employees Retirement System (PERS) in lieu of layoff and shall be placed on an appropriate reemployment list.
5. Notice of Layoff

- a. Classified employees affected by layoff shall be given ~~30~~ 45 days notice prior to being laid off. This notice shall include a copy of the layoff policy and procedure. Notice shall be in writing and shall be personally served or sent by certified mail.
- b. Classified employees employed in a specially funded program terminating at the end of the school year shall be given written layoff notice on or before ~~May~~ April 29, with separation effective June 30. Classified employees employed in specially funded programs terminating at a date other than June 30, shall be given written layoff notice not less than ~~30~~ 45 days prior to the effective date of layoff.
- c. Within 10 calendar days from the date of a notice of layoff, classified employees shall reply in writing, indicating their intent to exercise seniority rights for displacement to a lateral or lower classification or to accept a reduction of assigned months or hours.

6. Reduction of Months or Hours

- a. Involuntary reduction in months or hours of a classified employee's regular assignment constitutes a layoff situation.
- b. Reduction of months or hours may be accomplished in the following manner:
 - (1) Voluntary request from employee to reduce months or hours on a permanent basis.
 - (2) Voluntary consent of employee to reduce months or hours in order to avoid interruption of employment by layoff for lack of work or lack of funds on a temporary basis.
 - (3) Employees taking voluntary reduction in assigned months or hours in lieu of layoff shall be granted the same rights for reemployment (restoration of hours prior to voluntary reduction) as a person actually laid off. An additional 24 month period of time for restoration of months or hours shall be granted for a total of 63 months.

7. Computation of Seniority Credit

- a. Seniority is based upon the length of continuous service as a regular probationary or permanent employee in the classified service.

- b. Length of continuous service prior to July 1, 1971, is determined by date of regular permanent employment in the classified service.
- c. For employment commencing on or continuing after July 1, 1971, length of service is based upon all hours in paid status, recorded by classification, exclusive of overtime and unpaid leaves of absence. Paid hours accumulated during the work year, a holiday, vacation time off or paid vacation, extra duty assignments, recess or during any period that school is in session or closed will be included unless otherwise specified in collective bargaining agreements. Nothing in this section shall preclude the governing board of a school district from entering into an agreement with the exclusive representatives of the classified employee that defines length of service to mean the hire date.
- d. "Hours in paid status" shall be service performed upon entering into regular permanent employment with the district except for service in restricted positions as provided by law.
- e. Regular employment dates prior to July 1, 1971, shall override seniority in the same classification for any total number of hours accumulated in paid status which occurs after July 1, 1971.
- f. If the dates of hire are equal prior to July 1, 1971, the determination shall be made by lot.

If the hours in paid status are equal after July 1, 1971, then the layoff determination shall be made on the basis of the greater hire date of employment seniority. If the hire dates of employment are equal then the determination shall be made by lot.

- g. Seniority shall be recorded by each classification for service in multiple positions. If an employee previously held a higher classification than the classification in issue, the seniority hours accumulated in the higher classification will be combined with the current classification to determine seniority ranking.
- h. All levels of assigned hours in paid status within a classification will be counted for total credit. Individual seniority lists will be established to indicate the current level of hours within each classification effective on the date of the last payroll period prior to layoff notification.
- i. The effective date of position reclassification shall be used to determine the date seniority begins to accumulate within the classification. If the action was a retitling of a classification and the

duties and responsibilities remain substantially the same, seniority credit shall continue from the old classification.

- j. Hours in paid status for a temporary promotion shall be recorded and credited specifically for the regular classification.

8. Displacement/Bumping Rights

- a. An employee may exercise seniority displacement rights in lieu of layoff to a previously held classification with the same or lower salary range if the employee has greater seniority than those employees presently serving in that classification. The employee may continue to bump into lower classifications to avoid layoff.
- b. An employee who elects layoff in lieu of displacement (bumping) rights maintains reemployment rights under this procedure.
- c. An employee who exercises displacement rights to a lateral or lower classification in lieu of layoff shall be credited with earned seniority in the classification from which the layoff is to be made, plus all earned seniority in any higher classification(s) in which service was rendered. The total seniority thus computed shall determine the employee's right to placement in the lower classification.
- d. An employee reassigned shall receive salary step placement in the lower classification range nearest or corresponding in dollar amount, but not greater, to that which was held in the higher classification.
- e. An employee in the lower classification who is displaced by this rule or reassignment has the same option of reassignment as if the position had been abolished or discontinued.
- f. An employee unable to obtain reassignment due to lack of seniority or lack of actual service in the lower classification, subject to district approval, may be considered and offered employment in a lower classification in which no previous service was rendered, provided there is an actual vacancy in the lower classification, and provided further, that the duties and the job requirements of the lower classification are determined to be within the skills, abilities, and qualifications of the employee.
- g. An employee must notify the district in writing of such election not later than ten (10) calendar days after receiving notice of layoff in

order to exercise the right for displacement to a lateral or lower classification or reduction in months or hours in lieu of layoff.

- h. An employee who has accepted a voluntary reassignment to a lower classification or voluntary reduction in assigned time in lieu of layoff shall, at the employee's option, retain eligibility to be considered for reemployment to former classification or restoration of former level of months or hours held when a vacancy occurs. The period of time granted for this action occurs for an additional 24 months from the 39 months allowed for an actual layoff or a total of 63 months.
- i. An employee cannot exercise displacement rights to a higher classification.

Administrative Rules: Reemployment

1. Reemployment shall be on the basis of seniority by classification in reverse order of layoff.
2. A reemployment list shall be maintained listing the names of employees in reverse order of layoff. Reemployment eligibility shall continue for a period of 39 months from the effective date of layoff or for 63 months for employees accepting a reduction in lieu of layoff. Persons with reemployment rights shall be reemployed in preference to new applicants.
3. Notices of reemployment shall be made in written form and a copy made a permanent part of the employee's personnel file. Notices shall be personally served or sent by certified mail to the last known mailing address.
4. An employee who is on layoff and is offered reemployment shall have no more than seven calendar days from the date of notice to accept or reject the offer.
5. An employee on layoff who rejects three offers of reemployment to a former classification shall be considered to be in inactive status. Persons in inactive status retain reemployment rights for their period of eligibility but must contact the Classified Personnel Office and request a return to active status.
6. An employee laid off for lack of work or lack of funds shall have the right to participate in promotional examinations and the vacancy selection process during the 39-month period.
7. An employee who elects service retirement from the Public Employees Retirement System in lieu of layoff shall be placed on an appropriate reemployment list. If reemployment becomes available, the district shall maintain the vacancy until the Board of Administration of the Public Employees

Retirement System has properly processed the request for reinstatement from retirement.

Regulation

MT. DIABLO UNIFIED SCHOOL DISTRICT

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