

LOS ANGELES COMMUNITY COLLEGE DISTRICT

Specially Funded Program Positions

LAYOFF NOTICE

TO: **Insert Employee's Name, Job title, Employee Number**

FROM: **Insert Program Director's Name and title, and location**

DATE:

As you are aware, the employment of persons in a Specially Funded Program is limited to the duration and funding of the assigned program. Since we anticipate that the funding for your position of

_____ at _____

assigned to Fund: _____, Cost Center/WBS: _____

G/L: _____

is being terminated or reduced, we are hereby notifying you that you are being laid off from your position, effective 11:59 p.m., on _____.

You may have reemployment rights in accordance with applicable Education Code, Personnel Commission rules, and contract provisions, which are enclosed for your information.

If you wish to discuss your displacement rights, you may contact the Human Resources Division at 213-891-2252.

Enclosures

CC: Deborah Hirsh, Senior Associate Vice Chancellor, Human Resources
 Joan Steever, Personnel Manager, Personnel Operations Office
 Karen Martin, Personnel Director, Personnel Commission
 College President
 Vice President, Administrative Services
 Vice President, Student Services
 Vice President, Academic Affairs
 Union Rep (if applicable)

EDUCATION CODE

Education Code Section 88127

88127. Order of layoff and reemployment; length of service.

Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class 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. Reemployment shall be in reverse order of layoff.

For purposes of this section, for service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status, whether during the school year, a holiday, recess, or 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. Nothing in this section shall preclude the governing board of a community college district from entering into an agreement with the exclusive representative of the classified employees that defines "length of service" to mean the hire date.

If a governing board enters into an agreement with the exclusive representative of classified employees that defines "length of service" to mean the hire date, the governing board may define "length of service" to mean the hire date for a classification of employee not represented by any exclusive bargaining unit.

Nothing in this section shall preclude the granting of "length of service" credit for time spent on unpaid illness leave, or unpaid industrial accident leave. In addition, for military leave of absence, "length of service" credit shall be granted pursuant to Section 88116.

"Hours in paid status" shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service of the district except service in restricted positions as provided in this chapter.

Education Code Section 88117

88117. Reemployment and Promotional Examination Preference of Persons Laid off; Voluntary Demotions or Reduction in Time. Persons laid off because of lack of work or lack of funds are eligible to reemployment for a period of 39 months and shall be reemployed in preference to new applicants. In addition, such persons laid off have the right to participate in promotional examinations within the district during the period of 39 months.

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 retain eligibility to be considered for reemployment for an additional period up to 24 months; provided, that the same tests of fitness under which they qualified for appointment to the class shall still apply. The personnel commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis.

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in their former class or to positions with increased assigned time as vacancies become available, and without limitation of time, but if there is a valid reemployment list they shall be ranked on that list in accordance with their proper seniority.

Education Code Section 88017

88017. Notice of layoff due to expiration of specially funded program or bona fide reduction or elimination of service.

(a) 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 April 29 informing them of their layoff effective at the end of the school year and of their displacement rights, if any, and reemployment rights. However, if the termination date of any specially funded program is other than June 30, the notice shall be given not less than 45 days prior to the effective date of their layoff.

(b) When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than 45 days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights.

(c) (1) A classified employee may not be laid off if a short-term employee is retained to render service that the employee is qualified to render. This subdivision does not create a 45-day layoff notice requirement for any individual hired as a short-term employee, as defined in Section 88003, for a period not exceeding 45 days.

(2) This subdivision does not apply to the retention of a short-term employee, as defined in Section 88003, who is hired for a period not exceeding 45 days after which the short-term service may not be extended or renewed.

(d) This section does not preclude the governing board of a community college district from implementing either of the following without providing the notice required by subdivisions (a) or (b);

(1) A layoff for lack of funds in the event of an actual and existing financial inability to pay the salaries of classified employees.

(2) A layoff for lack of work resulting from causes not foreseeable or preventable by the governing board.

