

# *Layoff and Reemployment Information for Classified Employees: Frequently Asked Questions (FAQs)*

Are you being impacted by layoff within the District? Here are answers to many of the questions you may have about this stressful, complicated process.

## **What rights do I have during the layoff and reemployment process?**

- The provisions governing layoffs and reemployment are reference in Education Codes 45117 (*Notification of Layoff*), 45298 (*Reemployment and Promotional Examination Preference of Persons Laid Off*) and 45308 (*Order of Layoff and Reemployment*). Additionally, these provisions are further outlined in Personnel Commission Merit Rules Chapter XIII – *Seniority, Layoff, Displacement and Reemployment*. Most of these provisions are covered in the questions and answers below.

## **What is a classification?**

- The official District title given to a position.

## **What is a layoff?**

- Action taken by the Board of Education to separate an employee from a permanent or probationary position because of lack of work *or* lack of funds.

## **What is a reduction?**

- Action taken by the Board of Education to shorten a position in hours or days or months worked.

## **What is seniority?**

- For all employment in the regular classified service, seniority shall be determined by the employee's original date of hire in a classification plus higher related classifications. Used to determine order of layoff and displacement (bumping) within each classification.

**What is a reemployment list?**

- List consisting of the names of employees laid off in each classification who are eligible for reemployment without re-examination in the classification from which they were laid off.

**What is displacement?**

- Displacement of an employee by another employee with greater seniority within the classification.

**How much notice of layoff/reduction will I get?**

- You will receive at least a 45 calendar day written notice as required by the Education Code.

**What happens if my position is reduced in hours or abolished?**

- Official notification will come from the Human Resources Department in the form of a letter after the Board of Education takes action. Commission Staff will contact you before you receive your written notice to inform you of any displacement options.

**What happens if I get displaced by someone?**

- You are extended the same rights that they had (45 calendar day written notice, the opportunity to exercise your displacement rights, if any, and reemployment rights).

**Can I displace into a position in a classification that I have never held?**

- No. You can only displace into a classification in which you have previously held permanent status.

**Can I be told where I'd displace before I make that decision?**

- Yes.

**If I elect to "displace," can I choose where to displace?**

- No. Displacement is determined by seniority.

**If I worked as a substitute or limited-term employee in a classification, does this time count towards my seniority?**

- No, this time does not count. Only time served as a regular employee counts towards seniority in a classification.

**How long would my name remain on the reemployment list?**

- Persons laid off because of lack of work or lack of funds are eligible for reemployment for a period of 39 months and shall be reemployed in preference to new applicants. Employees who take voluntary demotions or reductions in assigned time in lieu of layoff or to remain in their present positions rather than be reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of 24 months.
- Displacement into a lower classification under these Rules shall be considered a voluntary demotion and shall qualify you for “Y” rate salary placement.

**If I am on a reemployment list and turn down an offer of employment, what happens to me?**

- If you are on the reemployment list you may decline two offers of permanent appointment to positions of equal or greater value as the position you were laid off from without affecting your status on the list. After the third refusal, no additional offers need be made and you shall be considered unavailable until you indicate your availability in writing to the Director of Classified Personnel. Always keep your contact information updated so we can reach you even if you are no longer employed with SMMUSD.

**If a new position is approved and I am on a reemployment list for that classification, what happens?**

- Persons who are laid off or reduced are placed on a reemployment list for the classification from which they were laid off or reduced, in order of their classification seniority which is in reverse order of layoff. The reemployment list for a classification supersedes any eligibility lists for that classification. The laid off or reduced employee with the most seniority is first offered the position and if that person declines the next most senior is offered the position and so on until someone accepts or the list is exhausted.

**If I have questions about unemployment insurance, who do I contact?**

- For information about unemployment, you can contact the California State Employment Development Department at 800-480-3287 or visit their website at <http://www.edd.ca.gov/> 

**If I am laid off, what happens to my health benefits? Am I eligible for COBRA?**

- A separate list of questions and answers regarding the effect of layoffs on Classified employee health benefits is available the Human Resources Department

**If I am laid off from the District, what happens to my accrued vacation and sick time?**

- All unused vacation time will be paid out. The pay dates will vary for each individual depending on their last day of work. Unused sick time will remain on the books and if you are hired back from a reemployment list the sick time will be reinstated as if you never left. If you are hired by another public agency unused sick time may be transferrable.

**What happens to my retirement funds if I am laid off from the District?**

- You can contact CalPERS for available options at 888-225-7377 or visit their website at <http://www.calpers.ca.gov/> 

**Who do I contact for information?**

- If you have further questions about the layoff and reemployment process, displacement services, or questions regarding your specific situation please contact:

\*\*Human Resources Department 310-450-8338 ext. 70220

\*\*Personnel Commission 310-450-8338 ext. 70279