

Classified Layoff Information Session

May 27, 2021

Zoom Meeting, Hosted by CSEA and CUSD Human Resource Services

Agenda

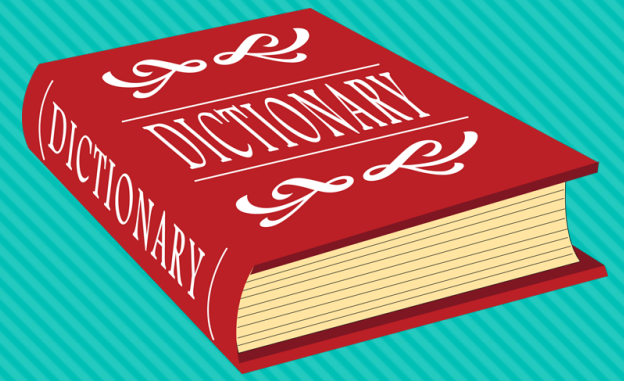
- Definitions related to layoffs
- Order of layoff
- Rights of employees in the layoff process
- Time for questions about the layoff process only

- Questions you may have may be covered during the presentation. Please wait until the presentation is completed to ask questions
- Questions about personal layoff situations will not be covered



Definitions

- A layoff is any reduction in hours of employment or assignment to a classification lower than that in which the employee is currently serving
- A layoff is any reduction in hours of employment or assignment to a classification lower than that in which the employee is currently serving
- Displacement (bumping)—The right of an employee in a classification subject to layoff to displace employees in current classification or classification(s) previously held



Definitions Continued

- **Classification = Your job title**
- **Lower Classification**—a classification currently placed at a lower range on the salary schedule than that of the affected employee
- **Higher Classification**—a classification currently placed at a higher range on the salary schedule than that of the affected employee
- **Length of Service**—Date of hire in a classification
- **Seniority**—Length of service within a classification plus higher classification

Employee Rights in a Layoff



- Employees who will be laid off are entitled to 60 calendar days notice
- Seniority establishes the order of layoff
- Seniority establishes one employee's right to displace (bump) another employee
- Seniority is determined by time in class plus higher classes
- If two employees have the same start date in the same classification, then seniority is determined by original date of hire
- If original hire date is the same, seniority would be determined by lottery with CSEA representatives being present



Reasons for a Layoff

- Reason(s) for layoff are lack of work or lack of funds. Layoff results in the elimination of a position or reduction in assigned time
- 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 or lack of funds. Affected employees shall be given notice of layoff not less than 60 calendar days prior to the effective date of layoff and informed of their displacement rights, if any, and reemployment rights

How is Seniority Determined?



- Length of service in a classification shall be the only criterion to determine seniority
- Seniority is determined by the number of people in your classification District-wide. The time you've been at a particular site is not a factor
- In the event two or more employees in the same classification hold the same seniority date, the employee with the most time employed in the district shall be determined to be more senior
- In the event that total time employed in the district is the same, seniority order shall be determined by lot. Drawings by lot will be observed by an Association representative

Seniority Continued



- Employees must have held a position in a classification to accrue seniority
- If an employee is assigned to a position in a lower classification, seniority accumulation for the higher classification discontinues
- When reclassification results in the upgrade of the classification, seniority date shall be the effective date of reclassification unless the District and Association agree otherwise in writing

What Does Not Count in Seniority



- Time as a substitute employee
- Time in a temporary position
- Time in an exempt position
- Time during a separation from the District

Order of Layoff

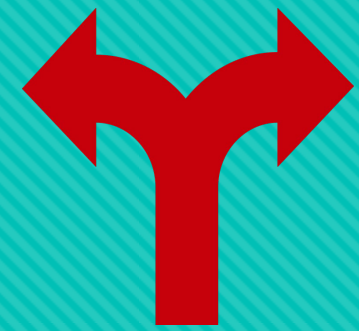


- The order of layoff within the classification shall be determined by seniority. The employee who has been employed the shortest time in the classification plus higher classifications, shall be laid off first
- Senior employees bump the least senior employee in the classification that has at least the same number of hours per day and months per year.
- In the event that a bump of equal of hours per day and months per year is not available, the employee shall bump the least senior employee in the classification that is the closest to the daily hours per day and months per year

Order of Layoff Continued



- The same standard will be applicable to employees bumping into a lower classification for which they have bumping rights
- If a vacancy exists within the same classification, the employee affected by layoff shall be offered vacant positions based on seniority, and if possible
- If no vacancy exists within the same classification, the employee affected by layoff from their present classification may bump into the classification previously held, provided sufficient seniority is held



How Does Bumping Work

- Seniority lists are created by CUSD and reviewed by CSEA for accuracy
- Number of months worked per year is not a consideration for seniority purposes. For example, a 9.5 month and a 12 month position would be treated equally
- Work in a previous classification allows an employee to bump a less senior employee currently in that classification
- Employees cannot bump someone in a higher classification/pay range in the same job family
- If classification no longer exists, employee has no displacement rights to a newer position that may have replaced an outdated one

Rights of Rehire



- Names of employees who are laid off, displaced or have hours reduced in lieu of layoff shall be placed on the rehire list for the classification from which they were laid off
- The rehire list for a classification shall be used before any other means of filling vacancies
- Employees who are laid off are eligible for rehire for a period of 39 months and shall be reemployed before new applicants
- Employees who are on layoff have the right to participate in promotional examinations within the District during the period of 39 months

Rights to Rehire Continued



- Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be granted the same rights as persons laid off and shall retain eligibility to be considered for rehire for an additional period of up to 24 months
- Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall have the option of returning to a position in their former classification or to positions with increased assignment time as vacancies become available

Retirement in Lieu of Layoff



- An employee who elects retirement from CalPERS shall be placed on the appropriate rehire list
- The District will notify CalPERS that the retirement was due to layoff
- If the employee receives an offer of rehire, the District will notify CalPERS and hold the position open until CalPERS has processed the employee's request for reinstatement from retirement

Closing



- Staffing for 2021-2022 Will become more clear as information is available about enrollment, student needs and final plans for reopening are completed and approved by the Board of Trustees
- Reach out to CSEA or CUSD Human Resource Services with Questions (Cindy Knight)
- Go to the California Employee Development Department website for questions about unemployment. <https://edd.ca.gov/>
- Thank you for your time today

Questions?