

PERSONNEL REDUCTION

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 in accordance with State law by the registered prepaid mail sent to the last known address of the employee, of such termination as of July 1. The notification shall state the reason(s) for the termination, the right of the employee to a hearing, and reemployment rights as stated in the Education Code. (Failure to give such notice, or failure to provide for a hearing if requested shall permit the employee to be reemployed for the ensuing year.)

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.

When two or more employees have the same anniversary date of employment and not all such employees are to be terminated, the board, on recommendation of the Superintendent , shall determine which individuals are to be terminated on the basis of the needs of the district, not by chance.

Employee Right to Hearing on Dismissal

Any employee terminated because of reduction of attendance for reduction or elimination of a particular program has the right to a hearing to determine whether there is cause for not reemploying the 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 specified in Government Code Section 11500 et seq. except as provided in the Education Code.
3. After the hearing and after obtaining the recommendation of the hearing officer, the Board shall determine whether the employee shall be terminated as notified or shall be reemployed.
4. If a request for a hearing is granted and the subsequent proceedings last past the specified termination date of July 1, that date will stand as the termination date if the Board affirms its original decision for termination.

PERSONNEL REDUCTION (continued)

5. The decision of the Board is final.

Employee Rights for Reemployment

1. Any permanent employee whose services have been terminated as provided in the Education Code shall have reemployment rights as specified in the Education Code. A copy of the sections shall be enclosed with the notice of termination.
2. Any probationary employee whose services have been terminated shall have reemployment rights as specified in the Education Code. A copy of the sections shall be included with the notice of termination.
3. After the hearing and after obtaining the recommendation of the hearing officer, the Board shall determine whether the employee shall be terminated as notified or shall be reemployed.
4. If a request for a hearing is granted and the subsequent proceedings last past the specified termination date of July 1, that date will stand as the termination date if the Board affirms its original decision for termination.
5. The decision of the Board is final.

Personnel Records

A copy of the notice of termination shall be placed in the personnel file of each employee terminated under provisions of the Education Code 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 the Education Code, and that the employee was terminated without prejudice.