

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND
TRANSACTIONS

4465 LAYOFF

4465.1 Procedure Regarding Layoff or Reduction

- A. When permanent or probationary classified employees are laid off for lack of work or lack of funds, layoff shall be made in inverse order of seniority in the class in which the layoff occurs. 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, be laid off first.
- B. A layoff for lack of funds or lack of work refers to any reduction in hours of employment, or demotion to a classification at a salary range lower than that in which the employee has permanency, voluntarily consented to by the employee, in order to avoid interruption of employment by layoff.
- C. The names of permanent employees thus laid off shall be placed upon the reemployment list for the class from which they were laid off. Names on the reemployment list shall be in the order of seniority.
- D. The names of employees who experience a loss of their position while serving an initial or promotional probationary period shall be restored to the eligibility list from which they were appointed, with their original expiration date from the list, if the list is still valid at the time the layoff takes effect. An employee who was in their initial or promotional probationary period at the time of layoff and who is reappointed under this provision to the classification from which they were laid off shall have the prior days in paid status in the classification credited towards completion of the probationary period.
- E. Computing Seniority. Seniority or length of service for layoff purposes shall be calculated on the basis of hire date into a particular classification plus higher classifications:
 - 1. Time served prior to a break in service shall not be counted toward seniority, with the following exception: a break in service is disregarded and seniority credit for prior service is granted if an employee is reinstated, reemployed in regular status, or appointed to a regular position within thirty-nine (39) months after layoff while the employee's name is on a reemployment list.
 - 2. Time served as a substitute or limited-term employee prior to regular appointment shall not count towards seniority in classification.
 - 3. In the event of a question of equal seniority where two (2) or more employees have the same date of hire, layoff and reemployment shall be determined by lot as follows: first determination by first date of hire as a classified employee at SBCEO, and second determination by lot as observed by the Director, Human Resources or designee.
- F. Notice of layoff or reduction shall be given each classified employee not less than sixty (60) days prior to the effective date of layoff. When a specially funded program is to be eliminated at the end of any fiscal year, classified employees shall be given written notice as provided by the Education Code.

- G. Employees laid off from a class shall be given five (5) business days from the date of notice of layoff in which to render a decision whether to exercise displacement rights, if any, or rights, if any, to a vacant position. Such decision shall be in writing upon forms provided by the Human Resources Department.
- H. If an employee whose name is on the reemployment list refuses a bona fide offer of employment a total of two times, the employee's name shall be removed from the reemployment list. A bona fide offer is an offer for the same number of hours and length of work year held prior to the layoff and where the offered position is located no farther than twenty-five (25) miles distant from the employee's residence according to Google Maps nearest route.
- I. The Human Resources Department shall maintain seniority lists for all classes; information regarding vacant positions; and other information necessary to the administration of this section.
- J. The Director, Human Resources shall inform employees in writing of their rights with regard to layoff and displacement. Employees shall inform the Director, Human Resources in writing of their decisions to exercise any such rights.

Reference:

Education Code Sections 45117, 45298 and 45308

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