



Certificated Layoffs

Who has rights?

Four types of Certificated Employees

1. Substitute
2. Temporary
3. Probationary
4. Permanent



Certificated Employee Status

- **Substitute**

- Generally can be released at any time
- No layoff rights

- **Temporary**

- Long-term leave replacements
- Categorical teachers/back-fills
- No layoff rights



Certificated Employee Status

 **Permanent and Probationary employees are entitled to layoff rights**

 Employees on LOA need to be included

 Seniority date doesn't change

 Same rights of layoffs



Certificated Seniority List

Importance of Seniority List

“...the services of no permanent employee may be terminated... while any probationary employee, or any other employee with less seniority, is retained to render a service which said permanent employee is certificated and competent to render.”

(Education Code 44955)



Certificated Seniority List


The Backbone

Accuracy of the seniority list is crucial

- Distribution of verification letters
 - Sent to certificated employees early January every year
 - Verifies hire date, seniority date, status, credentials, authorizations, assignment, current address

Certificated Seniority List

The Backbone

 **Review verifications/research issues raised by employees**

 **Circulation of the seniority list**

- Seniority lists are posted at all sites
 - Employees are notified to check the list
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- **Important to resolve any issues so there's not a challenge, or an incorrect seniority list, if layoffs were to result in a hearing**



Certificated Employee Seniority Dates

- **What constitutes an employee’s “seniority date?”**
 - Seniority is determined by the first date of paid service in probationary service

“Every probationary or permanent employee employed after June 30, 1947, shall be deemed to have been employed on the date upon which he (or she) first rendered paid service in a probationary position.”

(Education Code section 44845)



Tie Breaking Criteria

As the District prepares for the possibility of program and staffing reductions, Education Code 44955 requires Board approved criteria for determining priority status of certificated employees with the same seniority date.



Tie Breaking Criteria

- **By Board action, establish tie-breaking criteria**
 - Adopt by Board resolution prior to March 15th if there is potential need to break a tie in seniority
 - Will provide a basis for placing employees with the same seniority date in the proper order
 - Criteria are not listed in any particular order of importance, since the order may depend on particular needs at a site or in a department
 - If equally qualified in tie breaking criteria, the District will then break ties by utilizing a lottery