

PERSONNEL COMMISSION

SANTA MONICA COLLEGE

MERIT RULES

CHAPTER XIII

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CHAPTER XIII -- SENIORITY, LAYOFF, DISPLACEMENT AND REEMPLOYMENT
(EDUCATION CODE SECTIONS 88014, 88015, 88017, 88117)

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CHAPTER XIII

SENIORITY, LAYOFF, DISPLACEMENT AND REEMPLOYMENT

Rule 13.1 SENIORITY PROVISIONS (EDUCATION CODE SECTION 88127)

13.1.1 SENIORITY DEFINED

- A. Seniority shall be defined as the length of time which a permanent classified employee has served in his/her class plus higher related classes.
- B. For service commencing on or continuing after July 1, 1971, length of service shall mean all hours in paid status in the class plus higher related classes during the regular school year, a recess period, a holiday, or an approved leave of absence with pay, but shall exclude hours compensated solely on an overtime basis.
- C. For service prior to July 1, 1971, length of service shall mean years of service in the class plus higher related classes. Seniority shall be credited for each year, month and day of service regardless of the assigned hours per day or months per year as follows:
 - 1. One year shall equal 2080 hours.
 - 2. One month shall equal 174 hours.
 - 3. One day shall equal eight (8) hours.

13.1.2

COMPUTATION OF SENIORITY

- A. Computation of seniority in the class shall include hours in paid status up to a maximum of 40 hours per week including:
1. Vacation, sick leave, military and other paid leaves.
 2. Limited-term (substitute or temporary) or provisional assignments held after gaining permanency.
 3. Additional part time hours in the employee's class.
 4. Hours which the employee has transferred from employment with the Santa Monica-Malibu Unified School District prior to separation of the classified service on July 1, 1980.
 5. Hours which the employee has transferred from permanent and continuous employment with the Santa Monica College Associated Student Body prior to July 1, 1985.
 6. Hours served in restricted status upon qualification of the employee as provided in Rule 3.1.7.G.
- B. Computation of seniority shall not include:
1. Hours served or compensated for in a limited-term (substitute or temporary) or provisional assignment prior to entering into the classified service as a probationary employee.
 2. Any hours compensated solely on an overtime basis.
 3. Time in unpaid status including unpaid leave and docked time.

TABLE 13-1 SENIORITY CREDIT UPON CHANGE OF CLASS

<u>RECLASS</u>		<u>SENIORITY</u>
<p>From</p> <p>Abolished Class</p> <p>Existing Class (not abolished)</p>	<p>To</p> <p>New Class</p> <p>Existing higher class</p> <p>Existing lateral class</p> <p>New class</p> <p>Existing class</p>	<p>Keep old seniority</p> <p>Start new seniority</p> <p>Keep old seniority</p> <p>Start new seniority</p> <p>Start new seniority</p>
<u>RETITLE</u>	<p>From</p> <p>Old Title abolished</p>	<p>To</p> <p>New Title established</p> <p>Keep old seniority</p>
<u>LATERAL TRANSFER</u>	<p>From</p> <p>Abolished class</p>	<p>To</p> <p>New class</p> <p>Existing class</p> <p>Keep old seniority</p> <p>Keep old seniority</p>

13.1.3

GENERAL PROVISIONS

- A. Whenever a tie in seniority in the class exists, it shall be broken according to the following order:
 - 1. The employee with the longest total service in the District shall be accorded the greater seniority.
 - 2. The employee with the greater seniority in the higher class shall be accorded the greater seniority.
- B. If two (2) or more employees continue to be tied, the Personnel Director shall provide for the employees to draw lots to break the tie.
- C. When reclassification results either in the merger of two (2) or more classes into a newly created class and the abolishment of the previous class, or the separation of a class into two (2) or more newly created classes, seniority rights of regular employees who are reclassified with their positions shall be computed from the date the employee first began regular service in the former class(es).
- D. When an employee is reclassified with his/her position to an already existing class, seniority shall be computed from the effective date the position is reclassified.
- E. When an employee is transferred from one class to another, seniority in the new class shall begin on the effective date of the transfer.
- F. When a class is retitled to a newly created title and the old class title is abolished, the new class shall begin seniority on the date of hire in the previous class.

