

## CHAPTER 20

### **LAYOFF PROCESS AND REEMPLOYMENT PROCEDURES**

#### 20.1 **LAYOFF PROCEDURES**

##### 20.1.1 **REASON FOR LAYOFF:**

The layoff of classified employees shall only occur for lack of work or lack of funds, and only in accordance with the Rules and Regulations of the Personnel Commission. Any effects of layoff that may be negotiated by and between the District and any recognized exclusive association shall be in addition to these rules and regulations. Any agreement between the District and a recognized exclusive association may not provide for less than the mandated employee protections and procedures outlined in this chapter.

Reference: EC§ 45260, 45261, and 45308

##### 20.1.2 **ORDER OF LAYOFF:**

Whenever a classified employee is laid off, the order of layoff within the classification shall be determined by length of service. The employee who has been employed the shortest time in the classification, plus higher classification, shall be laid off first. A higher classification is defined as one at a higher salary on the salary schedule. Length of service shall be defined as hire date within classification plus higher classifications.

20.1.3 If two or more employees subject to layoff have equal class seniority, then the preference shall be given to the employee with the earliest regular hire date in the District. If the regular hire date is equal, the decision shall be made by lot.

Reference: EC§ 45260 and 45261  
GC§ 3540 et seq.

##### 20.1.4 **RIGHTS OF EMPLOYEES LAID OFF FOR LACK OF WORK OR FUNDS**

###### A. Bumping – Same Classification

A classified employee who is laid off shall have the right to displace (bump) a less senior employee in the same classification in the following ranked sequence:

1. A vacant position with the same number of hours per day.
2. The least senior employee with the same number of hours per day.
3. The least senior employee with the next existing greater number of hours per day.
4. The least senior employee with the next existing fewer number of hours per day.

The employee shall be placed in the first position for which they qualify in the 1, 2, 3, 4 sequence above.

Reference: EC§ 45260, 45261, and 45308

###### B. Bumping – Equal or Lower Classification

A classified employee who is laid off shall have the right to displace (bump) a less senior employee in an equal or lower classification in which he or she has attained permanency in the following ranked sequence:

1. A vacant position with the same number of hours per day.
2. The least senior employee with the same number of hours per day.
3. The least senior employee with the next existing greater number of hours per day.
4. The least senior employee with the next existing fewer number of hours per day.

The employee shall be placed in the first position for which they qualify in the 1, 2, 3, 4 sequence above.

**20.1.5 VOLUNTARY DEMOTION OR TRANSFER IN LIEU OF LAYOFF:**

A permanent classified employee subject to layoff may accept, in lieu of layoff, a voluntary demotion to a vacant position in a lower classification or transfer to an equal class, providing that the employee is deemed to be qualified to perform the duties thereof by the Personnel Commission.

Reference: EC§ 45260 and 45261

**20.1.6 LAYOFF VERSUS TEMPORARY POSITIONS:**

No regular classified employee shall be laid off from any position while employees serving temporary appointments are retained in positions of the same class, unless the regular employee declines the assignment to the temporary position.

Reference: EC§ 45260 and 45261

**20.1.7 ACCEPTANCE OF SUBSTITUTE OR TEMPORARY EMPLOYMENT:**

An employee who has been laid off and who is on a reemployment list may be employed as substitute or temporary employee in his/her original class or any other class for which qualified (as determined by the Commission), and such employment shall in no way jeopardize or otherwise affect his/her status or eligibility for reemployment. Refusal of an offer of a substitute or limited-term employment shall not affect the standing of any employee on a reemployment list.

Reference: EC§ 45260 and 45261

**20.1.8 SALARY PLACEMENT AFTER DEMOTION OR TRANSFER:**

A classified employee who accepts a demotion in lieu of a layoff shall be placed at the salary range of the lower class, and then to that step of the lower range that comes closest to the employee's hourly salary rate in the higher classification without exceeding the previous hourly salary rate.

Reference: EC§ 45260 and 45261

**20.1.9 NOTICE OF LAYOFF**

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The District shall notify the affected classified employees in writing a minimum of sixty (60) calendar days prior to the date of any layoff for lack of work or lack of funds. The notice to the affected employee shall specify the reason for the layoff and be given by personal delivery or by certified mail to the last known home address of the employee on file in the Classified H.R. Office. For purposes of this rule, if a notice is mailed, the second working day following the postmark date of the notice shall be considered to be the official date of receipt.

Reference: EC§ 45117, 45260 and 45261

20.1.10 **ADVANCE NOTICE TO EXCLUSIVE REPRESENTATIVE**

The District shall notify the recognized exclusive association of any intention to layoff or reduce the hours of bargaining unit members at least ten (10) working days prior to public notice.

Reference: EC§ 45260 and 45261  
GC§ 3540-35493

20.1.11 **LAYOFF RESOLUTION BY GOVERNING BOARD:**

Before any layoff notice can be issued, the Governing Board shall adopt a resolution outlining the specific numbers and kinds of positions to be eliminated or reduced. The layoff resolution shall be signed by the Clerk of the Governing Board.

Reference: EC§ 45260 and 45261

20.2 **REEMPLOYMENT PROCEDURES**

20.2.1 **LAI D OFF EMPLOYEES PLACED ON REEMPLOYMENT LIST:**

The names of regular classified employees laid off pursuant to Rule 20.1 shall be placed on a reemployment list for the classification from which they were laid off. Names on the reemployment list shall be in order of seniority as defined by these rules.

Reference: EC§ 45260, 45261, and 45308

20.2.2 **EMPLOYEES WITH EQUAL SENIORITY:**

If two or more employees subject to rehire have equal class seniority, then the rehire offer shall be made to the employee with the earliest regular hire date in the District. If regular hire date is equal, the rehire offer shall be made by lot.

Reference: EC§ 45101, 45260, 45261, and 45308

20.2.3 **ELIGIBLE FOR REEMPLOYMENT FOR 39 MONTHS:**

Laid off employees are eligible for reemployment in the class from which laid off for a thirty-nine (39) month period from the date of the actual layoff and shall be employed in the reverse order of layoff. Their reemployment shall take precedence over any other type of employment, defined or undefined, in these rules. In addition, they shall have the

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right to apply for promotional positions for a period of thirty-nine (39) months following layoff.

Reference: EC§ 45260, 45261, and 45298

20.2.4 **ELIGIBILITY FOR AN ADDITIONAL 24 MONTHS:**

Regular employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the employee's option, returned to a position in their former classification or to positions in accordance with their seniority on any valid reemployment list.

Reference: EC§ 45260, 45261, and 45298

20.2.5 **P.E.R.S. RETIREMENT IN LIEU OF LAYOFF AND REEMPLOYMENT:**

Regular employees who have at least five (5) years service credit under the Public Employees' Retirement System (PERS) and are fifty (50) years of age or older, may elect to accept a service retirement in lieu of layoff, voluntary demotion, or reductions in assigned time. Such employees shall, prior to the effective date of the proposed layoff, complete and submit a form to PERS. The employee shall then be placed on a thirty-nine (39) month reemployment list in accordance with this regulation. If the District makes an offer of reemployment, and the Personnel Commission Office receives a written acceptance of the offer with five (5) working days of the written offer of reemployment, the retired person shall be allowed sufficient time to terminate his/her retired status with PERS.

Reference: EC§ 45115, 45260, and 45261