

VENTURA COUNTY OFFICE OF EDUCATION

SUPERINTENDENT POLICY NO. 4217.3

ADOPTED: 02/14/96

CLASSIFICATION: Personnel

REVISED:

SUBJECT: Layoff/Rehire

Classified employees shall be subject to layoff for lack of work or lack of funds. Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service in the class or higher classes. The employee employed the shortest time in the class, plus higher classes, shall be laid off first. An employee of the Classified Service who previously held status in a lower classification of the Classified Service may elect to take a voluntary demotion to the lower class in lieu of layoff. In this event, the employee would be appropriately ranked for seniority and subsequent layoff in that classification. In event of layoffs in the lower class, service in the higher class would be included for determining seniority in the lower class.

Reemployment shall be in the reverse order of layoff.

“Length of Service” shall be determined by total time in paid status, but does not include hours compensated on an overtime basis or any service performed prior to entering into a probationary or regular status in the classified service. (E.C. 5114 and 45308)

“Classified Service” shall mean every position not requiring certification qualifications, with the following exceptions:

- Substitute Employees
- Part-time playground positions
- Apprentices and experts employed on a temporary basis for a specific project
- “Restricted” employees as defined in E.C. 45105
- Students in a work study program
- C.E.T.A. employees
- Short-term employees

“Short-term” employees shall be construed to mean any person who is employed to perform a service for the office, upon the completion of which, the service required, or similar service, will not be extended or needed on a continuing basis. (E.C. 45103).

When, as a result of a reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff, the affected employee shall be given notice of layoff thirty (30) days prior to the effective date of his or her layoff, and informed of his or her displacement and reemployment rights.

In the event of layoff for lack of funds or layoff for lack of work resulting from causes not foreseeable or preventable, the layoff may be initiated without prior notice. (E.C. 45117)

When a member of the classified service is laid off for lack of work or lack of funds, the employee shall be eligible for reemployment for a period of thirty-nine (39) months and shall be ranked on a re-employment list in the order of seniority. The employee shall be re-employed in preference to new applicants.

Persons laid off have the right to participate in promotional examinations during the thirty-nine (39) months.

Employees who take voluntary demotions in lieu of layoff or voluntary reduction in assigned time shall be granted the same rights as persons laid off and shall retain eligibility to be considered for re-employment for an additional twenty-four (24) month period; provided that the same tests of fitness under which they qualified for appointment to the class shall still apply.

“Assigned time” is defined as the normal scheduled hours in a work day or work week. Employees who take a voluntary demotion or voluntary reduction in assigned time shall, at the option of the employee, return to a position in their former class or to positions with increased time assigned as vacancies become available and without limitation of time, but if there is a valid re-employment list, they shall be ranked on that list in accordance with their proper seniority. (E.C. 45114 and 45298)

An employee who elects to take a voluntary demotion in lieu of layoff shall be assigned the position in the lower class by the County Superintendent or designated representative.

Any employee who was subject to layoff for lack of work or lack of funds or who was laid off and elected service retirement from the Public Employees Retirement System (PERS) shall be placed on the appropriate re-employment list. The Board of Administration of PERS shall be notified that retirement was due to layoff for lack of work or funds. If the person is subsequently subject to reemployment and accepts, in writing, the appropriate vacant position, the vacancy shall be maintained until the Board of Administration of PERS has properly processed the request for reinstatement from retirement. (E.C. 45115)

Definition:

Re-employment - To re-hire an individual that was previously an employee of the Ventura County Office of Education, who does not qualify for reinstatement. (If re-employed, the individual will be entitled to the same benefits as any new employee of the organization.)

Reinstatement - To re-hire an individual that was previously an employee of the Ventura County Office of Education, who meets the criteria for reinstatement of certain rights and benefits that may have accrued during the period of previous employment.

Any former employee who voluntarily resigns from a position in the County Office of Education may, subsequently apply for any vacant position in the County Office of Education. All qualifications for the position must be met. The former employee has no specific rights to re-employment or reinstatement.

Criteria for Reinstatement: Any non-probationary employee who voluntarily resigns from a regular position may request reinstatement to a position in the County Office of Education.

Reinstatement must take place within thirty-nine (39) months after the last day of paid service. The employee's final performance evaluation must have been satisfactory and reinstatement is conditioned upon the approval of the department head to fill an existing vacancy.

If reinstatement is effected to the same classification or lower classification within the same job family (i.e. former Clerical Assistant III reinstated to Clerical Assistant II), all rights, benefits and burdens of a non-probationary employee shall be restored. If reinstatement is effected to a different or higher classification, the probationary period specified for the position will apply. (E. C. 45309)

Benefits of Reinstatement:

Upon reinstatement, sick leave accrued at the time of termination shall be reinstated. If sick leave was previously transferred to another public education agency, only sick leave available for transfer from the last public education employer shall be reinstated. (E.C. 45309)

Upon reinstatement, the vacation accrual rate and seniority for the period of time in a paid status shall be reinstated. (E.C. 45309)

Upon reinstatement to the same classification, step placement on the salary schedule shall be reinstated. If reinstated to a different position, step placement on the salary schedule shall be determined by the County Superintendent of Schools based on the individual situation. (E.C. 45309)

If reinstated after September 30, 1988, entitlement to retiree health benefits shall not be reinstated.