

**PROCEDURE FOR REDUCTION IN STAFF: CLASSIFIED SERVICE**

In accordance with District policy and the California Education Code, classified employees shall be laid off in inverse order of seniority by job classification. Therefore, employees who have been employed the shortest time in the classification, plus higher classifications, shall be laid off first. Reemployment shall be in the reverse order of layoff.

Employees shall be informed of their displacement rights, if any, and reemployment rights. "Length of Service" commencing or continuing after July 1, 1971, means all hours in paid status, whether during the school year, a holiday, recess, or during any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis as provided for in Section 45128 of the Education Code. However, length of service prior to July 1, 1971, will be computed from the date of employment and then after July 1, 1971, on hours in a paid status. No seniority shall be earned during periods of separation from the District.

**I. Notice of Layoff**

The District will give employees at least 45 calendar days notice before the layoff becomes effective. Written notice will be sent by registered mail to all probationary and permanent employees affected or handled personally.

**II. Order of Layoff**

Classified employees within the job classification affected will be laid off as follows:

- A. All probationary employees, substitutes, temporary or other short-term employees will be terminated before employees in the same job classification who have completed their probationary period.
- B. Employees who have completed their probationary period will be laid off in seniority order with the person having the "least" seniority in the layoff classification being laid off first.
- C. In case of identical seniority, a lottery by drawing employee names will be held to decide which employee has greater seniority within a job classification.

**III. Demotion in Lieu of Layoff**

- A. To be considered for demotion in lieu of layoff which results in displacing a less senior employee in a classification in which an employee has prior service, the employee must notify the District Human Resources Office in writing of such election not later than three working days after receiving layoff notice and rights to demotion. Demotion (in lieu of layoff) of less senior employees can occur only downward and not laterally or upward. Of course, an employee must meet the minimum qualifications of any job classification in which he/she is displacing an

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incumbent and be able to satisfactorily perform the job in a minimum amount of time.

- B. Any permanent classified employee displaced by such demotion has the same option of demotion afforded by this rule as if his/her position has been abolished or discontinued.
- C. If the displaced employee is on temporary transfer assign assignment, he/she shall be returned to his/her regular assignment.
- D. Any employee demoted pursuant to this rule shall receive the closest salary step of the salary range of the classification to which he/she is demoted, provided that such salary is not greater than the salary he/she received in the higher classification at the time of demotion.
- E. In cases where an employee accepts demotion in lieu of layoff, his/her name shall be placed on a layoff list from the classification from which he/she was demoted for a period of 24 months in order to be considered for reemployment to the classification from which he/she was demoted provided the same classification qualifications still apply.

#### IV. Reemployment

- A. Persons laid off because of lack of work or lack of funds are eligible for reemployment for a period of 39 months and shall be reemployed, if available, in preference to new applicants in the classification from which they were laid off provided the qualifications still apply. Reemployment shall be in reverse order of layoff.
- B. Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or to remain in their present positions, rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months, provided that the same tests of fitness (qualifications) under which they qualified for reemployment to the job shall still apply.
- C. If an employee fails to accept recall to a job equivalent in grade level to that from which he was laid off and one for which the employee is qualified or one in which he/she has served before, he/she will be terminated and will forfeit all rights entitled under layoff status. Refusal, however, of an offer of substitute or short-term employment or reduction of hours shall not affect the standing of an employee on a layoff list.
- D. Any employee will be terminated with loss of all recall rights if he/she fails to reply to a written notice or telephone notice from the District Human Resources Office within seven calendar days after such notice is sent or fails to report to work after acceptance of recall. Recall notice will be sent by registered mail or telegram to the address last reported by the employee to the District unless he/she is contacted by telephone.

V. Rights Upon Reemployment

A person reemployed from layoff shall be fully restored to his/her position with all rights to permanent status. However, no seniority shall be earned during periods of separation from the service of the School District. An employee who has been laid off for lack of work or lack of funds and who is on a layoff list may be reemployed as a substitute or short-term employee (as those terms are defined in Section 13581 of the Education Code) in his/her original classification or any other classification for which qualified and such employment shall in no way jeopardize or otherwise affect his/her status or eligibility for reemployment. The District will attempt to provide substitute or short-term employment to those on the reemployment list in accordance with seniority by classification as funds are made available.

Reference: Education Code Section 45128

Regulation approved: March 13, 1975; April 26, 1976; September 19, 1978; July 1, 1999;  
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