See Table 13-1 on accompanying page.

13.1.4

SENIORITY LISTS

- A. Seniority lists shall be prepared or updated for each class as necessary. When each list is initially established, it shall be approved by the Personnel Director and certified by the Personnel Commission before it is used.
- B. When a seniority list is initially established or updated, the list shall be made available to the employee (s) for review during a five (5) working day period before it is approved.
- C. During the prescribed review period, an employee who believes that an error has been made on his/her seniority computation shall notify the Personnel Director, who shall review the computations together with any additional information provided by the employee. The Personnel Director shall determine if a recomputation is appropriate and present an appropriate recommendation for action by the Personnel Commission.
- D. Seniority lists that are maintained will be available for inspection in the Classified Personnel Department.

Rule 13.2

LAYOFF PROCEDURES (EDUCATION CODE SECTIONS 88127, 88017, 88117)

13.2.1

PROCEDURES FOR LAYOFF OF PERMANENT EMPLOYEES

- A. The Board may lay off employees because of lack of work, lack of funds, or the abolishment, reclassification or reorganization of positions. In the event of layoff, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class plus higher related classes shall be laid off first. Classified employees who have been laid off shall have the right of reemployment in the reverse order of layoff. The Personnel Director shall prepare a layoff list by class and it shall be certified at a regular or special meeting of the Personnel Commission. The list shall be used in carrying out all applicable rules in regard to layoff.

- B. When the Board of Trustees determines that classified employees must be laid off and has approved the positions and services or programs which are to be eliminated, the District Personnel Administrator shall notify the employees affected and the Personnel Director of the effective date of layoff and the Board approval date. The Personnel Administrator shall utilize the approved layoff list in effecting all layoffs under these Rules. The following procedures shall apply:
 - 1. Employees who are to be laid off shall be given at least a 45 calendar day notice prior to the effective date of the layoff.

 - 2. Employees who are to be laid off due to the expiration of a specially-funded program, shall be given a notice not less than 45 calendar days prior to the expiration date of the program.

3. The notice shall include:
 - a. the effective date of the layoff;
 - b. the employee's displacement (bumping and voluntary reduction) rights;
 - c. the employee's reemployment rights;
 - d. the employee's benefit entitlement, unemployment compensation rights and promotional testing preference.
4. The Board of Trustees may waive the 45 calendar day notification procedures for layoff due to lack of funds only in the event of an actual and existing financial inability to pay classified employee salaries.
5. When the assigned work year and/or the assigned hours of a position must be reduced, or when a position is reclassified to a lower level, the employee regularly assigned to the position shall be given the opportunity to elect a voluntary demotion or voluntary reduction in order to remain in the position. This demotion or reduction shall be in lieu of layoff.
6. Whenever a limited-term assignment exists in the same class in which a regular employee is to be laid off, the regular employee shall be offered the limited-term assignment. If the regular employee accepts it, the limited-term employee shall be terminated.

13.2.2

PROCEDURES FOR LAYOFF OF PROBATIONARY EMPLOYEES

- A. Probationary employees may be laid off at any time without regard to the minimum 45-day notice listed in Rule 13.2.1; however, the District shall make every effort to provide probationary employees the same minimum notification that is provided to permanent employees.

MRC appr: 9-30-91

Rule 13.3

DISPLACEMENT (BUMPING) RIGHTS

13.3.1

DISPLACEMENT RIGHTS FOR PERMANENT EMPLOYEES

- A. Displacement shall be defined as the replacement of a junior employee by an employee with more seniority in the same class.

