

Chapter 7 - Human Resources

AP 7237 Layoffs

References:

Education Code Sections 87743, 88117, and 88127

Lay-Off Procedure

A. In effecting layoffs, the following rules shall apply:

1. Seniority (see AP 7231 - Seniority) shall include all regular time in a class plus time in higher related classes. In the event of a tie, preference shall be given to the employee with the longest total district service. If a tie still exists, the employees shall draw lots to determine preference.
2. Time spent on leave without pay shall not be included when computing seniority, but all time spent on approved leaves with pay and on military leave shall count toward seniority accrual.
3. Time spent in the class between breaks in continuity of employment because of separation from service shall count toward seniority accrual when the separation does not exceed 39 months.
4. When reclassification results either in the merger of two or more classes or the separation of a class into two or more classes, seniority rights of regular employees who are reclassified with their positions shall be computed from the date of their earliest entrance into regular service in such former classes.
5. An employee transferred from one class to another shall retain his/her seniority in the former class; seniority in the new class shall begin accumulating on the date of the transfer.
6. No regular employee shall be laid off from any position while employees serving under limited-term appointment are retained in positions of the same class in the same organizational unit unless the regular employee declines the limited-term position.
7. A limited-term employee may be laid off at the completion of his/her assignment without regard to the procedure set forth in this policy.

B. Permanent classified employees who are to be laid off may exercise bumping rights in their class or in any lower class in which they hold seniority credit greater than an incumbent. The employee to be bumped shall be the one with the least seniority in the class plus higher related classes. In determining bumping rights, the following rules shall apply:

1. In cases of reclassification, reorganization, or abolishment of positions, an incumbent's seniority in the class plus higher related classes shall be computed as outlined in Section "A" above.

2. An employee may bump that employee within his/her classification who has the least seniority in the class plus higher related classes.
 3. The number of months worked per year shall have no effect in any way on bumping privileges.
 4. If an employee waives the opportunity to bump within his/her classification, he/she may follow these procedures in any equal or lower classifications in which he/she holds seniority credit or be placed on a reemployment list.
 5. An employee accepting a position in a lower classification in lieu of layoff shall be placed on a step in the new schedule which is nearest to, but not higher than, the salary he/she would have earned in the former classification; and in any case, shall not exceed the maximum step of the new schedule. The employee will retain his/her anniversary date for subsequent salary advancement. Salary increments based upon longevity shall continue to be paid in the new classification.
- C. Any employee, after having had the opportunity to exercise all rights guaranteed under this policy, who must be laid off and placed on a preferential reemployment list, will be selected first in reverse order of layoff for the first opening occurring in any class in which he/she had seniority for a period of up to 39 months. The following rules shall also apply:
1. An employee on a preferential reemployment list may decline three offers of reemployment in his/her former class. After his/her third refusal, no additional offers need be made and the employee shall be considered unavailable until he/she indicates otherwise in writing.
 2. Employees on preferential reemployment lists shall be eligible to compete in promotional examination for which they qualify.
 3. Laid off employees do not accumulate seniority credit while on the reemployment lists.
- D. An employee, after having the opportunity to exercise all rights guaranteed under this procedure, who must be laid off, may accept a voluntary demotion or a transfer.
- E. An employee who has accepted demotion in lieu of layoff has the right to be reemployed, in accordance with his/her seniority, in a vacant position in his/her former class within 39 months after demotion. Intervening reassignments to other classes shall not abrogate that right. If he/she has not been reemployed in his/her former class within 39 months, he/she shall be eligible for appointment to a vacant position in that class for an additional period of up to 24 months at the discretion of the Board of Trustees.
- F. When, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year, and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of such school year shall be given written notice on or before May 29, informing them of their layoff effective at the end of such school year. If the termination date of any specially funded program is other than June 30, such notice shall be given not less than 45 days prior to the effective date of their layoff.
- G. When classified employees are laid off for any reason, affected employees shall be given notice of layoff not less than 45 days prior to the effective date of layoff.

- H. Nothing in paragraphs F and G above shall preclude a layoff for lack of funds in the event of an actual and existing financial inability to pay salaries of classified employees, nor layoff for lack of work or lack of funds resulting from causes not foreseeable or preventable by the Board of Trustees, without the notice required therein.
- I. Any employee laid off shall be informed of his/her bumping rights, if any, and reemployment rights under this procedure.
- J. Definitions: As used in this procedure, the following terms have the following meanings:
1. Class means a group of positions sufficiently similar in duties and responsibilities that the same descriptive title may be used to designate each position allocated to the class; substantially the same requirements of education, experience, knowledge, and ability are demanded of incumbents; substantially the same tests of fitness may be used in choosing qualified appointees; and the same salary range may be applied with equity.
 2. Preferential reemployment means a list of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of position, or other reason specified in these rules, and who are eligible for reemployment without examination in their former class, arranged in order of their right to reemployment.
 3. Length of service, for service commencing or continuing after July 1, 1971, means all hours in paid status as a regular employee 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 88027 of the Education Code, nor any hours compensated for in a provisional, substitute, or temporary (limited-term) position.

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