(e) This section shall apply to districts that have adopted the merit system in the same manner and

effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

Education Code Section 88015

88015. Layoff; reinstatement from service retirement.

Notwithstanding any other provision of law, any person who was subject to being, or was in fact, laid off for lack of work or lack of funds and who elected service retirement from the Public Employees' Retirement System shall be placed on an appropriate reemployment list. The district shall notify the Board of Administration of the Public Employees' Retirement System of the fact that retirement was due to layoff for lack of work or of funds. If the person is 'subsequently subject to reemployment and accepts, in writing, the appropriate vacant position, 'the district shall maintain the vacancy until the Board of Administration of the Public Employees' Retirement System has properly processed his or her request for reinstatement from retirement.

This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060).

Education Code Section 88005

88005. Nonacademic positions under various acts

(a) Nonacademic positions created by a governing board of a school district under the Manpower Development and Training Act of 1962, the Economic Opportunity Act of 1964, the Elementary and Secondary Education Act of 1965, or Section 11300 or Section 13650 of the Welfare and Institutions Code, any future federal or state legislative enactment, or any other special funding, and which are not a part of the regular school program shall, nevertheless, be a part of the classified service as established by Section 88003 or Section 88076 of this code.

Persons employed in such positions shall be classified employees and shall enjoy all the rights, burdens and benefits accorded other classified, employees. Their selection and retention shall be made on the same basis as that of persons selected for positions that are a part of the regular school program.

(b) Notwithstanding the provisions of subdivision (a), if specially funded positions are restricted to employment of persons in low-income groups, from designated impoverished areas and other criteria which restricts the privilege of all citizens to compete for employment in such positions, all such positions shall, in addition to the regular class title, be classified as "restricted." Their selection and retention shall be made on the same basis as that of persons selected and retained in positions that are a part of the regular school program, except that persons employed in the following categories of restricted positions shall not be subject to the provisions of Section 88091 or 88092:

(1) The position of instructional aide, as defined in Section 88243.

(2) Any other position involving personal contacts with students or parents that is established to assist school-staff personnel responsible for school-community relations; educational support services for such areas as counseling, library or health; or the correction or prevention of behavioral problems.

Persons employed in positions properly classified as “restricted” shall be classified employees for all purposes except:

(A) They shall not be accorded employment permanency under Section 88013 or Section 88120 of the Education Code, whichever is applicable.

(B) They shall not acquire seniority credits for the purposes of Sections 88117 and 88127 of the Education Code or, in a district not having the merit (civil service) system, for the purposes of layoff for lack of work or lack of funds as may be established by rule of the governing board.

(C) The provisions of Sections 88106 and 88108 shall not apply to “restricted” employees.

(D) They shall not be eligible for promotion into the regular classified service or, in districts that have adopted the merit system, shall not be subject to the provisions of Section 88061, until they have complied with the provisions of subdivision (c).

(c) At any time, after completion of six months of satisfactory service, a person serving in a “restricted” position shall be given the opportunity to take such qualifying examinations as are required for all other persons serving in the same class in the regular classified service. If the person satisfactorily completes the qualifying examination, regardless of final numerical listing on an eligibility list, he or she shall be accorded full rights, benefits and burdens of any other classified employee serving in the regular classified service. His or her service in the regular classified service shall be counted from the original date of employment in the “restricted” position and shall continue even though he or she continues to serve in a “restricted” position.

(d) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

(e) It is the intent of the Legislature in enacting this section to clearly set forth that positions normally a part of the classified service are included therein regardless of the source of income to sustain the positions and to effectively implement specially funded programs intended to provide job opportunities for untrained and impoverished persons but to do so in a manner that will not be disruptive nor detrimental to the normal employment procedures relating to classified school service.

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Education Code Section 88080

88080. Power of Personnel Commission to Prescribe and Amend Rules.

The commission shall prescribe and amend ... rules...

Education Code Section 88081

88081. Subject of Rules. The rules shall provide for the procedures ... regarding layoffs ...

Education Code Section 88117

88117. Reemployment and Promotional Examination Preference of Persons Laid off; Voluntary Demotions or Reduction in Time. Persons laid off because of lack of work or lack of funds are eligible to reemployment for a period of 39 months and shall be reemployed in preference to new applicants. In addition, such persons laid off have the right to participate in promotional examinations within the district during the period of 39 months.

