

Personnel Reduction (Layoff/Rehire)

Whenever a person employed in a certificated management position is to be reassigned, the district shall give that person a preliminary written statement of possible reassignment (Notice of Possible Release from Administrative Position) by March 15 in accordance with the provisions of Education Code 44951.

Certificated administrative employees subject to reassignment as a result of a decrease in enrollment or a reduction of services shall be reassigned to a comparable vacant certificated administrative position for which they are certificated. This reassignment right shall be for a period of 39 months following the reassignment.

If there are more certificated administrative employees subject to reassignment than there are vacant certificated administrative positions, the Superintendent or designee will decide the order of return to positions as vacant positions occur. The criteria will include the unique needs of the vacant position including site location, community organizational make-up, etc.; the employee's career experience; effects on the District's Affirmative Action Plan; and seniority in administrative positions as well as the district. These elements are not in priority order, nor is there a weight attached to any since each decision must stand on the merits of the circumstances surrounding that decision.

Classified management employees subject to reassignment as a result of a decrease in enrollment or a reduction of services shall be reassigned to vacant classified management or supervisory positions which they supervise and for which they hold any requisite licenses. This reassignment right shall be for a period of 39 months following the reassignment.

If there are more classified managers subject to reduction than there are vacant positions, the decision procedure for certificated (on the first page of this regulation) shall apply as well as the normal classified bumping rights procedure of the classified Education Code and agreements with appropriate collective bargaining unit(s).

Supervisory and confidential employees subject to reassignment as the result of a decrease in enrollment or a reduction of services shall be reassigned to vacant supervisory or confidential positions for which they have the prerequisite knowledge, skills, abilities, and licenses. This reassignment right shall be for a period of 39 months following the reassignment.

If there are more classified supervisory and confidential employees subject to reduction than there are vacant positions, the decision procedure for certificated (as stated above) shall apply as well as the normal bumping rights of the classified Education Code and agreements with appropriate collective bargaining unit(s).

An employee who has been reassigned as a result of a decrease in enrollment or a reduction in services may request an informal conference regarding the matter with his/her division head or designee. A request for the informal conference must be in writing and directed to the person who sent the notice of reassignment.

The request for the conference must be received on or before the date specified in the Notice of Possible Release from Administrative Position, which shall not be less than seven calendar days after the date on which the Notice of Possible Release from Administrative Position is served upon the employee. If the

informal conference fails to resolve the dispute, the employee may request a hearing with the Superintendent or designee.

No hearing with the Superintendent or designee will be allowed unless the employee has requested an informal conference and the informal conference has been unsuccessful in resolving the problem. A written request for a hearing must be delivered to the Superintendent or designee within seven calendar days after the informal conference with the division head or designee. If the employee fails to request a hearing on or before the specified date, this failure shall constitute the waiver of the right to a hearing with the Superintendent or designee.

The employee shall have the following rights at the hearing with the Superintendent or designee:

1. Right to file a written response in his/her defense.
2. Right to respond orally in his/her defense.
3. Right to ask other individuals to speak in his/her defense.
4. Right to receive a written decision. Decision will be rendered approximately 30 days after the hearing.

The employee may appeal the decision of the Superintendent or designee to the Governing Board. Such appeal must be requested in writing by the employee within seven days after the rendering of the Superintendent or designee's decision. The employee's appeal will be discussed with the Board. The employee may exercise the same rights enumerated for the Superintendent or designee's hearing. The decision of the Board shall be final.

The right to request an informal conference, a hearing before the Superintendent or designee, and a hearing before the Board shall only be available to those employees who have been reassigned due to a decrease in enrollment or a reduction in funds. Failure to utilize these procedures shall constitute a waiver of the employee's right to contest the reassignment.

Except as provided in this regulation, the procedures to be used in reassigning certificated management personnel shall conform to the requirements of the California Education Code.

Regulation FRESNO UNIFIED SCHOOL DISTRICT

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