

Layoffs

The Facts About Layoffs

There are only two reasons classified employees can be laid off: “lack of work” or “lack of funds.”

If you are laid off, the District is required by law to give you forty-five (45) days notice. The law also mandates that layoffs occur by seniority within a single classification on a district-wide basis.

How Is Seniority Determined?

California Education Code states employees with the shortest length of service would be laid off first.

California Education Code 45308

For purposes of this section, in school districts with an average daily attendance below 400,000, 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 45128. Nothing in this section shall preclude the governing board of a school district from entering into an agreement with the exclusive representative of the classified employees that defines "length of service" to mean the hire date. For purposes of this section, in school districts with an average daily attendance of 400,000 or more, for service commencing or continuing after January 1, 1986, "length of service" shall be determined by the date of hire.

If you have served in lower classifications you have the right to “bump” back down into a previously served lower classification if your total seniority based on the hours earned in the higher classification and the lower classification to which you are bumping are greater than an incumbent in the lower classification.

What does your contract say?

The law allows districts to make the “decision” to layoff employees for lack of work or lack of funds. However, districts must bargain over the effects of a layoff. Your contract may have language governing the layoff process. Be sure to check the language. Your negotiation team may negotiate additional “effects of layoff” to improve the rights and benefits of those subject to layoff.

In worst-case scenarios, laid-off workers are unable to get another position in the District and become unemployed. Again these workers still have rights: unemployment insurance and reemployment status to name a few. Reemployment status means that the District must reemploy a laid off worker who is qualified to fill a vacant position in his/her former classification in the District rather than hire someone new.

Can you be laid off without warning?

In virtually all circumstances, classified employees, even probationary employees, must receive at least a forty-five (45) day advance notice of a proposed layoff by state law. The notice must inform you of your bumping rights, if any, and return rights. The only exception to this state law mandate is if the employer has no money to meet its payroll or you cannot work due to unforeseen circumstances like a natural disaster.

The AFL-CIO offers an entire website dedicated to unemployment help. Learn some of the best strategies, techniques and tools to help you survive hard times on the best possible terms.

<http://www.aflcio.org/issues/jobseconomy/unemployment/>