

ARTICLE XVI

LAYOFF PROCEDURES

- 16.1
- 16.1.1 A layoff, for the purpose of this Article, shall be an involuntary separation from active service of a permanent classified employee for lack of work or lack of funds.
- a. In the event of a proposed reduction in hours/work year for lack of work or lack of funds, the District and the Association shall meet and negotiate, upon request of either party, the decision and the effects of the reduction of hours/work year.
- 16.1.2 Layoffs shall be made on a District-wide basis, in inverse order of seniority within classification.
- 16.1.3 Seniority shall be based upon an employee's hire date in either probationary or permanent status.
- a. Seniority shall be earned (credited) in classification, plus higher classes in which the employee has served.
- b. If two (2) or more employees subject to layoff have equal seniority, the determination of which is to be laid off first shall be made by lot.

c. Bus Driver - to establish seniority for drivers hired on the same day, the original date of school bus driver certification will be used. It is the responsibility of the driver to provide proof of certification.

- 16.1.4 An employee laid off in one classification who previously had status in an equal or lower classification may bump into that classification provided his/her seniority is greater than the least-senior employee in that equal or lower classification.
- 16.1.5 An employee displaced as a result of being bumped shall have the same bumping rights as stated in paragraph 16.1.4 above and such other rights as granted in this Article.
- 16.1.6 An employee who elects separation in lieu of either bumping or assignment into a lower classification shall maintain his/her re-employment rights as defined under this Article.
- 16.1.7 Before a layoff occurs, the District shall develop a seniority list which shall be made available to the employee organizations.
- 16.1.8 The District shall notify the Association prior to any planned layoff and the District and Association agree to meet and negotiate the effects of any layoffs to unit members in accord with the provisions of Chapter 16.7, Section 3540-49 of the Government code of the State of California.

16.2

- 16.2.1 After the Board has determined that there is a lack of work or a lack of funds and has made the decision to lay off employees, the District will issue notices of layoff to the employees affected.
- 16.2.2 Employees to be laid off shall be notified by personal service and/or certified or registered mail sent to the most recent address provided to the District by the employee.
- 16.2.3 The notice shall be personally served and/or deposited in the U.S. Mail (certified or registered) no less than sixty (60) calendar days prior to the effective date of layoff. Copies of notices shall be made available to the Association (Chapter President).
- 16.2.4 The notice shall contain the effective date of layoff, and a copy of this Article.

16.3

- 16.3.1 Employees who have been laid off shall be placed on a re-employment list for a period of thirty-nine (39) months. An employee who takes a voluntary demotion or a voluntary reduction in assigned time in lieu of layoff or to remain in his or her present position rather than be reclassified or reassigned, shall be granted the same rights as person(s) laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months, provided that the same test of fitness under which the employee qualified for appointment to the class still apply.

- 16.3.2 Offers of re-employment shall be made in reverse order of layoff, within classification, as vacancies occur.
- 16.3.3 An employee bumping into an equal or lower classification in lieu of layoff shall be offered, by seniority, reinstatement to his/her former classification, for a period of not less than thirty-nine (39) months, as vacancies become available.
- 16.3.4 Individuals on a re-employment list shall have ten (10) days to respond to a verbal offer of re-employment which, if declined, will be followed by a written verification of the declination, or ten (10) days to respond to a written offer sent by certified/registered mail, beginning with the day it is deposited in the U.S. Mail to the most recent address supplied to the District by the employee.
- 16.3.5 Failure to respond following the delivery/or first notice of certified mailing of the re-employment notice constitutes a refusal. A refusal of employment will cause the District to offer the position to the next individual on the re-employment list.
- a. Except that failure to respond to an offer upon first becoming eligible shall not cause the employee's name to be skipped, provided the employee has previously notified the District in writing of his/her temporary unavailability to accept an offer of re-employment. The period of unavailability shall be limited to one occurrence and shall be for a period not to exceed thirty (30) calendar days.
- 16.3.6 A permanent employee who is laid off and is subsequently re-employed shall retain that seniority earned prior to the effective date of the layoff.

16.4

- 16.4.1 Sick leave earned and unused at the time of separation from employment shall be restored upon re-employment.
- 16.4.2 Sick leave credit earned at one rate while in an employed status and unused at the time the hours in paid status are reduced, shall not be reduced because the employee subsequently is assigned fewer hours.
- 16.4.3 Employees laid off while on paid leave shall retain their employee benefits until the effective date of layoff.
- 16.4.4 Vacation time earned and unused at the time of layoff shall be computed and paid off with the final salary warrant.
- 16.4.5 For computation of credit toward longevity pay rate and additional vacation, time separated and on a re-employment list shall not be counted. However, credit for these purposes earned prior to separation will be restored upon re-employment.

16.5

- 16.5.1 When a vacancy occurs and there are no employees on the reemployment list for that particular classification, a laid off employee from another classification, in which the employee meets the minimum qualifications (as determined by the District) in the Notice of the Job Position, shall be given preference over outside candidates.

- a. A permanent or probationary employee who is to be laid off, shall be offered any temporary (substitute or short-term) position available at that time for which the employee is qualified (as determined by the District). Reemployment rights shall not be affected.
- b. A permanent or probationary employee who is on the reemployment list will be given first consideration, before non-bargaining unit employees, for any substitute or short-term position available for which they are qualified (as determined by the District). The District and the Association agree that the employee shall be responsible to apply for substitute positions.