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 classification in which the layoff occurs. The employee who has been employed the shortest time in the classification, plus higher classifications, 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 assigned time per day, week, month, or year, 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 classification 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. If the eligibility list from which a probationary employee was appointed has expired, the laid-off employee shall not be restored to the eligibility list.

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 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.

a. Lot shall be determined as follows: (1) Every attempt shall be made to have the affected employees and the direct supervisor(s) present during the lot determination of seniority; (2) the employees' names shall be written on identical pieces of paper and placed in a hat; (3) either the direct supervisor or the Director, Human Resources will pick a name from the hat. The first name chosen will be deemed the most senior employee, the second name chosen will be deemed the next most senior, and so on. The seniority order determined by lot will become permanent.

F. Preliminary notice of layoff or reduction shall be given to each classified employee affected no later than March 15 for a layoff to take effect the following fiscal year. . Employees who have achieved permanency in their current classification or who will have completed 130 days of paid service on or by the effective date of the layoff may request a hearing within seven (7) calendar days after the date on which the preliminary notice of layoff is served upon the employee; such hearing request shall be in writing on the form provided by the Human Resources Department.

G. Employees who receive a preliminary notice of layoff shall be given five (5) business days from the date of such notice in which to render a decision whether to exercise their rights, if any, to a vacant position in their current classification or to displacement or demotion displacement; or to accept the layoff or reduction. Such decision shall be in writing on the form provided by the Human Resources Department. Employees who choose to exercise these rights shall have the opportunity to meet with Human Resources to learn about available vacancies and the position to which they may exercise their displacement rights.

H. A final notice of layoff shall be provided to an employee before May 15 for a layoff to take effect the following fiscal year.

I. Notwithstanding the requirements in paragraphs F and H above, upon expiration of a specially funded program, the SBCEO shall provide notice to an employee of a planned layoff no fewer than sixty (60) calendar days prior to the effective date of their layoff. Employees laid off under this provision may not request a hearing.

J. No permanent or probationary employees shall be laid off from any position while employees serving under emergency, provisional, limited-term, or substitute status are retained in positions in the same classification.

K. When a vacancy occurs in a classification for which a reemployment list has been established, individuals on the list will be notified and given an opportunity to request or decline a vacancy. An individual given notice of employment need not accept the offer of reemployment to retain their eligibility on the reemployment list. In the event the individual does not respond in writing to decline or accept the offer(s) of reemployment within six (6) business days from the date of reemployment notice, the individual shall be removed from the reemployment list. If an individual requests and is reemployed into a bona fide offer of employment, the individual 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.

L. The Human Resources Department shall maintain: seniority lists for all classifications; information regarding vacant positions; and other information necessary to the administration of this section.

M. 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.

N. An employee in a provisional or limited-term assignment may be separated at the completion of the assignment without regard to the procedures set forth in this Rule.

Reference:

Education Code Sections 45117, 45298 and 45308

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