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 retain eligibility to be considered for reemployment for an additional period up to 24 months; provided, that the same tests of fitness under which they qualified for appointment to the class shall still apply. The personnel commission shall make the determination of the specific period of eligibility for reemployment on a class-by-class basis.

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in their former class or to positions with increased assigned time as vacancies become available, and without limitation of time, but if there is a valid reemployment list they shall be ranked on that list in accordance with their proper seniority.

CHANGES:

No change in text.

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Education Code Section 88127

88127. Order of Layoff and Reemployment; Length of Service. Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order within the class 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. Reemployment shall be in reverse order of layoff. For purposes of this section, for service commencing or continuing after July 1, 1971, "length of service" 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 88027.

Nothing contained in this section shall preclude the granting of "length of service" credit for time spent on military leave of absence, or unpaid illness leave, or unpaid industrial accident leave.

"Hours in paid status" shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service of the district except service in restricted positions as provided in this chapter.

Education Code Section 88005

88005. Positions Under Various Acts not Requiring Certification Qualifications; Classification. (a) Positions not requiring certification qualifications created by a governing board of a school district under ..., any future federal or state legislative enactment, or any other special funding, and which are not a part of the regular school program shall nevertheless, be a part of the classified service ...

(b) ...

(c) At any time, after completion of six months of satisfactory service, ... if such person satisfactorily completes the qualifying examination ... His service in the regular classified service shall be counted from the original date of employment in the "restricted" position and shall continue even though he continues to service in a "restricted" position.

CHANGES:

No change in text.

(d) ...

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(e) ...

Education Code Section 88015

88015. Layoff; Reinstatement from Service Retirement. Notwithstanding any other provision of law, any person who was subject to being, or was in fact, laid off for lack of work or lack of funds and who elected service retirement from the Public Employees' Retirement System shall be placed on an appropriate reemployment list. The district shall notify the Board of Administration of the Public Employees' Retirement System of the fact that retirement was due to layoff for lack of work or of funds. If he is subsequently subject to reemployment and accepts, in writing, the appropriate vacant position, the district shall maintain the vacancy until the Board of Administration of the Public Employees' Retirement System has properly processed his request for reinstatement from retirement.

This section shall apply to district that have adopted the merit system in the same manner and effect as if it were a part of Article 3 (commencing with Section 88060) of this chapter.

Education Code Section 88017

88017. Notice of Layoff Due to Expiration of Specially Funded Program or Bona Fide Reduction or Elimination of Service. (a) 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 the school year shall be given written notice on or before April 29 informing them of their layoff effective at the end of the school year and of their displacement rights, if any, and reemployment rights. However, if the termination date of any specially funded program is other than June 30, the notice shall be given not less than 45 days prior to the effective date of their layoff.

CHANGES:

Revised Education Code Section 80017 to reflect January 1, 2004 legislative change.

(b) When, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be

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given notice of layoff not less than 45 days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights.

(c) (1) A classified employee may not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. This subdivision does not create a 45-day layoff notice requirement for any individual hired as a short-term employee, as defined in Section 88003, for a period not exceeding 45 days.

(2) This subdivision does not apply to the retention of a short-term employee, as defined in Section 88003, who is hired for a period not exceeding 45 days after which the short-term service may not be extended or renewed.

(d) This section does not preclude the governing board of a community college district from implementing either of the following without providing the notice required by subdivisions (a) or (b):

(1) A layoff for a lack of funds in the event of an actual and existing financial inability to pay the salaries of classified employees.

(2) A layoff for a lack of work resulting from causes not foreseeable or preventable by the governing board.

(e) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were part of Article 3 (commencing with Section 88060) of this chapter.

CHANGES:

Revised Education Code Section 80017 to reflect January 1, 2004 legislative change.

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A. Computing Seniority

Seniority for the purpose of establishing retention lists shall be computed as follows:

1. Credit of service:

- a. Prior to July 1, 1971, credit shall include regular assigned time in the class, or in a higher class. A higher class shall be defined as a class having a maximum salary rate. Credit for service in a higher class shall be granted only for the period of time during which the maximum salary was higher than that of the class of which seniority is being computed.
- b. On or after July 1, 1971, and prior to January 1, 1974, credit shall include all hours of paid status in the class, or in a higher class as defined in a. above.

