

LAYOFF/REHIRE

A. Purpose and Scope

To provide guidance and direction for appropriate District personnel regarding layoff and rehire of classified employees.

B. General

1. Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the classifications plus higher classifications, shall be laid off first. Re-employment shall be in reverse order of layoff. Seniority shall be based on date of hire in the classification.
2. Persons laid off because of lack of work or lack of funds are eligible for re-employment for a period of thirty-nine (39) months and shall be re-employed in preference to new applicants. In addition, such persons laid off have the right to make application and establish their qualifications for vacant promotional positions within the District during the period of thirty-nine (39) months.
3. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as persons laid off. These employees shall retain eligibility to be considered for reemployment for an additional period of up to 24 months, provided that the same tests of fitness under which they qualified for appointment to the class shall still apply. The Governing Board shall make the determination of the specific period of eligibility for re-employment on a class-by-class basis.

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in their former class or to positions with increased assignment time as vacancies become available and without limitation of time. However, if there is a valid reemployment list, they shall be ranked on that list in accordance with their proper seniority.

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Persons employed under Education Code Sections 45105(b) or 45259 “restricted” positions do not acquire permanent status under Education Code Sections 45113 or 45301, whichever is applicable, and do not acquire seniority credits for the purpose of layoff for lack of work or lack of funds as may be established by the District.

C. Forms Used and Additional References

None

D. Procedure

Specially Funded Program

When a specially funded program expires and 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 the school year shall be given written notice on or before May 29th, informing them of the layoff effective at the end of the school year and of their displacement and reemployment rights. If the termination date of the specially funded program is other than June 30th, the notice shall be given not less than 30 days before the effective date of the layoff.

Bona Fide Reduction or Elimination of Services

In the event of a bona fide reduction or elimination of service being performed by any department and classified employees shall be subject to layoff because of lack of work, affected employees shall be given notice of the layoff 30 days before the effective date, and they shall be informed of their displacement rights, if any, and reemployment rights.

Layoff Due to Lack of Funds or Unforeseeable Causes

In the event that the District is unable to pay the salaries of classified employees due to an actual and existing financial inability, or if layoff is caused by conditions not foreseeable or preventable by the District, the District is not bound to provide 30 days notice, but will provide information about displacement rights, if any, and reemployment rights, to any and all employees laid off.

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Temporary/Substitute Personnel

No permanent or probationary classified employee shall be laid off from any position while employees serving under substitute or short-term appointments are retained in position in the same job classification.

Short-term or substitute employees may be separated at the completion of their assignment without regard to the procedures stated above.

E. Reports Required

None

F. Record Retention

1. Database with employee date of hire & job classification
2. Personnel file
3. Seniority list

G. Responsible Administrative Unit

Human Resources

H. Approved By

Associate Superintendent for Human Resources

Legal Reference: (please see next page)

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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 district 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

UNITED STATE CODE TITLE 38

- 4301-4307 Veterans' Reemployment Rights
San Mateo City School District v. Public Employment Relations Board (1983) 33 Cal.3d 850, 866

Regulation Adopted:

TUSD: 10/28/97