

ARTICLE 19. LAYOFF AND REEMPLOYMENT

Section 19.1: LAYOFF OF PROBATIONARY UNIT MEMBERS

- 19.1.1. Intention of Parties. It is the intention of the Parties, in accordance with Government Code Section 3543.2(c), to supersede the provisions of Education Code Section 44955 regarding procedures and criteria for the layoff and reemployment of probationary unit members for lack of funds. Layoffs of permanent unit members, when necessary, shall be governed by the provisions of the California Education Code.
- 19.1.2. Procedure for Layoff. Whenever it becomes necessary to lay off probationary unit members for lack of funds, the procedure shall be as set forth in this Article. The implementation of the procedure for effecting layoffs shall be grievable under the terms and conditions of Article 15.
- 19.1.3. Order of Layoff.
- 19.1.3.1. The order of layoff within a service field or teaching subject shall be in reverse order of seniority within each of the following categories in the order set forth:
- a. Temporary contract teachers (including leave substitutes and unit members employed in categorically-funded special projects of indeterminate duration under Education Code Section 44909); and
 - b. Probationary teachers.
- 19.1.3.2. No unit member shall be terminated while any other unit member with less seniority is retained to render a service which the unit member is certificated and qualified to render. A unit member is certificated and qualified to render a service if he/she possesses the appropriate certification document.
- 19.1.3.3. In the event that the Board of Education makes an error with respect to the application of these procedures and criteria to an individual unit member, that unit member shall be retained and made whole. Such retention shall have no effect on the layoff of other unit members.
- 19.1.3.4. Ties in seniority shall be broken by lot. Unit members with the same initial date of service shall have their seniority number determined by lot. The lottery shall be conducted in the presence of at least two (2) association representatives. Once the lottery is used to determine a unit member's seniority, that seniority number shall remain in effect for the unit member so long as this member remains employed by the District.
- 19.1.4. Notice of Layoff. Probationary unit members to be laid off for lack of funds shall be given written notice of layoff no later than April 15. The notice shall be deemed complete when the unit member is personally served or when the notice is deposited in the United States mail, certified, return receipt requested, postage prepaid, addressed to the unit member at the unit member's last known address on file with the District.

Section 19.2. DETERMINATION OF NEED FOR LAYOFFS

- 19.2.1. The decision to lay off, the determination of the services or teaching subjects in which layoffs are to be made, and the number of unit members who are to be laid off rests solely with the District and shall not be subject to negotiations nor to the filing of grievances.
- 19.2.2. The impact and effect of proposed layoffs shall be subject to negotiations between the Association and the District. Accordingly, the District agrees to notify the Association as soon as possible of the number and type of layoffs to be proposed. Immediately upon such notification, the Parties shall meet and negotiate, through the provisions of Article 26, Contract Administration Committee, the impact and effect of such layoffs. Negotiations shall include, but not be limited to, retraining, use of emergency credentials, counseling, outplacement services, early retirement incentives and other similar alternatives.

Section 19.3: REEMPLOYMENT

- 19.3.1. Unit members who have been laid off shall be placed on the reemployment list in the inverse order in which they were laid off for a period of thirty-nine (39) months. Unit members laid off shall be offered employment as day-to-day visiting teachers on the same basis as other day-to-day visiting teachers on regular substitute pay.
- 19.3.2. A unit member who is laid off and is subsequently eligible for reemployment shall be notified by certified mail, return receipt requested, to the last known address given by the unit member to the District. The unit member shall have fourteen (14) calendar days from receipt of the notice to respond to the offer of reemployment. If the notice of offer of reemployment is undeliverable or is not accepted by the unit member, the unit member's name shall be removed from the reemployment list and the unit member shall be deemed to have resigned from the District. Upon acceptance of reemployment, the unit member shall have fourteen (14) calendar days to report unless the District agrees to an extension of the reporting date.
- 19.3.3. A unit member reemployed from the reemployment list shall be placed in the status which he/she held at the time of layoff. Time spent on the reemployment list shall not be counted toward eligibility for permanent status or for longevity for salary purposes. For all other purposes, time spent on the reemployment list shall be counted in the same manner as an official unpaid leave.
- 19.3.4. Every such unit member who has been reemployed as indicated in this Section shall have all of the rights enumerated in Education Code Sections 44955 to 44961, inclusive, for permanent unit members, except the right of reappointment, subject only to the prior rights of permanent unit members.
- 19.3.5. Temporary contract teachers (leave substitutes) shall have only those reemployment rights guaranteed them in the Education Code.