2. Credit for leave:

- a. Prior to July 1, 1971, time on informal leave and on the following leaves of absence shall be counted towards seniority: military leave, Red Cross leave, Merchant Marine leave, Peace Corps leave, illness leave, leave to accept work with the Los Angeles Community College District, leaves resulting from an industrial accident or industrial illness (Rule 804), retraining and study leave, and leave prior to layoff (as provided in Rule 741). Time on leaves of absence for other purposes shall not be credited towards seniority for purposes of layoff.
- b. On or after July 1, 1971, length of service credit shall be granted only for the following types of unpaid leave: military leave of absence, unpaid illness leave, or unpaid industrial accident leave.
- c. On or after July 1, 1971, length of service credit shall be granted for leave to accept other work with the Los Angeles Community College District only to regular employees in the classified service who are assigned to positions requiring certification qualifications. Such credit will be limited to a period not to exceed 39 months. All seniority and permanency rights shall be secured to such employees for 39 months and their return shall be treated as if there had not been an interruption in their classified service.

3. Laid-off employees do not accumulate seniority credit while on reemployment lists.

CHANGES:

No change in text.

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4. Time served prior to a break in service shall not be counted toward seniority, except if an employee is reinstated, reemployed in regular status, or appointed to a regular position from an open or promotional eligibility list within 39 months after layoff while his/her name is on a reemployment list.
5. The Division of Human Resources shall refer to the Personnel Director problems involving reclassification actions which have not indicated seniority status. Appeals from the Director's findings may be made to the Personnel Commission. Problems of a policy-making or precedent-setting nature shall be referred to the Personnel Commission for determination.

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 and whose former class or classes have been abolished, or separated shall be computed from the date of their earliest entrance into regular service in such classes. When an incumbent is not reclassified with his/her position but is reassigned to the reclassified position in accordance with Commission rules, the employee's seniority credit in the new class may, to the extent determined by the Personnel Commission, include his/her service in the position prior to the reclassification action. The Commission will base its decision on the amount of seniority credit to be granted on the following factors among others:

- a. The date of any change of the class specification for the employee's former and/or new class.
- b. The date of any change in the classification plan.
- c. The date of any significant change in assigned duties and/or responsibilities as evidenced by 80.4 forms, memoranda, or request for reclassification.
- d. The date of introduction of any new forms, equipment, procedures, or other conditions affecting the position.
- e. Any date which will serve to establish the approximate date the employee first started performing the duties and/or responsibilities which provided the basis for reclassification of his/her position.
- f. An employee transferred from one class to another, except under the provisions of Paragraph A.5., above, shall not be credited in the new class with seniority accumulated in the class from which transferred.

CHANGES:

No change in text.

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- g. When employees have equal seniority on a retention list for a class, the employee with the greatest amount of seniority credit in classes in the same group as listed in the Class Titles and Salary Schedules booklet shall be retained. If a tie remains, the employee with the greatest amount of paid service in regular status in the class shall be retained. If a tie remains, the employee who scored highest in the non-interview portion of the examination for the class shall be retained. If a tie remains, the employee who filed his/her application earliest shall be retained.

B. Bumping Rights

Regular employees who are to be laid off, or who are to suffer a non-voluntary reduction in assigned time may exercise bumping rights in any equal or lower class in which they hold seniority credit greater than that of an incumbent. The employee to be bumped shall be the one with the least seniority in the class.

Bumping rights are based solely on length of service which is defined in Education Code Section 88127 as hours in paid status. A regular employee who is to be laid off shall exercise bumping rights in those classes in which he/she has rendered paid service in regular status. The order of bumping shall be in descending salary order unless the employee voluntarily agrees to accept assignment to be in a lower class.

If a situation occurs in which an employee could bump into two or more classes at the same level the bumping shall first occur to the class in which the employee had the greatest amount of paid service.

