

Seniority, Layoff, and Reemployment

GBP 15 - SENIORITY, LAYOFF, AND REEMPLOYMENT

15.1 DEFINITIONS

15.1.1 Seniority

Seniority is defined as and is based upon length of service with the District as a classified employee. For the purpose of this Article, length of service shall be based upon the unit member's original hire date in classified service. Unit members who move to an equivalent or higher classification accumulate seniority from the date of hire into that classification, and continue to accumulate seniority in former lower or equal classifications that are in the same job family. Seniority shall accumulate during paid absences.

15.1.2 Job Family

A job family consists of classifications that are related to each other as defined in Appendix ___ - Job Families

15.1.3 Displacement (Bumping)

Displacement is determined by the length of service in the class from which the layoff occurs plus higher classes in the same job family. Employees who take voluntary demotions or reductions in assigned time to avoid layoff are entitled to increased assigned time or appointment to vacancies in their former classes based upon seniority.

15.1.4 Entire Article

The above definitions apply to this entire Article.

15.2 LAYOFF/REEMPLOYMENT

The District may lay-off classified employees for lack of work, or lack of funds. The determination of the need to lay-off shall be made solely by the Governing Board.

15.2.1 Notice of Layoff

The District shall notify the affected employees in writing a minimum of forty five (45) calendar days prior to the effective date of any layoffs.

Tentative Agreement
District – CCE Negotiations
January 22, 2007

Seniority, Layoff, and Reemployment

The District shall provide CCE with the reason for layoff, and identify by name and classification the employees designated for layoff at least 55 calendar days prior to the effective date of any layoff.

15.2.2 Order of Layoff

Any layoff shall take place within a class. The order of layoff shall be based on hire date within the class, plus seniority in higher classes in the same job family. The employee who has been employed the shortest time in the class, plus higher classes shall be laid off first.

15.2.3 Displacement (Bumping)

A regular employee in the classified service who is laid off from a class, and who has previous service in an equal or lower class, shall have the right to displace an employee with less seniority in the equal or lower class.

15.2.4 Voluntary Demotion or Transfer

A regular classified employee being laid off who has no displacement rights may accept a voluntary demotion to a vacant position in a lower class or transfer to an equal class, provided that the employee is qualified to perform the duties thereof, and provided further that the Governing Board approved the voluntary demotion.

15.2.5 Layoff versus Temporary Positions

Subject to the provisions of Ed. Code 88017, the District retains the right to fill positions with temporary, hourly, and/or short term assignment workers. Laid-off employees, if qualified, shall have preference for such positions that have an assignment period of 46 days or more, for the duration of their reemployment rights unless three (3) offers of short term employment have been refused by the employee. No seniority will accrue for any short term assignment filled by a laid-off District employee.

15.2.6 Layoff Procedures

In the event of layoffs of regular employees in the classified service, the following procedures shall be utilized:

15.2.6.1 Layoff shall be implemented in inverse order of seniority in the class in which the layoff occurs. The employee, who has been

Tentative Agreement
District – CCE Negotiations
January 22, 2007

Seniority, Layoff, and Reemployment

employed the shortest time in the class, plus higher classes, shall be laid off first.

In cases where an employee's work history with the District includes position title(s) that may have been changed due to reclassification or organizational modifications, the District will consult with the CCE/AFT in determining seniority for these employees.

- 15.2.6.2 The names of permanent and probationary employees laid off shall be placed upon the reemployment list for the class from which they were laid off. Names on the reemployment list shall be in the order of seniority.
- 15.2.6.3 If two (2) or more employees subject to layoff have identical hours in paid service, then the determination shall be made by drawing lots.
- 15.2.6.4 Laid off employees are eligible for reemployment in the class from which laid off for thirty-nine (39) months from the effective date of layoff and shall be employed in the reverse order of seniority. Their reemployment shall have preference over any other method of filling vacancies in classes incurring layoff. An employee on a reemployment list shall be notified of promotional opportunities and shall be entitled to apply through the regular selection process.
- 15.2.6.5 Regular employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, reemployed in their former class or to positions in the former class with increased assigned time as vacancies become available, for a period of thirty-nine (39) months plus twenty-four (24) months. Employees who are demoted in lieu of layoff shall remain on the reemployment list until their rights are exhausted, or until they have regained the assignment from which they were laid off.
- 15.2.6.6 Regular employees who have been employed at least five (5) years under Public Employees Retirement System and are fifty

Tentative Agreement
District – CCE Negotiations
January 22, 2007

Seniority, Layoff, and Reemployment

(50) years of age or older may elect to accept a service retirement in lieu of layoff, voluntary demotion, or reduction in assigned time. Such employees shall, prior to the effective date of the proposed layoff, complete and submit a form to the Public Employees Retirement System provided by the Human Resource Services department for this purpose. The employee shall then be placed on a thirty-nine (39) month reemployment list in accordance with this regulation. The District agrees that when an offer of employment is made to an eligible person retired under this regulation, and the District receives within ten (10) working days a written acceptance of this offer, the retired person shall be allowed sufficient time to terminate his or her retired status with Public Employees Retirement System.

- 15.2.6.7 The District shall establish and maintain a seniority roster indicating an employee's hire date. Such roster shall be available to employees through the Human Resource Services office of the District.

- 15.2.6.8 Employees laid off shall maintain District-paid employee benefits for the remainder of the month in which the effective date of the layoff occurs and for one month subsequent. Employees shall be eligible to use up to five (5) days of accrued sick leave for job search purposes subsequent to the notice of layoff, and prior to the effective date of layoff.

- 15.2.6.9 An employee who is laid off and is subsequently eligible for reemployment shall be notified in writing by the District of an opening. Such notice shall be sent by certified mail to the last address given the District by the employee.

- 15.2.6.10 A regular employee shall notify the District of his or her intent to accept or refuse reemployment within ten (10) working days following the mailing of the reemployment notice. If the employee accepts reemployment, the employee must report to

Tentative Agreement
District – CCE Negotiations
January 22, 2007

Seniority, Layoff, and Reemployment

work within thirty (30) working days following the mailing of the reemployment notice. An employee given notice of reemployment need not accept the reemployment to maintain their eligibility on the reemployment list.

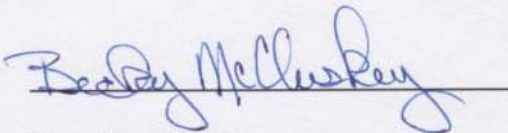
15.3 GRIEVANCE EXCLUSION/FULL AND COMPLETE NEGOTIATION

The District and the union agree that any District decision to lay off, as well as its determination of a lack of work or lack of funds for such layoffs, shall be excluded from the provisions of BP CCE/AFT-23; Grievance Procedure.

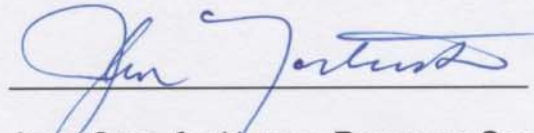
Date: February 12, 2007

For the CCE:

For the District:



President CCE



Asst. Supt. for Human Resource Services