

PERSONNEL REDUCTION (LAY-OFF/REHIRE)

A. Purpose and Scope

To provide guidance and direction for District personnel regarding layoff/rehire of certificated personnel.

B. General

The Governing Board has the power to determine that a reduction in certificated staff shall be made when the above conditions exist, and shall make the reductions on the Superintendent's recommendation subject to the following conditions:

1. The case of reduced attendance, the percentage of certificated personnel (both permanent and probationary) released shall not exceed the corresponding attendance loss percentage.
2. No permanent certificated employee shall be terminated while any probationary employee, or any other employee with less seniority is retained to render a service which said permanent employee is certificated and competent to render.

C. Forms Used and Additional References

None

D. Procedure

Lay-off Notice

Any Certificated employee who is to be terminated because of reduction in attendance or reduction or discontinuance of a particular kind of service shall be notified by May 15 by registered prepaid mail sent to the last known address of the employee, or such termination as of July 1. The notification shall state the reason(s) for the termination, the right of the employee to a hearing as provided in Education Code Section 44949, and re-employment rights as stated in Education Code Sections 44956 - 44959. (Failure to give such notice or failure to provide for a hearing if requested shall permit the employee to be re-employed for the ensuing year.)

PERSONNEL REDUCTION (LAY-OFF/REHIRE) (Continued)

Order of Termination

Employees shall be terminated in inverse of the order in which they were employed by the district in a probationary position, with no permanent employees to be terminated until all probationary employees have been terminated unless the retained probationary employee is Certificated and competent to render service in an area where no permanent employee who is terminated is so Certificated and competent. (Education Code 44955)

Employee Right to Hearing on Dismissal

Any employee terminated because of reduction of attendance or for reduction or elimination of a particular program has the right to a hearing to determine whether there is cause for not re-employing that employee for the ensuing year. The necessary steps are as follows:

1. The terminated employee must request the hearing in writing and the request must be delivered to the person who sent the notice of termination within seven calendar days after the notice was served on the employee. Failure to do so constitutes a waiver of the right of the employee to a hearing.
2. The proceeding for the hearing shall be as specified in government code Section 11500 et seq., except as provided in Education Code Section 44949 (c).
3. After the hearing and after obtaining the recommendation of the hearing officer, the governing board shall determine whether the employee shall be terminated as notified or shall be re-employed.
4. If a request for a hearing is granted (Government Code 11524) and the subsequent proceeding last past the specified termination date of July 1, that date will stand as the termination date if the governing board affirms its original decision for termination.
5. The decision of the governing board is final.

Employee Rights for Re-Employment

1. Any permanent employee whose services have been terminated as provided in Education code Section 44955 shall have re-employment rights as specified in Education Code Sections 44956 and 44958, and a copy of these two sections shall be included with the notice of termination.
2. Any probationary employee whose services have been terminated as provided in Education Code Section 44955 shall have re-employment rights as specified in Education Code Sections 44956 and 44959, and a copy of these two sections shall be included with the notice of termination.

PERSONNEL REDUCTION (LAY-OFF/REHIRE) (Continued)

Personnel Records

A copy of the notice of termination shall be placed in the personnel file of each employee terminated under provisions of Education Code Section 44955, and a statement shall be placed in any letters of recommendation which may be solicited from the district to the effect that the employee was terminated according to Education Code 44955, and that the employee was terminated without prejudice. (cf. 4112.6 - Personnel Records)

E. Reports Required

None

F. Record Retention

Personnel File

G. Responsible Administrative Unit

Human Resources

H. Approved By

Associate Superintendent for Human Resources