C. Employee Rights and Privileges

1. The reemployment list for a class shall be used before any other means of filling vacancies for that class.
2. An employee who has been laid off from a class, or who is subject to layoff reclassification, or change of location action, may accept a transfer, a voluntary demotion or a voluntary reduction in status or assigned time in lieu of reclassification, change of location or layoff from the District, and shall be granted the same rights as persons laid off. If at the end of the 39-month reemployment period the employee has not been reemployed in his/her former class, he may be considered for reinstatement to his/her former class within an additional period of up to 24 months on approval by the Commission.

CHANGES:

No change in text.

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3. An employee who is laid off and exercises his/her bumping rights to a lower class in which he/she had prior regular status or an employee who has taken a voluntary demotion or voluntary reduction in assigned time in lieu of layoff shall, at the option of the employee, have the right to return to any vacant position or a position with increased assigned time in his/her former class provided that there has been no break in regular service with the District. There is no limitation of time for an employee to exercise his/her option as described above. An extension of time beyond 39 months shall not be granted to any current or former employee who has a break in regular service from the initial date of the proposed layoff.
4. An employee on a reemployment list may decline three offers of reemployment in his/her former class and status. After the third refusal no additional offers need be made and the employee shall be considered unavailable until he/she indicates otherwise (Rule 664).
5. Refusal of an offer of limited-term employment shall not affect the standing of any employee on a reemployment list (Rule 664).
6. If an employee is on an eligibility list and is laid off, he/she shall retain his/her place on the eligibility list for the life of that list.
7. Employees on reemployment lists shall be eligible to compete in promotional examinations for which they qualify. If the first day of paid service following appointment from a promotional eligibility list is within 39 months after layoff, the employee shall be paid whichever is the lower rate based on:
 - a. The step of the schedule for the class of appointment which next exceeds the step or flat hourly rate attained in the highest class for which there is a reemployment list on which his/her name appears, or;
 - b. The fifth step of the class of appointment.

The provisions of this Paragraph shall not apply to an employee who, after having been laid off or demoted in lieu of layoff, has received an intervening regular appointment which would entitle him/her to a higher step than prescribed above.

8. The salary rights of employees on reemployment lists are described in Paragraph J. of Rule 582.

CHANGES:

No change in text.

9. Laid-off employees shall hold reemployment rights for a period not to exceed 39 months.

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D. Certification from a Reemployment List

1. Persons shall be certified from reemployment lists in the order of seniority in the class, provided that the eligible is willing and able to report for duty on the effective date of the appointment or within 14 days after the offer of reemployment has been made, whichever is later. In cases of limited-term appointments, the eligible must be willing and able to report for duty on the effective date of the appointment, or he/she will be considered unavailable for the appointment.

2. A name may be removed from a reemployment list only for the following causes:

- a. Conviction of crime or crimes which would be sufficient to support dismissal of a permanent employee.
- b. Conduct which would cause dismissal under the provisions of Section 88122 of the Education Code.
- c. Making a false statement or omitting a statement as to any material fact on an application form or health history form.
- d. Dismissal for cause from District employment subsequent to layoff.

Written notice of removal and reason therefor shall be provided to the employee. He/she shall be afforded and notified of appeal rights identical to those provided in Rule 600.

3. A person whose name appears on a reemployment list may be given a medical examination prior to certification. Subject to the conditions described below, he/she may be considered unable to report for duty and may be passed over in order of certification until he/she meets the prescribed standards.

- a. The standards applied in the medical examination shall be no more stringent than those which would be applied to a continuing employee to determine fitness for duty.

CHANGES:

No change in text.

- b. No person shall be withheld from reemployment because of health or medical condition which existed prior to layoff because of a normal progressive deterioration of such medical or physical condition. Such a person may be placed on illness leave or appropriate leave after reemployment, if necessary, provided that he/she is willing and

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able to report for duty as indicated in D.1., above. While on such leave he/she shall receive seniority credit for the purpose of retention in case of future layoff.

4. A person whose name appears on a reemployment list may be considered unable to report for duty and may be passed over in the order of certification if he/she cannot meet the legal requirements to perform the prescribed duties of the class of reemployment.

E. Effect of Reclassification of Position upon Incumbent

If an incumbent cannot be placed following the reclassification of his/her position, he/she shall be laid off and given reemployment rights in the class from which reclassified.

