

Lompoc Unified School District  
Merit System Rules for the Classified Employees

**CHAPTER 20 - LAYOFFS**

20. Layoff (Only applies to Classified Management and Confidential employees.)

20.1 Definitions:

Employee: an employee for the purpose of this Chapter is a person who has gained permanency in the classified service.

Layoff: A layoff is a reduction or separation from the classified service for lack of work and/or lack of funds.

Education Code: 45308

20.2 Procedure Regarding Layoff

A. Classified employees are laid off for lack of work or lack of funds, the order of layoff within the class shall be determined by length of service in classification. 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. Reemployment shall be in the reverse order of layoff.

In cases of two (2) or more employees having the same length of service, the order of layoff of such employees shall be determined by seniority within the District (including substitute and regular employment) and finally by lot.

B. For the purpose of this section, “length of service” means seniority in a classification by date of hire. Credit shall not be granted for time spent on an unpaid leave of absence, with exception of that granted veterans under Section 395 of the VETERANS CODE.

C. Seniority by date of hire in a classification shall not be interpreted to mean any service performed prior to entering into probationary or permanent status in the classified service of the District.

D. The names of permanent and probationary employees thus laid off shall be placed on the reemployment list for the class from which they were laid off. Names on the reemployment list shall be in the relative order of seniority, the most senior appearing first.

20.3 Notice of Layoff

A written notice of layoff shall be given to affected employees no later than sixty (60) days prior

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to the effective date of the layoff.

Employees employed in specially funded programs terminating at the end of the school year shall be given written notice on or before April 29, of their termination effective June 30.

The notice shall continue the employee's displacement rights, if any; the employee's reemployment rights; and the employee's right to discuss the layoff with the Director of Classified Human Resources.

Education Codes: 45117, 45298 and 45308

#### 20.4 Displacement Procedures

When a permanent position is to be eliminated or reduced, the employee shall have the right to:

1. Transfer (bump) into a permanent position opening in their current classification.
2. In the absence of an opening in their current classification, the employee may exercise bumping rights to displace the incumbent of the classification who has the least seniority in the class, provided the employee has greater seniority. An incumbent so bumped from his/her position shall have similar rights.
3. When the employee is at least senior in a class that occupies only one position in a class he/she may demote (bump) into any permanent position opening in an equal or next lower class in which he/she previously served in a permanent status.

#### 20.5 Reemployment Rights

The names of employees laid off shall be placed on reemployment lists in the order of seniority. Involuntary layoff shall continue for thirty-nine (39) months from the date of layoff. The names of employees who took voluntary reduction of hours in lieu of layoff shall be placed on reemployment lists for an additional twenty-four (24) months.

Reemployment shall be in seniority order. Offers of reemployment shall be made on the basis of reemployment lists based on the highest seniority.

An employee who is laid off and elects retirement from the Public Employees' Retirement System (PERS) shall be placed on a reemployment list. The District shall notify PERS that retirement was due to layoff. Should the employee subsequently accept in writing, reemployment, the District shall maintain the vacancy until PeRS has properly processed the request for reinstatement from retirement.

An employee on a reemployment list may decline three (3) offers of reemployment in his/her

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former classification. After the third refusal no additional offers need be made and his/her name shall be removed from the reemployment list.

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

Employees on layoff lists shall be eligible to compete in promotional examinations for which they qualify.

Education Codes; 45260 and 45261

#### 20.6 Limited-Term Positions

- A. No regular employee shall be laid off from any position while employees serving under limited-term appointment are retained in positions of the same class unless the regular employee declines the limited-term position.

#### 20.7 Resignation

When an employee desires to resign from his/her position, he/she shall present his/her resignation in writing to the Personnel Department.

A resignation relates only to the specific position from which the employee resigns or their position on eligibility lists. An employee who terminates all employment with the District shall have his/her name removed from promotional eligibility lists.

An employee who resigns in good standing may be placed on a thirty-nine (39) month restoration list. The employee shall be required to maintain his/her current address and telephone number on file with the Personnel Department.

#### 20.8 Resignation and Effect on Eligibility Lists

A resignation relates only to the specific position from which the employee resigns and does not impair his/her rights on other eligibility lists, except that if his/her name is on any promotional eligibility list, it shall be removed from any such list.

Education Code: 45260

#### 20.9 Notice of Separation

Classified employees are requested to provide the District with at least two (20 weeks notice. Management classified employees are requested to provide at least four (4) weeks notice to the District.

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Education Codes; 45260 and 45261

20.10 Acceptance of Separation

The separation of a classified employee shall be considered final upon presentation to and acceptance by an HR administrator.

Education Codes: 45260 and 45261