

ARTICLE XV: LAYOFF AND REEMPLOYMENT

- 15.1 **Reason for Layoff** – Pursuant to Education Code 88127, classified Bargaining Unit employees shall be subject to layoff for lack of work or lack of funds. Education Code Section 88017 provides that layoff may result when a specially funded program expires.
- 15.2 **Notice and Process of Layoff** – The College District will follow the notification, process, and procedures of classified employee layoffs pursuant to Education Codes 88017, 88117, and 88127.
- 15.3 **Order of Layoff**
- 15.3.1 Pursuant to Education Code 88127, whenever a classified employee is laid off, the order of lay off within the classification shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first.
- 15.4 **Classification Seniority** - Seniority is determined by time in paid status, within the classification. The College District shall maintain an updated seniority roster indicating employee's length of service. Such roster shall be provided to CSEA within thirty (30) calendar days of request.
- 15.5 **Equal Seniority** - If two (2) or more employees subject to layoff have equal class seniority, the determination as to who shall be laid off will be made on the basis of the greater hire date seniority. If they are equal, then the determination shall be based on the number of hours an employee has been in a paid status in the class plus higher classes; and if they are still equal, the determination shall be made by lot.
- 15.6 **Bumping Rights** - An employee laid off from their present class may, in order to avoid layoff, bump into the next lowest class in which the employee has greatest seniority considering their seniority in the lower class and any higher classes.
- 15.7 **Layoff in Lieu of Bumping** - An employee who elects a layoff in lieu of bumping maintains their employment right under this Agreement.
- 15.8 **Voluntary Demotion or Voluntary Reduction in Hours** – An employee who takes voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall be, at the employee's option, returned to a position in their former class or to a position with increased assigned time as vacancies become available, and with no time limit except that they shall be ranked in accordance with their seniority on any valid reemployment list. Employees who take a voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall receive the same reemployment rights as employees who are laid off and shall retain eligibility to be considered for reemployment for an additional period of up to twenty-four (24) months.

15.9 **Re-employment Rights**

Pursuant to Education Code 88117, employees who have been laid off because of lack of work or lack of funds are eligible for reemployment for a period of thirty-nine (39) months and shall be reemployed in preference to new applicants.

If the employee refuses a re-employment offer to the classification held at the time of lay off, or a similar position in a higher classification for which they are qualified, they shall not be eligible for further preferred consideration. A refusal shall not preclude an employee from future employment with the College District.

15.10 **Recalls**

15.10.1 Recalls shall be made in the reverse order of layoffs within each job classification. Those employees in the Bargaining Unit who have completed a probationary period shall be re-employed without having to serve an additional probationary period.

15.10.2 Notification of recall shall be made by personal contact or Certified Mail to the employee's last known mailing address. The employee must indicate acceptance of the job offer within five (5) working days after receipt of the notification and arrange the time of return to work. The employee must, however, be available within twenty (20) calendar days of notice.

15.11 **Improper Layoff**

An employee who is improperly laid off shall be reemployed immediately upon discovery of the error and shall be reimbursed for all loss of salary and benefits. Initiation of processing of a warrant for back pay shall be accomplished within five (5) working days by the College District after said discovery.