

ARTICLE XVIII - LAYOFF AND REEMPLOYMENT

- 18.1 Bargaining unit members shall be subject to layoff for lack of work or lack of funds.
- 18.2 Any reduction in assigned time shall be considered a layoff under the provisions of this Article except as to matters pertaining to the negotiability of a reduction in hours.
- 18.3 NOTICE OF LAYOFF: If the District finds it necessary to layoff any unit members or institute a reduction in hours it shall give affected unit members a written notice of the action to be taken not less than forty-five (45) calendar days prior to the effective date of the layoff or reduction in hours and informed *of* their rights, if any, to re-employment and right to displace another unit member.
- 18.4 ORDER OF LAYOFF: The order of layoff shall be based on the date of hire in that class and higher classes with the least seniority being laid off first. Seniority shall be District wide and based on date of hire served in each classification.
- 18.5 BUMPING RIGHTS: Bargaining unit members who are laid off shall be entitled to exercise bumping rights in that class or the next lower class in which he/she has previously held and shall be placed in that class based on time served in that class and higher classes.
- 18.6 EQUAL SENIORITY: If two (2) or more unit members subject to layoff have equal seniority, the determination as to who shall be laid off shall be made on the basis of skill and performance of the unit members as determined by past performance evaluations.
- 18.7 RE-EMPLOYMENT RIGHTS: Laid off unit members are eligible for re-employment in that class from which they were laid off for a period of thirty-nine (39) months and shall be re-employed in the reverse order in which they were laid off. This re-employment shall take reverse order in which they were laid off. This re-employment shall take precedence over the employment of new applicants for the affected classes. Unit members in a laid off position shall have the right to participate in the promotional examinations within the District during the re-employment period. Laid off unit members shall notify the District of any change of residence. Failure to do so, may cause the unit member to waive the unit member's right to do so, may cause the unit member to waive the unit member's right to reemployment or to compete for a promotion position.
- 18.8 VOLUNTARY DEMOTION OR VOLUNTARY REDUCTION IN HOURS: Unit members who take voluntary demotions or voluntary reduction in hours in the assigned time in lieu of layoff shall be, at the unit member's option, returned to a position in their former class or to positions with increased assigned times as vacancies become available within the reemployment period of thirty-nine (39) months. Unit members who take voluntary demotions or voluntary reductions in assigned time in lieu of lay-off or voluntary reduction in time to remain in their present position rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for re-employment for an additional period of up to twenty-four (24) months provided, that the same test of fitness under which they qualified for an appointment to the class shall still apply.

- 18.9 RETIREMENT IN LIEU OF LAYOFF: A unit member who is to be laid off may elect to accept a service retirement in lieu of layoff pursuant to the provisions of law.
- 18.10 NOTIFICATION OF RE-EMPLOYMENT RIGHTS: A unit member who has been laid off and who has re-employment rights, shall be notified in writing, by certified mail, of position openings. Unit members who have been laid off and who request shall be placed on the appropriate substitute list. Such written notice of job openings shall be sent by certified mail to the last known address given to the District by the unit member. A copy of the letter sent to the unit member or a list of affected unit members shall be sent to the President of BHEA. This shall satisfy the District's responsibility to notify the affected party(s).
- 18.11 UNIT MEMBER NOTIFICATION TO THE DISTRICT: A unit member shall notify the District of his/her intent to accept or refuse re-employment within ten (10) working days following receipt of the re-employment notice. If the unit member accepts re-employment, the unit member must report to work on the date indicated on the re-employment notice. If a unit member rejects two (2) job offers, the unit member shall be removed from the appropriate re-employment list.
- 18.12 RE-EMPLOYMENT IN HIGHEST CLASS: A unit member who accepts a position lower than the highest position previously held, shall retain the right to regain the higher position if such becomes available within the original thirty-nine (39) month re-employment period.
- 18.13 IMPROPER LAYOFF: A unit member who is improperly laid off shall be reinstated immediately upon discovery of the error provided that the unit member brings the error to the District's attention within thirty (30) days notice of layoff period.