F. Layoff of Probationary Promoted Employee

If placement of a demoted employee cannot be effected following the demotion of the probationer from a promotional position under provision of Rule 762, the employee shall be laid off and shall be given reemployment rights in the class from which he/she was most recently promoted

G. Notification of Layoff

1. Classified Employees

Regular classified employees that are to be laid off shall be given a written notice of layoff and informed of their displacement rights, if any, and reemployment rights, at least 45 days prior to the effective date of the layoff.

2. SFP Employees

Regular SFP employees that are to be laid off shall be given a written notice of layoff and informed of their displacement rights, if any, and reemployment rights, on or before April 29 if the layoff is to be effective at the end of the fiscal year. If the layoff is to be effective on a date other than the end of the fiscal year, the notice shall be given at least 45 days prior to the effective date of the layoff.

CHANGES:

Insert paragraph G. to reflect January 1, 2004 legislative change.

H. Limited-Term Employees

1. A classified employee may not be laid off if a limited-term employee is retained to render a service that the classified employee is qualified to render.

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2. Limited-term employees are not subject to the 45-day layoff notice requirement.

CHANGES:

Insert paragraph H. to reflect January 1, 2004 legislative change.

AFT College Staff Guild Contract, 2005-2008

Selected Article

ARTICLE 13, LAYOFF

A. Notification of Layoff

Classified employees subject to layoff shall be given notice of layoff not less than sixty (60) days prior to the effective date of layoff and informed of their displacement rights, if any, and reemployment rights. Such sixty (60) day notice requirement shall be waived if the layoff is scheduled to occur within sixty (60) days of employment or reemployment. In such case, the notice shall be given at the time of the offer of employment or reemployment.

B. Order of Layoff and Reemployment

Procedures shall be in compliance with Education Code Sections 88015, 88017, 88117, and 88127; and in accordance with applicable rules and regulations established pursuant to said sections including but not limited to Personnel Commission Rules concerning layoff.

C. Demotion, Voluntary Reduction in Assigned Hours or Retirement in Lieu of Layoff

All Unit I employees as defined in D. below and including those Unit I employees who elected retirement, reduction in hours, reduction in class, or reduction in status in lieu of layoff shall be afforded all rights provided under all applicable Education Code provisions and applicable Personnel Commission Rules. If an employee who elected demotion in lieu of layoff subsequently promotes, he/she shall promote from the step of the salary schedule of the class from which he/she was laid off, provided that the rate of that step is higher than the employee's current rate.

D. Layoff Defined

Layoff is defined as separation from regular service because of lack of work or lack of funds, or because the position has been abolished or reclassified.

E. Reemployment List

An employee who has exhausted all leave privileges after illness or accident shall be placed on a reemployment list for a period of 39 months and shall be considered laid off.

F. Effects of Layoff

1. Seniority Rosters

The District will provide AFT with seniority roster(s) which shall include the names of all unit members to be laid off, classifications and locations. This roster shall be given to the AFT prior to the notification to the unit members.

2. **Content of Notice of Layoff**

Written notice of layoff shall include at least the following:

- a. The effective date of layoff
- b. Displacement rights of the employee
- c. Reemployment rights of the employee
- d. The date, time, and place of a scheduled meeting with the Senior Associate Vice Chancellor of the Division of Human Resources or his/her designee and the employees to discuss the employees' displacement rights; such meeting shall be within ten (10) working days of mailing of written notice of layoff. The AFT shall receive a form copy of the letter to the employees and may attend the meeting.

3. **Leave of Absence Prior to Layoff**

Any regular unit employee who has received notice of layoff may, at the option of the employee, take a leave of absence from the date of such notice until the effective date of layoff. Seniority credit shall be accumulated during the leave of absence. Rescission of the notice of layoff shall cancel all such leaves. Employees shall be allowed twenty-eight (28) calendar days in which to return to employment.

