

RULE 17

LAYOFF

1701 Layoff Procedure

- A. When classified employees are laid off for lack of work or lack of funds, layoff shall be made in inverse order of length of service 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, therefore, shall be laid off first.

EDUCATION CODE SECTION 45308

- B. The names of permanent and probationary employees thus laid off shall be placed upon the re-employment list for the class from which they were laid off. Names on the re-employment list shall be in the relative order of length of service and shall continue for 39 months from the date of layoff.

EDUCATION CODE SECTION 45298

1702 Layoff of Emergency, Provisional or Limited-term Employees

No permanent or probationary classified employee shall be laid off from any position while employees serving under emergency, provisional, or limited-term employment are retained in positions of the same class.

1703 Layoff of Limited-term Employees

A limited-term employee may be separated at the completion of the assignment without regard to the procedures set forth in this rule.

1704 Notice of Layoff

- A. When, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year, and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of such school year shall be given written notice on or before April 29 informing them of their layoff effective at the end of such school year and of their displacement rights, if any, and re-employment rights. However, if the termination date of any specially funded program is other than June 30, such notice shall be given not less than forty-five (45) working days prior to the effective date of their layoff.

- B. When, as a result of a bona fide reduction or elimination of the service being performed by the District, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than forty-five (45) working days prior to the effective date of layoff and informed of their displacement rights, if any, and re-employment rights.
- C. Nothing herein provided shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of classified employees, nor layoff for lack of work resulting from causes not foreseeable or preventable by the Governing Board, without the notice required by paragraphs A or B.

EDUCATION CODE SECTION 45117

1705 Computation of Seniority for Layoff

All service in the classification plus higher classifications in the line of promotion shall count as length of service within the classification. All seniority is based on date of employment within the classification or higher related class providing service has been continuous for that period of time. All approved leaves of absence count toward seniority. Seniority shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service of the District except service in restricted positions.

EDUCATION CODE SECTION 45308

1706 Declinations of Re-employment Offers

An employee on a re-employment list may decline three offers of re-employment in the former class and status. After the third refusal, no additional offers need to be made and the employee shall be considered unavailable.

1707 Refusal of Limited-term Employment

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

1708 Eligibility to Compete in Promotional Examination

Employees on re-employment lists shall be eligible to compete in promotional examinations when they qualify.

1709 Voluntary Demotion in Lieu of Layoff

In lieu of being laid off, an employee may elect demotion to any class with the same or lower maximum salary in which they had previously served under permanent or probationary status providing the employee has a longer length of service than an employee already in the class.

- A. To be demoted in lieu of layoff, an employee must notify the appointing power in writing of such election not later than ten (10) calendar days after receiving notice of layoff.
- B. Any employee replaced by such demotion has the same option of demotion afforded by this rule as if the position had been abolished or discontinued.
- C. Any employee demoted pursuant to this rule shall receive the maximum of the salary range in the class to which demoted provided that such salary is not greater than the salary received in the higher classification at the time of demotion.
- D. In all cases where employees accept demotion in lieu of layoff, their names shall be placed on re-employment lists for the classes from which they were demoted.
- E. An employee who is laid off may, with Commission and administrative approval, elect demotion to a lower comparable classification in which they had not served in a permanent or probationary status if there is a vacant position in the lower classification.

1710 Re-employment Following Voluntary Demotion in Lieu of Layoff

An employee who has accepted demotion in lieu of layoff for lack of work, lack of funds, or abolishment or reclassification of a position, has the right to be re-employed, in accordance with seniority, in a vacant position in the former class within 39 months after demotion. Intervening re-assignments to other classes shall not abrogate that right. If the employee has not been re-employed in the former class within 39 months, they shall be eligible for appointment to a vacant position in that class, without examination, for an additional 24 months at the discretion of the appointing authority.

EDUCATION CODE SECTION 45298

1711 Voluntary Retirement in Lieu of Layoff

- A. If eligible, an employee who is scheduled for layoff may elect service retirement from the Public Employees' Retirement System. The employee's name will be

placed on a re-employment list. Upon receipt of notification from the employee that they have elected service retirement, the District will notify the PERS that said employee's retirement was due to a layoff.

- B. Should the employee subsequently accept, in writing, re-employment with the District, the District shall maintain the vacancy until PERS has properly processed the request for reinstatement from retirement.

1712 Health and Welfare Benefits

- A. To the extent allowed by the carrier, employees selecting demotion or reduction in hours in lieu of layoffs will have their existing levels of medical, dental, vision, and life insurance benefits continue, on the same pro-rata premium basis, through the last day of the month in which the layoff becomes effective.

Additionally, employees selecting demotion or reduction in hours in lieu of layoff will have existing levels of medical and dental benefits continued on the same pro-rata premium basis, through the last calendar day of the following month.

- B. To the extent allowed by the carrier, employees terminated due to layoffs will have their existing levels of medical, dental, vision, and life insurance benefits continue, on the same pro-rata premium basis, through the last calendar day of the month in which the layoff becomes effective.
- C. To the extent allowed by the carrier, an employee electing early retirement in lieu of layoff will have their eligibility for medical, dental, vision and life insurance benefits continue, on the same pro-rata premium basis, through the last calendar day of the month in which the layoff becomes effective. If, by the end of that month, the employee's early retirement benefit request has not been fully processed, the employee may continue their existing level of medical and dental benefits through the last calendar day of the following month by submitting a written request for continued coverage and their pro-rata share of the premium to a District Business Office representative before the last working day of the month in which the layoff occurred.

1713 Re-employment Effects

- A. Restoration to the former step in the current salary range for the class, or if restored in a lower class, to the rate closest to that of the step to which they would be assigned if not restored in the former class.
- B. If restored to permanent status, restoration of accumulated sick leave and seniority as of the date of the separation.

- C. Restoration of a new increment date based on the days worked prior to separation but, without step-advancement credit for the off-duty period.
- D. Restoration of all rights, benefits and burdens of a permanent employee in the class to which restored.

1714 Re-employment Lists

There shall be established for each class a re-employment list which shall take precedence over all other employment lists in appointment. This list shall contain the names of all permanent classified service employees who have been laid off, demoted, or had their hours reduced in any position because of lack of funds or work. Employees who acquire leaves of absence for military reasons and those who are ordered, pursuant to the laws of the United States, to serve in any civilian war effort or war industry, shall take precedence by having their names placed over other names on the re-employment list in any given class.

EDUCATION CODE SECTIONS 45308, 45298

1715 Other Sources of Eligibility

In the absence of a re-employment list for a class and with employee consent, a vacancy may be filled by transfer, demotion, reinstatement or restoration to former class after voluntary demotion, or other means provided in the rules, without regard for existence of eligibility lists.

1716 Breaking of Ties on Seniority Lists

Any employees who are hired on the same date shall have the tie in seniority broken by lottery.

Rule 17 Revised 11/1988, 02/2004, 11/2012, 02/2013, 4/2020