

PERSONNEL – Series 4000

4400 THE MERIT SYSTEM

4460 IN-SERVICE STATUS AND TRANSACTIONS

4465 LAYOFF

4465.2 Rights of Employees Laid Off or Reduced for Lack of Work or Lack of Funds

- A. The names of permanent classified employees who experience a loss or reduction of their position for lack of work or lack of funds shall be placed upon the reemployment list for the classification from which they were laid off or reduced. Names on the reemployment list shall be in the relative order of seniority. 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.
- B. Permanent classified employees who experience a loss of their position due to a layoff for lack of work or lack of funds are eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants; these employees have the right to participate in promotional examinations within the County Education Office during the period of 39 months if they meet the minimum qualifications for the classification.
- C. Permanent classified employees who experience a layoff for lack of work or lack of funds shall retain eligibility for reemployment for an additional period of 24 months (for a total of 63 months), if they choose to:
 - 1. accept a reduction in time of their present position,
 - 2. demote/displace into a lower classification (if eligible),
 - 3. displace or demote to a position that results in a reduction in time from the employee's original position, or
 - 4. accept a transfer in lieu of layoff that results in a reduction in time from the employee's original position.
- D. Classified employees who were in their initial or promotional probationary period at the time of layoff and who are reappointed under section A of this rule 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. When a permanent position is to be eliminated or reduced in assigned time per day, week, month, or year, the incumbent shall have the right to transfer to any vacant position in the class which is not greater in assigned time than the incumbent's original position.

If a vacant permanent position is not available for transfer, the incumbent may displace ("bump") the incumbent of a position in the same classification that is equal in time to the first incumbent's original position prior to the reduction. Only an employee who has the least seniority in the class may be so displaced, provided that the displacing employee has greater seniority than the displaced employee.

If no such option is available, a laid-off employee may displace ("bump") the employee with the least seniority among those employees occupying positions in the same classification of less time than the laid-off employee's original position and greater time than the laid-off employee's reduced position, provided that the displacing employee has greater seniority than the displaced employee. An employee so displaced shall have similar displacement rights, on the basis of seniority.

Reference:

Education Code Sections 45117, 45298 and 45308

Approved:	Dec. 1, 1975
Revised:	May 23, 1991
	June 23, 1993
	May 28, 1998
	March 23, 2017
	October 26, 2017
	November 19, 2020