

ARTICLE 18

LAYOFF and RECALL

ASK ESP CP
June 10th, 2026

A. Definitions

1. Layoff – When the employer removes an employee from active work and places the employee into an unpaid status without prejudice.
 - a. Any reduction in hours that negatively affects an employee's District insurance contribution shall be considered to be a layoff or permanent reduction in force and shall entitle the affected employee to the rights and obligations of this Article.
2. Qualifications – the minimum standards of performance required by the District, as per District job description and any special occupational skills.
3. Bump – the displacement of one (1) employee by another employee with greater seniority.
4. Classification – the specific title to which an employee is assigned based on the District's Education Support Professional employees' ESPs classification schedule.
5. District Seniority – based on continuous employment with the District since original date of service without a break in service.
6. Classification Seniority – based on date an individual was hired into classification presently held without a break in service.

7. Break in Service – voluntary or involuntary ~~termination~~ separation of one's employment status with the District excluding paid leaves, authorized unpaid leaves, and periods of layoff.
8. Special Occupational Skills – “Special occupational skills” shall refer to those skills and abilities, acquired either as a result of on-the-job training or formal training that allow the employee to perform part of the job description or significantly enhance performance of the job currently occupied, and which could not be acquired by a replacement employee without special training or on-the-job training with the first 10 ~~(ten)~~ days of placement into the position. Examples are licensure for application of pesticides/herbicides by a grounds' worker; bilingual language facility by an instructional assistant; skills necessary to act as a vocational trainer.

B. Notification of Layoff

If the District determines the need for a Layoff of Education Support Professionals ESPs, notice will be given to the Association and to the employees to be laid off 21 ~~(twenty-one)~~ calendar days prior to the implementation of any layoffs. The District reserves the right to determine positions to be eliminated, layoffs within the bargaining unit will be determined by the District as follows: employees shall be laid off within each affected job classification according to District seniority except in case of operational needs for special occupational skills. Where District seniority dates are the same, classification seniority shall be used to break any ties. Ties of classification seniority shall be broken by lot.

C. Placement

1. Prior to layoff or displacement of employees through the bumping process, the District will place ~~affected~~ qualified employees in existing vacancies within the same job classification in the following order: Qualified employees will be placed into positions with the same number of regular hours in the first instance, and into

positions with up to one (1) additional regular hour in the second instance, and into positions with a fewer number of regular hours, in the third instance.

- a. Positions with the same number of regular hours
- b. Positions with up to one additional regular hour
- c. Positions with a fewer number of regular hours

Notwithstanding the order above, the District shall prioritize placement under subsection (b) over subsection (a) when doing so allows the employee to remain at their current work location, provided the employee is qualified for the position. In no event shall an employee gain in hours sufficient to increase their benefits eligibility level.

D. Bumping Rights/Seniority

If there are no regular vacancies in their classification, an employee scheduled for layoff may, using District seniority, bump the least senior employee in the same classification provided they are qualified to perform the duties of the position and the number of regular hours assigned to the new position is not greater than they are currently assigned on a regular basis. An employee may elect the option of layoff in lieu of bumping an employee who is assigned fewer regular hours or if the placement results in the loss of eligibility of benefits.

If an employee was not placed into an existing vacancy within the same job classification, an employee may use District seniority to exercise their rights in the following steps:

- a. Bump the least senior employee in the same job classification provided they are qualified to perform the duties of the position and the number of regular hours assigned to the new position does not exceed the number of hours they are currently assigned on a regular basis by more than one hour.
- a.b. If there are no available positions that meet the criteria in step 1, bump the least senior employee in the next lower or lateral job classification in which the more senior employee most recently held regular status provided they are qualified to perform the duties of the position.

E. Layoff in Lieu of Bumping

If there are no remaining positions in the current classification with the same number of regular hours, an employee scheduled for layoff may, using District seniority, bump into the next lower classification or the lateral classification in which they most recently held regular status provided they are more senior than the employee being bumped and are qualified to perform the current duties/responsibilities of the lower or lateral classification as required. An employee may elect the option of layoff in lieu of bumping an employee who is assigned fewer regular hours.

F. Recall

1. Employees laid off shall be placed on a layoff list by District seniority and will be recalled, according to such list as bargaining unit openings occur in their classification as long as the laid off employee is qualified for the position or a previously held lateral or lower classification for which they are qualified become available. No regular employees shall be laid off within a job classification until all probationary employees in such classification have been removed unless, in the District's judgment, a deviation from this process is reasonable based on special occupational skills. Employees laid off shall be placed on a layoff list by District seniority and will be recalled, according to such list as bargaining unit openings occur in their classification as long as the laid off employee is qualified for the position or a previously held lateral or lower classification for which they are qualified become available. No regular employees shall be laid off within a job classification until all probationary employees in such classification have been laid off unless, in the District's judgment, a deviation from this process is reasonable based on special occupational skills.
2. No employees will be hired into a classification from which employees have been laid off while qualified employees remain on the layoff list for that classification.
3. Qualified employees on layoff status will be considered in-district applicants when applying for positions in a classification not previously held.

4. In the event of recall, the Board shall notify a member of recall by registered letter at the last address given to the Board by the employee. An employee shall have 15 (fifteen) **business** days from receipt of the letter to notify the Board of their intent to return and must be able to return within 15 (fifteen) calendar days of letter of intent. In the event of recall, the District shall notify an employee of recall at the last phone number or email address provided to Human Resources by the employee. If the employee is unable to be reached within 3 business days, a registered letter will be sent to the last address provided to Human Resources by the employee. An employee shall have 15 business days from receipt of the notice to notify the District in writing of their intent to return and must be able to return within 15 calendar days of the letter of intent.

G. Mutual Agreement

1. Nothing in this Article is intended to preclude the District and the Association from mutually agreeing to allow bumping rights to senior employees who do not meet the specific criteria set forth in section 4 of this Article.
 - a. Layoff Benefits – The Board shall provide for laid off employee insurance benefits for 30 (thirty) days following layoff. Employees on the recall list may continue insurance at the group rates at their own expense.
 - b. All benefits to which an employee was entitled at the time of their layoff will be restored to them upon their return to active employment, and they will be placed on the proper step of the salary schedule.

H. Termination of Layoff Status

1. Layoff status shall automatically terminate if any one (1) of the following occurs:
 - a. An employee is not recalled within 27 (twenty-seven) months from the effective date of such layoff.

- b. An employee fails to accept a position offered in the same or a previously held lateral or lower classification provided the number of hours is equal to or greater than they were working at the time of layoff.
- c. An employee fails to timely respond to recall, the maximum being 15 (fifteen) **business** days from the date of a certified letter sent to the employee.

I. Classification of Bus Drivers

- 1. The classifications of School Bus Driver, Special Program Driver, Utility Driver, and Standby Driver will be considered as a single classification for layoff and bumping consideration purposes.
- 2. The District will make every reasonable effort to place regular employees who are scheduled for layoff and who do not have bumping rights under other provisions of this Article into vacant positions for which they are qualified. In such case the normal procedures shall not apply.

J. Association Request

- 1. Upon request, the District shall provide the following information to an authorized representative of ASK-ESP, **the Association.**
 - a. A current seniority list.
 - b. When layoffs have been completed, a list of bargaining unit members who have been laid off to include the employees' job classification(s).