

## **ARTICLE THIRTEEN**

### **LAY OFF**

#### **13-1 Procedure**

- A.** If it becomes necessary to reduce the work force of any classification in the bargaining unit, temporary and initial probationary ESPs occupying the affected classifications at the site shall be laid off first. Order of Layoff shall be in the inverse order of District seniority within the affected classification, except for new hires selected in the "New School" process.
- B.** The District shall notify the Association and affected ESP(s) of a layoff as far in advance as possible, but at least two (2) weeks in advance.
- C.** An employee outside the White Collar/Food Service bargaining unit whose position is being eliminated and who has previously held a White Collar/Food Service bargaining unit position, may exercise his/her length of service gained while a White Collar/Food Service bargaining unit employee to claim a vacancy created under B above.
- D.** An ESP laid off shall be recalled to his/her classification in the inverse order of layoff before a position within the affected classification is filled by promotion or initial hiring.

#### **13-2 Recall**

- A.** All temporary/substitute assignments shall be offered to laid off ESPs on recall, in order of seniority, before any other person is offered a temporary/substitute assignment within the affected classification. Work as a substitute or temporary will not affect recall rights to a white collar/food service position.
- B.** The District shall maintain, as public record, a list of all ESPs who have retained recall rights. The list shall include the ESP's name, classification title, and date of hire into the District.
- C.** An ESP who is recalled from layoff shall be notified by certified mail at his/her address on file in the Human Resources Department and/or Food Service Central Office. The ESP is responsible for maintaining a current address in the Human Resources Department and/or Food Service Central Office. If the ESP does not contact the District's Executive Director of Human Resources within five (5) days from date it is signed for, he/she shall be considered to have resigned from the District and lose all recall rights. If the recall letter is returned as unclaimed, the District's obligation ceases. If the ESP accepts the offer of recall, he/she shall be available to work within ten (10) days of acceptance.
- D.** Individuals shall retain recall rights equaling the affected ESP's length of service up to a maximum of twelve (12) months from the day of layoff. Individuals will have a date of hire and bargaining unit seniority as if he/she were not laid off. If, however, the individuals on layoff are not recalled within the eligibility time, his/her employment with TUSD shall be terminated and the District will not be obligated to provide seniority as defined above if hired into a different classification at a later date.
- E.** An ESP in a classification affected by a layoff shall retain recall rights in that classification subject to the provisions of Article 12-4, Rights to Return. Laid off individuals shall be recalled in order of District seniority. If through a classification study a position title and/or responsibilities change significantly, the ESP shall be recalled to a position representative of the new classification category if minimum qualifications are met.

#### **13-3 Order of Recall**

- A.** Before any vacant full-time, twelve (12) month position is filled pursuant to Article 8 (Recruitment/Selection), the position shall be offered to laid off full-time, twelve (12)

month ESPs who meet the minimum qualifications. Laid off individuals shall be recalled in order of District seniority. Recall of any full-time, twelve (12) month ESP to a position of less than full-time, twelve (12) months shall not eliminate the right of recall to a full-time, twelve (12) month position during the twelve (12) month period following recall.

**B. Promotion**

Under no circumstances will recall to a position result in a promotion.

**13-4 Insurance Coverage and Continuation**

When recalled ESPs return to work, all benefits including the appropriate step at the time of the layoff, shall be reinstated. While on layoff status, an ESP shall be allowed to continue any of his/her District insurance programs at his/her own expense.

**13-5 Lay Off Protection**

**A.** All regular part-time and full-time ESPs hired on or before July 1, 2004, shall not be laid off.

**B.** An ESP on layoff status is entitled to compete for any posted vacancy, provided he/she meets the qualifications. An ESP accepting a lower grade position shall retain recall rights in the position affected by the reduction. An ESP recommended for a position that would result in a promotion must notify the Human Resources Department within ten (10) days following the assignment to the new position if he/she wishes to retain recall rights to the classification from which he/she was laid off. Failure to notify the Human Resources Department will result in the loss of recall rights to the previous classification.

**13-6 Contracting Out**

Before the District issues a contract for work currently being performed by bargaining unit employees or new work which is the same or similar to current bargaining unit work, its representatives will meet with representatives of the Association to discuss the reasons for the contracting decision and give the Association representatives the opportunity to present their suggestions for alternative ways of performing the work.

No ESP whose job is eliminated by contracting out will be laid off as a result of such job elimination.