

**LAYOFF/REHIRE**

1. Order of Layoff and Re-Employment: Length of Service

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 class, plus higher classes, shall be laid off first. Re-employment shall be in reverse order of layoff.

2. Re-Employment Eligibility

Persons laid off because of lack of work or lack of funds are eligible for re-employment for a period of 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 qualification for vacant promotional positions within the district during the period of 39 months.

3. Voluntary Demotion or Voluntary Reduction of Hours

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, and shall retain eligibility to be considered for re-employment 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 Board of Trustees shall make 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 when such position becomes available and in accordance with their district seniority.

4. Procedure for Layoff

a. 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 April 29, informing them of the layoff effective at the end of the school year and of their displacement and re-employment rights. If the termination date of the specially funded program is other than June 30, the employee shall be given notice at least 60 days from the effective date of the layoff.

**LAYOFF/REHIRE** (continued)

- b. Bona fide reduction or elimination of services  

In the event of a bona fide reduction or elimination of service being performed by a department and classified employees shall be subject to layoff because of lack of work, affected employees shall be given notice of the layoff thirty days before the effective date, and they shall be informed of their displacement rights, if any, and re-employment rights.
  - c. 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 thirty days notice, but will provide information about displacement rights, if any, and re-employment rights, to any and all employees laid off.
5. 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 a position in the same job classification. Short-term or substitute employees may be separated at the completion of their assignment without regard to the procedure stated above.

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Regulation  
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**EVERGREEN SCHOOL DISTRICT**  
San Jose, California