

ARTICLE 7: LAYOFFS/SUSPENSIONS/TERMINATIONS/RE-EMPLOYMENT RIGHTS
(Classified Administrators)

7.1 Mutual Consent

A Classified Administrator's employment may be terminated at any time by mutual consent of the Governing Board and the administrator.

7.2 Resignation

A Classified Administrator may resign from District employment at any time by giving written notice.

7.3 Layoffs and Re-Employment Procedures

The layoff and re-employment of Classified Administrators shall be pursuant to Education Code, Sections 88014, 88017, 88117 and 88127.

7.4 Reason for Layoff

Pursuant to Education Code, Section 88127, Classified Administrators shall be subject to layoff for lack of work or lack of funds. Education Code, Section 88017 provides that lay off may result when a specially funded program expires.

7.5 Notice of Layoff

7.5.1 The District will notify SCCDAA in writing of any reductions, layoffs, or elimination of services fifteen (15) working days prior to notification of employee(s).

7.5.2 Except when a layoff is as a result of the expiration of a specifically funded program, Classified Administrators affected by layoff shall be given written notice of layoff no later than March 15 that their services will not be required for the ensuing year. Said notice shall include the reason for the layoff and inform the affected employee(s) of their displacement rights, if any, and re-employment rights. Classified Administrators whose positions are eliminated as a result of the expiration of specifically funded program shall be given notice of layoff no less than sixty (60) calendar days prior to the effective date of their layoff, informing them of their layoff date, their displacement rights, if any, and their re-employment rights. (AB 438)

7.5.3 In the case of administrators whose positions are eliminated as a result of the expiration of a specifically funded program, the District, SCCDAA and the affected administrator shall meet no later than five (5) working days after the incumbent has been notified of layoff to discuss options including bumping rights, re-employment rights, and demotion in lieu of layoff in accordance with applicable Education Code, Sections 88014, 88017 and 88127. In all other cases, the District,

SCCDAA and the affected administrator shall meet no later than five (5) working days after the time has elapsed for the affected administrator to request a hearing pursuant Education Code Section 88017(b) or, if the affected administrator timely requests a hearing, after the administrative law judge has issues a proposed decision. Unavailability of the affected administrator or SCCDAA representative shall extend these timelines by an equivalent number of days.

7.5.4 Failure to give the administrator notice under the provisions of this Section shall invalidate the layoff.

7.6 **Suspension or Termination**

A suspension or termination of a Classified Administrator may occur for one of the following reasons:

7.6.1 **Mutual Consent** – A Classified Administrator’s employment may be terminated at any time by mutual consent of the Governing Board and the employee.

7.6.2 **Resignation** – A Classified Administrator may resign from District employment at any time.

7.6.3 **Suspension or Termination for Cause** – Classified Administrators may be disciplined for cause pursuant to District Policy No. 7365 and Education Code, Section 88013.

7.7 **Retreat/Bumping Rights**

Classified Administrators accrue seniority per Section 88127 of the California Education Code. A Classified Administrator, who has held a classified bargaining unit position, shall have the right to bump into the position previously held in which the classified administrator has greater seniority than a classified employee serving in the classification. If two (2) or more employees subject to layoff have equal classification seniority, the determination as to who shall be laid off shall be made on the basis of the greater total seniority. If that is equal, then the determination shall be made by lot.

7.8 **Re-Employment Rights**

7.8.1 A Classified Administrator who has been laid off because of lack of work or lack of funds is eligible for re-employment for a period of thirty-nine (39) months and shall be re-employed in preference to new applicants (Education Code, Section 88117).

7.8.2 Any permanent classified employee of a community college district, who voluntarily resigns from his/her permanent classified position, may be reinstated or re-employed by the Governing Board of the District, in accordance with Education Code, Section 88128.

7.8.3 Classified Administrators 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 re-employment of up to twenty-four (24) months.

7.9 **Notification of Opening**

A Classified Administrator who has been laid off shall be notified in writing by the Director of Human Resources of any opening for which the employee is eligible. Such notice shall be sent by certified mail to the last address given to the district by the Administrator, and a copy provided to SCCDAA. The Administrator shall notify the District of Intent to accept or refuse re-employment within ten (10) working days of the mailing of the re-employment notice. Notifications may be completed by postal service or email.

7.10 **Improper Layoff**

7.10.1 A Classified Administrator who is improperly laid off shall be re-employed immediately upon discovery of the error and shall be reimbursed for all loss of salary and benefits incurred by the administrator as a result of the improper layoff.

7.10.2 Initiation of the processing of the warrant for back pay shall be accomplished within (5) working days by the District after said discovery.

7.11 **Other Provisions**

No employees shall be employed in vacant positions from which a unit member is currently laid off until exhaustion of the re-employment list for that position. It is provided, however, substitute employees may serve in a vacant position pending response from the re-employment list.