

ARTICLE 6 - LAYOFF AND RECALL

Section 1. Layoff.

- a. Definition: A layoff shall be defined as a reduction in total yearly work hours of at least ten percent (10%) during any twelve (12) month period ~~of time.~~

- b. Order of Layoff: If the District decides to lay off employees, **temporary and agency contracted employees shall be laid off prior to regular employees. If further lay offs are needed,** the order of layoff within the classification affected by the layoff shall be determined by inverse order of District seniority (i.e., the period of unbroken service with the District) with the least senior employee being laid off first, except that operational needs for and availability of special occupational skills may be the basis for making an exception to layoff on the basis of seniority. For purposes of this Article, classification shall mean a specific job title as found in Schedule A of this Agreement and the category as to hours worked (full-time, part-time - four (4) hours or more, or part-time - less than four (4) hours) as described in this subsection. An employee's seniority shall be based upon ~~his/her~~ **their** most recent first date of service for the District. Except as otherwise provided for herein, the most senior employee in any given classification shall be the last to be laid off. ~~In the event that~~ **If** two (2) or more employees in a classification in which a layoff is to occur have the same District seniority, this tie shall be broken by laying off the employee with the least seniority in the classification targeted for layoff. Should a tie still exist, it shall be broken by the drawing of lots by the OSEA Chapter 25 President or ~~his/her~~ **their** designee and the Superintendent or ~~his/her~~ **their** designee.

Special occupational skills are skills which are needed or required for some but not all positions within a particular classification and cannot be taught in a short period of time. Special occupational skills may include but are not limited to bilingual skills or expertise with a particular computer program. Special occupational skills may also include particular expertise, knowledge, or familiarity with a specific position and the performance of the job responsibilities related to that position. The District shall have the burden of proof in demonstrating the presence of special occupational skills.

The District shall have the right to reassign employees to different work schedules and/or hours. However, the District shall not involuntarily assign an employee to a schedule that results in a

reduction of total yearly work hours of ten percent (10%) or more without observing the provisions of this Article.

- c. Notification: Before a layoff may occur, the Union and affected employees shall be provided twenty (20) working days prior written notice. The term “working days” as used above shall be as defined in Article 14, Section 3 - Grievance Procedure of this Agreement.

- d. Bumping: If an employee who would otherwise be subject to layoff has, since **his/her** **their** most recent date of hire, served in another classification with an equal or lower maximum rate of pay, and if the employee is able to demonstrate prior to bumping that **he/she is** **they** **are** able to perform the duties of the former classification adequately within a reasonable period of time, the District shall, based upon the criteria for layoff found in subsection (a) of this Section, consider the employee’s eligibility to displace (or bump) such an employee. An employee who would otherwise be subject to layoff may also be eligible to bump if the employee has more seniority than another employee in a classification with a lower maximum rate of pay within **his/her** **their** current classification family. If the employee is eligible to bump under either scenario described above, **he/she** **they** shall be notified of placement in such position in lieu of layoff in accordance with the notification procedures in subsection (b) of this Section. In no case will an employee who qualifies to displace (or bump) another employee do so if the effect is to add daily work hours to the employee’s existing daily work hours schedule. In addition, in no case will the District be required to split up an existing position in order to provide a specific number of daily work hours for an employee who is eligible to displace (or bump) another employee.

The classification families for purposes above are as follows: **TO BE REVIEWED WITH HR**

1. **Nutrition Services Specialist**

Nutrition Services Lead

Nutrition Services Assistant I

Nutrition Services Assistant II

2. **Library Assistant – High School**

Educational Assistant & Library Assistant

School Assistant

3. Speech Language Pathologist Assistant

Special Educational Assistant

4. Head Secretary

Athletic Secretary/Bookkeeper – High School

Assistant Secretary

Receptionist

5. Program Secretary

6. Early Childhood Education Instructor

Educational Assistant (Early Childhood Education)

7. Head Custodian – High School, Valor/Heritage

Head Custodian

Lead Custodian

Custodian

8. Parent Involvement Specialist

Home School Contact

9. Maintenance II

Groundskeeper/Maintenance

Courier

10. Campus Monitor

In-School Suspension Supervisor

11. Career & Service Learning Specialist

12. Computer Network Specialist

Computer/Network Technician

13. Student Data System Specialist

14. Early Childhood Education Program Specialist

15. Site Supervisor

16. Health Assistant

17. Home School Contact (Low Incidence Population)

18. Home School Contact (Migrant Specialist)

Home School Contact (Migrant on Track)

19. Student Data System Specialist- Assistant

Section 2. Recall.

- a. Order of Recall: Employees who are laid off shall retain their employment status and be eligible for recall for twenty-seven (27) calendar months from the date of layoff. In the event of recall to active employment, all benefits acquired up to the time of layoff, including accrued sick leave, vacation time, and salary schedule placement, shall be reinstated. The order of recall shall be in the inverse order of layoff, except that the District may recall employees out of order or may hire new employees without resorting to the recall list when such is required to meet operational needs for and availability of special occupational skills in the specific position. The District shall be under no obligation to offer a laid-off, part-time employee a full-time position; nor shall the District be required to offer a part-time - less than four (4) hours employee a part-time - more than four (4) hours position.

- b. Notice of Recall: Notification of eligibility for recall shall be by certified mail sent to the address of record as maintained at the District office. It shall be the employee's responsibility to maintain current and correct address of record on file. The employee shall have seven (7) days from the date of receipt of the notice (but in no case more than ten (10) days from the date of mailing) to notify the District of **his/her** **their** acceptance of the position and an additional seven (7) days, unless a later date is specified in the letter, in which to report for work.

- c. Failure to Respond to Recall Notice: Any employee who is on layoff status and who fails to accept an offered position and to report for work within the above-specified time periods, provided such offered position was at least equal in the hourly rate of compensation to the position to which the employee was assigned at the time of layoff, shall be considered to have resigned from the District and shall thereby be ineligible for recall thereafter.

- d. Recall From Lower Classification or Hours of Work: An employee who experienced a reduction in **his/her** **their** hourly rate of pay and/or hours of work pursuant to the bumping provision in Section 1, subsection (c) of this Article, and any employee who is recalled to a position with a lower maximum rate of pay and/or a reduced weekly hours category, shall continue to have the same rights of recall to the classification and/or hourly work category

(see Section 1 above) ~~he/she~~ **they** held at the time of layoff as apply to those employees who are not recalled (see Section 3, subsection (a) above).