

**LAYOFF/REHIRE****Classified Personnel**

In the absence of collective bargaining provisions to the contrary, the following policy regarding layoff and reemployment of classified employees shall apply.

Layoffs

Layoffs shall occur for lack of work or lack of funds. Seniority shall be considered in determining the order of layoffs. Employees subject to layoff shall be notified in writing of the proposed layoff not less than sixty (60) calendar days prior to the proposed effective date of the layoff.

Order of Layoff

Any layoff shall be effected within a class. The order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time within the class, plus higher classes, shall be laid off first. Higher class means a class with the same or higher salary range placement. Seniority shall be determined by the number of non-overtime hours an employee has been in paid status in the class, plus higher classes. For service performed prior to July, 1971, seniority shall be calculated on the basis of eight hours credit for each day an employee was in paid status. Equal seniority situations shall be resolved by a flip of a coin or other method as determined and agreed between the affected employees and the Superintendent.

Bumping Rights

An employee to be laid off from his/her position may elect to bump the most junior employee in the class who works the same number of non-overtime daily and annual hours. If there be no such employee in the class junior to the employee to be laid off, he/she may bump the most junior employee working fewer hours, but most nearly equal to his/hers. If there be no such employee, he/she may bump into a lower class where the employee has accrued seniority through prior service in the class. Seniority in the lower class shall be determined by seniority bumping into lower classes in which he/she has accrued seniority in order to avoid separation from employment. Employees who exercise bumping rights retain all of the reemployment rights to the class and the hours from which originally laid off. Employees who are bumped by more senior employees shall be free to exercise their bumping rights in order of seniority.

Vacant Positions

Any vacant position within a class shall be deemed to be the least senior employee in the class, and shall be bumped into without advertising the vacancy. However, an employee may not bump into a vacant position in the original class with a greater number of non-overtime hours, or into a vacant position in a lower class with a greater number of hours if it would result in an increase in total wages considering the lower rate of pay.

Right to Reemployment

Laid off employees are eligible for reemployment in the class and hours of employment from which laid off for a period of thirty-nine (39) months, and shall be reemployed in order of seniority. Acceptance, or refusal to accept, a reemployment offer to a position with lower class status or shorter hours than that from which laid off shall not diminish an employee's reemployment rights. Laid off employees shall have the right to apply for other positions within the Office as if they were in active status. Any rights to promotional or transfer preference granted active employees by this policy shall apply in like manner to laid off employees on reemployment lists.

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff, reclassification or reassignment shall retain eligibility to be considered for reemployment in a position of the previously held class or positions with increased assigned time, provided that the same tests of fitness under which they qualified for appointment to the class are still applicable. The length of this additional period of time shall not exceed 24 months. The specific period of eligibility for reemployment shall be determined by the Personnel Commission on a class-by-class basis.

Reemployment Notice

Whenever a reemployment list is in effect for a class, the Office shall be responsible for providing written notification of appropriate openings to employees on said list by placing said notice in the U.S. Mail, postage prepaid, to the last known address of the employee.

Required Employee Response to Reemployment Notice

Employees on reemployment lists who desire to return to active status shall notify the Personnel Office of their intent to accept or refuse reemployment within seven (7) working days following the mailing of the reemployment notice or five (5) calendar days after telephone or personal contact. Failure to notify the Personnel Office within the timeline will constitute refusal. If the employee accepts reemployment, the employee must report to work within fifteen (15) work days or as otherwise agreed upon.

Status upon Reemployment

Any permanent classified employee who voluntarily resigns may, at the discretion of the Superintendent, be reinstated or reemployed in his/her former classification or in a related lower class or a lower class in which the employee formerly had permanent status. If the period of separation is less than 39 months, the employee's break in service shall be disregarded and the employee's original date of hire and accumulated sick leave credit shall be restored. At the discretion of the Superintendent, the employee may be appointed at the same step which he/she held at the time of separation.

A regular classified employee who resigns involuntarily due to layoff and is reinstated into his/her former classification within 39 months of separation

from employment, shall be appointed at the same step which he/she held at the time of the layoff.

If the period of separation exceeds 39 months, a new date for establishing seniority, longevity pay increments and other rights and benefits shall be established by the Superintendent.

#### Seniority Roster

The Office will maintain a seniority roster for all classes, which shall be updated not less often than annually.

#### Combined Class

Employees serving in a combined classification, incorporating the duties of separate classes into one position, shall accrue seniority in the component classes in the same manner as for the combined classification, in amounts which reflect the proportion of regular non-overtime hours served in each of the component classes.

#### Severance Pay

If any employee is laid off due to lack of work or lack of funds, he/she will receive the equivalent of three weeks of regular pay in addition to all earned salary payable in the final warrant. To be eligible for severance pay, an employee must have served at least three consecutive years with the Office. If lay off is due to unconfirmed position funding, severance pay will be withheld pending confirmation of funding. If the position is refunded and the employee is reemployed, severance pay shall not be paid. Severance pay in all other circumstances shall be at the discretion of the Superintendent.

#### Insurance Benefits Following Layoff

An employee who is to be separated from employment through layoff who has served not less than five (5) full academic/calendar years of service with the Employer shall continue to be enrolled in, and receive the same level of Employer contribution of premiums for, health and welfare insurance plans currently provided to active classified employees for a period of two (2) months following the date of layoff. This benefit shall apply only to employees enrolled in Employer paid insurance plans at the time of layoff and who have not yet been employed by any other organization or firm having a health benefit program.

At the conclusion of eligibility for Employer-paid health and welfare insurance, laid off employees will be offered the opportunity to continue to participate, at their expense, in the Office's health and welfare benefit plans in accordance with, and for the time period allowed by, federal law (COBRA).

## **Personnel**

## **Superintendent's Policy 4217.3(d)**

### *Legal reference*

*EDUCATION CODE*

*45101 Definitions*

*45298 Reemployment and promotional examination preference of persons laid off; voluntary demotions or reductions in time*

*45308 Order of layoff and reemployment; length of service*

*45309 Reinstatement of permanent noncertified employees after resignation*

*UNITED STATES CODE, TITLE 26*

*4980B COBRA continuation coverage*

*UNITED STATES CODE, TITLE 29*

*1161-1168 COBRA continuation coverage*

*CODE OF FEDERAL REGULATIONS, TITLE 26*

*54.4980B-1-54.4980B-10 COBRA continuation coverage*

Policy

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**HUMBOLDT COUNTY OFFICE OF EDUCATION**

**Eureka, California**