4. **Severance Pay and Fringe Benefit Maintenance**

- a. An employee whose regular employment with the District has been terminated because of layoff under the provisions of Paragraph D., above, and the employee is not reemployed or offered reemployment by the District in regular status within (sixty) 60 calendar days of the date of layoff shall receive a severance grant. The severance grant shall be equivalent to the dollar value of the annual earnable vacation which would be earned by the employee applying the earning rate in effect at the close of the pay period immediately preceding the date of layoff. The severance grant shall be computed by multiplying the hourly vacation earning rate times the number of hours assigned per pay-period times the number of pay periods assigned in a calendar year times the hourly wage rate of the employee. Employees who elect retirement in lieu of layoff shall receive the severance grant and all applicable benefits.

If an employee is reemployed or offered reemployment within the (sixty) 60 calendar day period and the employee has already received the severance grant, the employee shall refund the full amount of the severance grant to the District. The District and the employee will establish a mutually agreeable repayment plan which provides for full payment within 12 months from the date of reemployment or offer of reemployment.

- b. Hospital/medical, dental, vision care and life insurance coverage shall be maintained at existing levels according to the following schedule.

| Years of Service | Months of Continuation After Layoff |
|--------------------------------|--|
| Less than 6 Years | 2 months |
| 6 years but less than 10 years | 4 months |
| 10 years or more | 6 months |

- c. If a laid off employee is covered by health/medical programs under other employment during the period mentioned in 4.b. above, the District's provided coverage shall cease. The District shall provide AFT Staff Guild with proof of "other" coverage for the laid off employee of Unit I before terminating District coverage.
- d. In the event a laid off unit member who is covered under provision of 4.b., above dies during the period of coverage, the District will continue fringe benefits for the dependents in the same manner as outlined in Article 21.
- e. Laid off employees shall be paid any salary due the employee including unused vacation, and severance grant no later than twenty (20) working days from the date of layoff.
- f. Layoff is not a break for vesting purposes for Health and Welfare benefits.
- g. Every employee with seven (7) or more years of regular service in the Los Angeles Community College District, who is laid off, and who retires from PERS or STRS within one (1) year from the effective date of layoff, will be eligible for continuation of fringe benefits, as a retiree in accordance with Article 21 of this Contract.

5. **Procedures for Recall to Regular Positions**

- a. The laid off employee shall be required to maintain a current mailing address on file with the Division of Human Resources.
- b. Offers of reemployment shall be by telephone directly to the employee or by certified mail (including copy sent to employee by regular mail) to the employee's last known address if unable to contact by telephone. If the laid off employee refuses the telephonic offer of reemployment, a confirmation letter shall be sent via certified mail. A copy of all certified letters shall be sent by the District to the AFT.
- c. A laid off employee who received an offer of reemployment shall have up to twenty-eight (28) calendar days in which to report to work.
- d. Employees laid off from employment shall continue to receive all District Classified Employment Opportunity Job Bulletins and Voluntary Transfer/Reassignment Bulletins for the duration of the reemployment list.

Said Bulletins shall be sent via U. S. mail to the last known mailing address.

G. Job Placement Prior To And After Layoff

1. The District shall form a task force to assist employees scheduled for layoff and for those employees who have been laid off. An AFT representative shall be given released time to serve on the task force.
2. The employees to be laid off and employees who have been laid off may submit a resume indicating current and past work experience, educational qualifications and certifications and levels of training.
3. Reasonable casual leave shall be granted to enable employees to interview for other positions.

H. Retraining

1. Every employee laid off and not expected to return to service will be eligible to enroll in any College within the Los Angeles Community College District for six (6) semesters and the District will pay enrollment fees.
2. Notwithstanding any other provisions of this agreement, those employees enumerated in C. above, except retirees, shall be to entitled to retraining and study leave to prepare themselves for new positions in accordance with rules and procedures developed by the Retraining and Study Leave Committee.
3. Notwithstanding any other provisions of this agreement, those employees enumerated in C. above, except retirees, shall be entitled to retraining according to Article 17, Section D.
4. Employees scheduled for layoff shall also be eligible for refraining in accordance with Article 17.

I. Re-openers

If at any time during the term of this agreement, the Board of Trustees takes action to lay off Unit I employees, as defined in D. above, the parties agree to reopen negotiations on item F.4. (Severance Pay).