

**CHAPTER IX
RESIGNATIONS, LAYOFF AND REEMPLOYMENT**

9.1 RESIGNATION

- A. RESIGNATION DURING PROBATION. A person who resigns while in good standing during his probationary term may be returned to his original place on the eligibility list at the discretion of the Commission provided said list is still in effect. A person who resigns because of inability to successfully perform the responsibilities will have no standing under this rule.
- B. APPOINTMENT AFTER RESIGNATION. A former employee who resigned in good standing and who is appointed from a valid eligibility list shall be accorded only the benefits and rights of a new employee in probationary basis.
- C. REINSTATEMENT AFTER RESIGNATION. A permanent employee who resigned may be reinstated in a permanent or limited term assignment to his former position or a position in a former class or in a related class. An employee who resigned may also be reinstated in a lower class in which the employee formerly held permanent status or a position in a related lower class, without further competitive examination. A reinstatement must occur within 39 months after his/her last date of paid employment. If reinstated as a permanent employee, it shall be with the same seniority, sick leave, vacation allowance and other privileges which he had acquired at the time of resignation. The reinstated employee shall also receive the same step in the salary range as he would have been entitled to at the time of resignation, provided that the maximum salary step for his class is not exceeded.

Reinstatement under this section shall be at the discretion of the Board of Education and upon the recommendation of the department head under whom the employee is to serve.

Reference: California Education Code, Section 45309

- D. ABANDONMENT OF POSITIONS. An employee who fails to report for duty for three consecutive working days without notice to and/or approval from his immediate supervisor shall be deemed to have abandoned his position. This shall constitute resignation from the position and from the employment of the district by the employee. An employee who fails to return from a leave of absence within three working days after the expiration of leave shall be deemed to have abandoned his position.

9.2 LAYOFF (See Section 6.2 regarding refusal of appointments.)

- A. LAYOFF OF EMERGENCY, PROVISIONAL OR LIMITED TERM EMPLOYEES PRIOR TO PERMANENT OR PROBATIONARY EMPLOYEES. No permanent or probationary employee shall be laid off from any position while employees serving under emergency, provisional, or limited term employment are retained in positions of the same classification.

A limited term employee may be laid off at the completion of his assignment without regard to the procedures set forth in this rule.

- B. **COMPUTATION OF SENIORITY.** All service in the classification plus higher classifications shall count as seniority within the classification. Continuous status as a probationary or permanent employee within the classification, plus higher classifications shall determine seniority.

No seniority shall be earned during periods of separation from the service of the school district. A permanent employee who resigns and is subsequently reinstated shall accumulate seniority rights from his earliest date of entrance into the classification in which layoff occurs, excluding any breaks in service.

The word "classification" as used in this rule shall be interpreted to include two or more classifications having the same or equivalent duties and responsibilities when such classifications are the result of a reclassification action separating an existing classification into two or more classifications. Seniority for the purposes of this rule shall include the total service in each classification both before and after separation of the classification.

A permanent or probationary employee serving as a substitute or in a temporary upgrade shall accrue seniority in the class in which the employee currently holds permanent or probationary status.

- C. **DEMOTION FOLLOWING LAYOFF.** Following layoff a permanent or probationary employees may elect demotion to any classification with the same or a lower maximum salary in which he had previously served under a permanent or probationary appointment and in which he holds seniority rights greater than those of the incumbent. Any employee replaced by such a demotion shall have the same option of demotion afforded by this rule as if his position had been abolished.

An employee who is laid off may elect demotion to a lower classification in which he had not served in a permanent or probationary status if there is a vacant position in the lower classification. The employee electing a demotion instead of layoff must meet the minimum qualifications of the vacant position, as determined by the Personnel Commission.

9.3 REEMPLOYMENT

- A. **PROVISIONAL OR LIMITED TERM EMPLOYEES.** Provisional or limited term employees, whose services have been discontinued because of lack of work or lack of funds, shall hold no reemployment rights.
- B. **PERMANENT EMPLOYEES.** Permanent and probationary employees laid off because of lack of work or lack of funds, shall be placed upon a reemployment list in an order or rank determined by seniority computed in accordance with provisions of Rule 9.2.B. No

probationary employee shall be reemployed at a time when a permanent employee is upon the reemployment list. Persons whose names are placed on reemployment lists shall retain their rights to reemployment for a period of thirty-nine months, except as indicated in Education Code Section 45298 from the date of layoff or demotion.

- C. **REEMPLOYMENT IN LOWER CLASS.** An employee on a reemployment list may be reemployed in a position in a related lower class, without further competitive examination, over other candidates on the open or promotional eligibility list as a permanent, probationary or limited term employee providing he is physically able to perform the duties. Such candidates shall not have rights over candidates on the class reemployment list. If reemployed as a permanent employee, it shall be with the same seniority, accumulated sick leave, eligibility for vacation allowance and other privileges which he had acquired at the time of layoff and at the same step in the salary range as he would have been entitled to at the time of layoff provided that the maximum salary step for his class is not exceeded.

- D. **COMPENSATION AFTER REEMPLOYMENT.** If there has been a break in service following layoff, reemployment shall be at the same step in the salary range received at the time of layoff. The employee shall have the same seniority, accumulative sick leave, eligibility for vacation, and other privileges which he had acquired at the time of layoff.