- B. Permanent classified employees who are laid off may exercise displacement rights in their class or in any other class with the same or lower maximum salary in which they hold seniority credit greater than an incumbent. The employee who is displaced shall be the one with the least total seniority in the class (plus equal and higher classes). The following rules shall apply in determining displacement rights:
 - 1. In cases of reclassification, reorganization, or abolishment of position, or in cases where the employee is promoted and subsequently disqualified during probation, an incumbent's seniority in the class shall be computed as stated in Rule 13.1.2.
 - 2. An employee may displace only that employee within his/her class who has the least seniority in the class plus higher classes.
 - 3. When an employee displaces into a class having positions which are full time, part time and/or assigned to different yearly assignments, (such as 12, 11, 10, 9 month or school year or 157 days per year assignments), the employee shall be placed in that position with the next most comparable assignment. Decreases in assigned time shall be processed in accordance with Rule 9.6.3.

Section 13.3.1.B.4

4. If an employee waives the opportunity to displace within his/her own class, the employee may follow these procedures in any equal or lower class in which he/she holds seniority credit greater than the least senior incumbent, or the employee may be placed on a reemployment list.
5. When an employee exercises displacement rights into a lower class, the employee(s) shall receive credit for accumulated seniority in all related higher classes.
6. Each employee shall respond to the Personnel Director within one week after notification of layoff whether or not the employee will exercise displacement into his/her own regular class or any other class in which seniority is held.
7. Displacement into a lower class under this Rule shall be considered a voluntary demotion which shall qualify the employee for Y-rate salary placement under Rule 12.2.9.

13.3.2

RIGHTS OF NON-PERMANENT EMPLOYEES

- A. Probationary employees who are laid off shall hold no displacement rights but may be restored to their former place on eligibility list(s) from which they were appointed provided the list(s) have not expired.
- B. All other employees without permanency in the classified service, shall hold no displacement rights and may be terminated at the end of their work shift without regard to the notification procedures of Rule 13.2.
- C. No regular employee shall be laid off from any position while temporary (limited-term) employees are assigned to positions in the same class, unless the regular employee declines the temporary assignment.

MRC appr: 9-30-91

Rule 13.4

REEMPLOYMENT

13.4.1

REEMPLOYMENT RIGHTS OF PERMANENT EMPLOYEES
(EDUCATION CODE SECTIONS 88117, 88127)

- A. A permanent employee after having had the opportunity to exercise all rights guaranteed under this policy who must be laid off shall be placed on a preferential 39 month reemployment list. Reemployment in the first opening occurring in the class in which layoff has taken place shall be in the reverse order of seniority. The following procedures shall apply:
1. A laid off employee on a reemployment list may decline three (3) offers of reemployment in his/her former class. After the third refusal no additional offers need be made and the employee shall be considered unavailable until he/she indicates otherwise.
 2. If a laid off employee is on an eligibility list at the time of layoff, he/she shall remain on the list until he/she is placed, or the list is terminated, whichever occurs first.
 3. Laid off employees on reemployment lists shall be eligible to compete in promotional examinations for which they qualify.
 4. Laid off employees shall not accumulate seniority in the class while on the reemployment list.

Section 13.4.1.B

- B. For purposes of this Rule the term, "reemployment list" shall mean a list of names of persons who have been laid off from permanent positions by reason of lack of work, lack of funds, or abolishment or reclassification of positions, or other reasons specified in these Rules, and who are eligible for reemployment without examination in their former class, arranged in order of their right to reemployment.
- C. An employee who has accepted a demotion in order to remain in his/her position in lieu of layoff has the right to be reemployed without examination, in accordance with his/her seniority in a vacant position in the employee's former class for 63 months after demotion provided that same tests of fitness still apply. Intervening assignments to other classes shall not abrogate this right.
- D. Upon reemployment the District shall restore to the employee all the rights, benefits and burdens of permanent employment in the class for which he/she is reemployed. Salary placement shall be determined according to Rule 12.2.13.

13.4.2

REEMPLOYMENT OF PROBATIONARY EMPLOYEES

- A. Probationary employees who are reemployed after layoff into their former class from the appropriate eligibility list shall be credited for the time served as part of their probationary period.