

# Lane Education Service District Policy

Code: **GDPA**  
Adopted: 8/27/02  
Readopted: 10/28/08

## Layoff/Recall - Classified

If the Board determines the need for a reduction in work force, the procedures outlined below will be followed. A layoff means the reduction of an employee's annual hours of assigned work by more than 20 percent or a reduction that would be below the level required to qualify for medical insurance benefits.

Any employee who is to be laid off will be so notified in writing 45 calendar days (or more) prior to the lay-off date. The association will simultaneously be sent a copy of the notification if a member or members are involved.

Layoff criteria to be considered by the Board are:

1. Maintenance of a sound and balanced service program;
2. Qualifications of the staff as defined in the job descriptions; and
3. Seniority.

An employee whose position is being eliminated will be eligible to bump the least senior employee in the same position description/category with the same or fewer hours of employment and same or lesser rate of pay, if qualified. If there are no positions within the job category for which the employee is qualified and has greater seniority, then the employee may bump the least senior employee outside their job category with the same or fewer hours of employment and same or lesser rate of pay so long as the laid off employee is qualified for that position. An employee displaced by bumping may also have the option to bump on the same basis.

Job categories are educational/behavioral assistant; program assistant; business services; media/courier/maintenance/custodial; production; and network services/technology.

Employees holding positions that are temporary or have a specific, limited term of employment will have no reduction in force rights.

The superintendent or designee will make the determination of employee qualifications for "bumping." Qualified means that an individual can do the primary duties and accountabilities of the job as described in the position description.

Seniority is determined by the date the employee became a regular employee. Any probationary periods thereafter served due to "bumping" and unpaid leaves of absence are subtracted from the original hire date to determine seniority. A probationary employee shall not be considered to have seniority over a nonprobationary employee.

Employees intending to exercise their right to bump must provide written notice to human resources within 14 calendar days of their layoff notice. A classified employee on unpaid leave is subject to the same layoff conditions as other employees.

“Bumping” to a position description not currently held will require a qualification process to determine that the employee is fully qualified.

An employee whose position is being eliminated or who is displaced by bumping will be given the opportunity to fill an existing vacancy, if the employee is qualified for the position.

Employees filling a position description, which they do not currently hold, are subject to a nine-month probationary period, using the same procedure as a new hire or current employee in a new position. An employee who is unable to fulfill the position requirements during the probationary period shall be subject to additional layoff action.

Employees who “bump” to a new position description will be placed on the step commensurate with their applicable experience for the position, unless they have previously held the position, in which case they will be placed on the step they previously attained when they held the position.

Rural educational/behavioral assistants are hired to work with students within a local school district. Terms of employment for that position are defined by the enrollment of a student in that district. In the event that a student leaves the program or the district, the educational/behavioral assistant assigned to work with that student may have the option to bump the least senior educational/behavioral assistant in that district whenever more than one educational/behavioral assistant position exists and for which the bumping employee is determined to be fully qualified.

## **Recall**

The following procedures will be followed in the recall of staff members who have been laid off through reduction in force:

1. Except as otherwise provided in Oregon law, laid-off employees shall retain a right to be recalled for a period of 27 months from the effective date on which the lay-off occurred, provided they have followed the requirements of this policy;
2. At the time of lay-off, the employee shall indicate in writing if he/she desires to be recalled by the district. The written notice shall include an address to which a notice of recall may be mailed;
3. If a position vacancy occurs for which the laid-off employee is qualified, the district will notify the employee by certified mail, return receipt requested. The district will specify in the notice the date the employee will return to work. When more than one laid-off employee is qualified for a vacant position, notice of recall shall go first to the most senior laid-off employee. If the employee fails to meet the requirements of sub-sections 4. and 5. of this section B., notice of recall shall then go to the next most senior laid-off employee.
4. The laid off employee shall have 7 calendar days from receipt of such notification in which to indicate their acceptance or rejection of the position and an additional 14 calendar days from the date of acceptance in which to begin active employment unless otherwise mutually agreed upon.

5. Failure of the employee to respond within the specified 7-day period or the decline of a position that provides at least 80 percent of the wages associated with the position the employee previously held shall result in forfeiture of the employee's right to recall. Forfeiture of rights to recall does not apply to offers of educational assistant/behavioral assistant positions, unless this is the position the employee previously held.

The following provisions will apply regarding employee benefits in layoff situations:

1. Insurance benefits will be paid through the month following the effective date of the layoff for employees who are laid off because of a reduction in force. Such employees may thereafter arrange to pay premiums and retain insurance coverage(s) when and to the extent insurance policies allow. The effective date of layoff shall be last day worked.

The implementation of this policy shall be consistent with state and federal statutes governing discrimination applicable to this district.

Reduction in force and recall grievances shall be processed in accordance with Oregon law for all such grievances not resolved through the Board level.

END OF POLICY

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**Legal Reference(s):**

[ORS 334.125\(7\)](#)