

T.A
KS

ARTICLE 15: LAYOFF

Temporary employees are not covered by the provisions of this Article. However, a temporary employee who works more than ~~75~~ **seventy-five** percent (**75%**) of the annual work days of the position (.75 x number of work days) shall have as an original date of hire the first day of the temporary assignment, provided the temporary employee is later selected for and begins a regular assignment, in the same job title as the temporary assignment, with no break in service (other than the winter, spring, or summer breaks scheduled for that position).

A. Definitions

“Length of Service” (**seniority**) shall mean a classified employee’s total length of continuous service since ~~his/her~~ **their** date of original hire. Substitute or temporary assignments shall not be considered when computing length of service, except as stated above.

“Job Title” means a specific job identified by a title and job description.

“Classification Group” means a listing of job title(s) that are functionally related to one another in such a way that duties, responsibilities and qualifications within the classification group permit incumbents to transfer skills and experiences from one job within the classification group to another. The listing of jobs within the classification group are in rank order, with the most difficult and/or demanding jobs listed at the top. Thus, the skills and experiences involved in performing higher ranked job functions, in general, are presumed to be transferable to jobs ranked below them. Incumbents of lower ranked jobs are not presumed to have the skills and/or experiences necessary to perform higher ranked jobs within the classification group. † (Note: A classification group may consist of a single job classification.)

“Rank” corresponds to positions which require the same knowledge, abilities and skills.

B. Notice of Layoff

- 1.** If the District determines the need for a permanent reduction in its classified ~~work force~~ **workforce**, (excluding temporary reductions), **written** notice of not less than **fifteen (15) business days** ~~two (2) weeks~~ shall be provided to employees to be laid off.
- 2.** The District reserves the right to determine positions to be eliminated. When a position is to be eliminated, the layoff will occur within the affected job title or, if there is more than one equally-ranked job title in that job classification group, within those equally-ranked titles.
- 3.** The employee to be laid off will be determined by inverse order of unbroken length of service with the District, except that an employee with lesser seniority may be retained when:
 - ~~†~~ **a.** †The operational needs of the position require special occupational skills; or
 - 2. b.** ~~w~~**W**hen the employer has justification based on documentation contained in the personnel file within the last four (4) years; **or**

c. ~~If the less senior employee has unique skills or abilities which are necessary for a remaining job the district determines are a priority and which cannot be learned by more senior employees in the classification group within ten (10) days.~~

4. No permanent employees shall be laid off within a job title(s) until all probationary employees and temporary employees (as defined in Article 1) in such job title(s) have been terminated.
5. When the layoff is in a job classification with more than one equally-ranked job title, the least senior employee holding one of those job titles will be given the notice of layoff and the remaining employees in those job titles will be reassigned to cover the remaining jobs. ~~However, a less senior employee may be retained, and the next senior employee laid off instead, if the less senior employee has unique skills or abilities which are necessary for a remaining job and which cannot be learned by more senior employees in the classification group within ten (10) days.~~

C. Bumping Rights

1. An employee who is given the initial notice of layoff under paragraph B of this article can either accept the layoff or can use their seniority to exercise bumping rights. A request to bump must be made **to the designated Human Resources Administrator** within ~~five (5) days~~ **forty-eight (48) hours** of receipt of the layoff notice.
2. The bumping right can be exercised to assume the position of the least senior employee who holds a job title in the next lower rank in the classification group, as long as the bumping employee has greater seniority than that other employee. **If the least senior employee to be bumped has a unique skill or ability which the district determines is a priority and which cannot be learned by the bumping employee, the least senior employee remains in the position.**
3. An employee who is displaced by being bumped under the preceding paragraph may also use their seniority in the same manner to bump into the next lower job title in the classification group. If there is no less senior employee in the next job title, then they may bump to the least senior employee in the next lower job title in descending order within the classification group.
4. If an employee who is given the initial notice of layoff under paragraph B of this article is unable to bump into a job title within their current classification group, and that employee has been employed by the District in a classification group different than their current classification group, the employee shall have the right to be moved back to their previous classification group, assuming the layoff occurs within four (4) years of the employee changing classification groups. ~~He/she~~ **They** may only be moved back into the same or lower paying job title within the classification group that ~~he/she~~ **they** previously held, as long as the bumping employee has greater seniority than the least senior employee in the former classification group. The employee must still be qualified to perform the duties of the job, as contained in this article.
5. Employees who are to be laid off may not bump employees with less seniority in higher

ranking job titles within the classification group.

6. In order to bump, the employee must have the ability, capacity and skill to perform the job, at the time of bumping. **An employee may not bump a less senior employee who possesses a unique skill or ability as described in Section B above that the bumping employee does not also possess.** The employee must then demonstrate ability to perform all job functions within ten (10) working days from the date he or she assumes the job duties. If, after a trial period of ten (10) working days, the employee cannot perform the duties of the lower ranked job in a satisfactory manner, the employee may, at the discretion of the District, either be given additional time for training and job mastery or be laid off. If he or she is ~~they are~~ laid off, the District will fill the job either by recall of an employee who was laid off from a higher ranked job within the classification group or by recalling the employee who was bumped out of that job.

7. **Salary placement for employees transferred through bumping will be based on the current job description of the new position and determined by the number of years of experience and relevant education/training. Employees transferred into a different position through bumping will be placed in probationary status for six (6) months.** The employee who bumps into a lower ranked job title shall be placed on the experience step of the salary range for that job equivalent to whichever is higher in 1 or 2 below, provided the rate paid does not exceed the top of the salary range for the lower ranked job or the rate of pay the employee received on the job from which he/she ~~they~~ bumped.
 1. ~~t~~The years of service the employee has completed in the job title from which he/she they bumped, or
 2. ~~t~~The years of service the employee has actually completed in the lower ranked title to which he/she they bumped

D. Reduction in Hours

1. Employees reduced in hours, such that the employee is reduced to a lower insurance benefit level, shall be placed on the recall list for the position they currently hold, and will be offered, in seniority order, transfer to any opening that would restore them to the previous benefit level. They must respond within twenty-four (24) hours of any such offer. If they refuse the transfer, they will be removed from recall list.
2. Employees affected by this article will continue to receive the higher insurance benefit contribution for a period of three (3) months after the reduction in hours.

E. Recall

1. Employees laid off shall be placed on a layoff list in order of length of service in the District and may be recalled to any job they can do as determined by the District, provided no other employee with greater length of service in that job title(s) is on layoff and available for work.

2. Layoff status shall automatically terminate twenty-seven (27) months after the effective day of such layoff.
3. No new employees will be hired into job title(s) from which employees have been laid off for less than twenty-seven (27) months and who are qualified to perform all aspects of the job.
4. Employees who have bumped into a lower-paying position or have been bumped shall retain recall rights to their original job position through these recall provisions.
5. If a laid off employee is recalled by the District, the employee has twenty-four (24) hours from the receipt of the notification to the last employee-provided contact information, to accept or reject the position. If the position is accepted, the employee has ten (10) working days to report. If the employee rejects the offer or fails to report within ten (10) days, it will be considered voluntary termination.
6. If a laid off employee is offered a position that provides ten (10) percent or greater reduction in hourly rate or a reduction in group medical benefits than ~~he/she was~~ they were receiving at the time of layoff, ~~he/she~~ they will not forfeit ~~his/her~~ their right to a recall by refusing the position.

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