

RULE 7 - LAYOFFS

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RULE 7

LAYOFFS

RULE 7.0

LAYOFF PROCEDURE

- A. Layoff shall be made in inverse order of seniority in the class in which the layoff occurs when classified employees are laid off for lack of work or lack of funds. The employee who has been employed the shortest time in the class, plus higher classes, shall be considered to have the least seniority and, therefore, shall be laid off first.
- B. The names of permanent employees laid off shall be placed upon the reemployment list for the class from which they were laid off. Names on the reemployment list shall be in the relative order of seniority.
- C. Permanent employees shall be given notice of layoff not less than sixty (60) calendar days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights.
- D. No permanent or probationary employee shall be laid off from any position while employees serving under temporary or limited term employment are retained in positions in the same classification, unless the permanent or probationary employee refuses assignment to the temporary or limited term position.
- E. An employee who has been laid off for lack of funds or lack of work and who is on a reemployment list may be employed as a substitute or temporary employee in his/her original class or any other class for which qualified (as determined by the Personnel Commission), and such employment shall in no way jeopardize or otherwise affect his/her status or eligibility for reemployment.
- F. A substitute employee with permanent status shall be returned to the former position or a position in that class when laid off. The time served as a substitute in the higher class shall be considered as having been served in the lower class for purposes of compensation, sick leave, vacation and promotion.

RULE 7.1

COMPUTATION OF SENIORITY

- A. All service in the classification plus higher classifications in the line of promotion shall count as seniority within the classification. Seniority shall be based on date of hire.
- B. No seniority shall be earned during periods of separation from the service of the school district. A permanent employee who is laid off and is subsequently reinstated shall accumulate seniority rights from the earliest date of entrance into the classification in which layoff occurs. Layoff for 39 months or less is not a separation from service.
- C. Site Seniority - The least senior employee in a classification will be bumped from the site before more senior employees in that classification if a position in that classification is eliminated or reduced at a site or department which has multiple positions at that site with similar assigned times,
- D. Equal Seniority
 - 1. The layoff determination shall be made by seniority in the hours of classification if two or more employees subject to layoff have equal seniority in the classification.
 - 2. The layoff determination shall be made by seniority in the District if two or more employees subject to layoff have equal seniority in the classification and in the hours of the classification,
 - 3. The layoff determination shall be made by final examination score if two or more employees subject to layoff have equal seniority in the classification, in the District, and in the hours of the classification. The higher score shall have seniority.
 - 4. The layoff determination shall be made by lot if two or more employees subject to layoff have equal seniority in the classification, in the District, in the hours of the classification, and in the final examination score.

RULE 7.2

SENIORITY IN CASE OF RECLASSIFICATION

- A. Seniority rights of regular employees who are reclassified with their positions shall be computed from the date the employee first began regular service in the former

classification(s) when reclassification results either in the merger of two (2) or more classifications into a newly created classification and the abolishment of the previous classification, or the separation of a classification into two (2) or more newly created classifications.

- B. Seniority shall be computed from the effective date the position is reclassified when an employee is reclassified with his/her position to an already existing classification.
- C. Seniority in the new classification shall begin on the effective date of the transfer when an employee is transferred from one classification to another,
- D. The new classification shall begin seniority on the date of hire in the previous classification when a classification is retitled to a newly created title and the old classification title is abolished.

Seniority Upon Change of Classification:

Reclassifications

<u>From:</u>	<u>To:</u>	<u>Seniority:</u>
Existing Classification	New Classification	Start new seniority
Existing Classification	Existing Classification	Start new seniority
Abolished Classification	New Classification	Keep old seniority
Abolished Classification	Existing Higher Classification	Start new seniority
Abolished Classification	Existing Lateral Classification	Keep old seniority

Retitles

<u>From:</u>	<u>To:</u>	<u>Seniority:</u>
Old Job Title Abolished	New Job Title Established	Keep old seniority

Lateral Transfers

<u>From:</u>	<u>To:</u>	<u>Seniority:</u>
Existing Classification	New Classification	Start New Seniority
Abolished Classification	Existing Classification	Determined by Personnel Commission

Promotions

<u>From:</u>	<u>To:</u>	<u>Seniority:</u>
Existing Classification	Existing or New Classification	Start new seniority
Abolished Classification	Existing or New Classification	Start new seniority

RULE 7.3

BUMPING RIGHTS

- A. Bumping – A permanent employee in the classified service who is laid off shall have the right to bump the least senior employee in the same class. The employee shall have the

right to bump the least senior employee in an equal or lower class if there is no option for bumping within the same class and the employee has achieved permanent status in that equal or lower class. Seniority shall include the total of the previous service in the equal or lower class plus service in the class from which layoff occurs and in higher classes. This shall be applied on a district-wide basis.

- B. Voluntary Demotion or Transfer – A permanent classified employee who will suffer a layoff for lack of work or funds despite the exercising of bumping rights in order to avoid layoff may accept a voluntary demotion to a vacant position in a lower class or transfer to an equal class, provided that the employee is qualified to perform the duties thereof as determined by the Personnel Commission.
- C. It shall be counted as a refusal of one offer under Rule 3.3 if an employee elects not to exercise bumping rights into an equal position.