

## Article 12 – Seniority and Layoff

### 12.1 Definitions

1. Seniority shall be defined as follows:

- a. Classification Seniority: The total length of service within a job classification (job description) from the first date of service in the job classification.
- b. Category Seniority: The total length of service within a job category (group of classifications)
- c. District Seniority: The total length of continuous service within the District as a classified employee.
- d. For the purpose of computing seniority, all authorized leave of twelve (12) weeks or less and any additional paid leave shall be considered as time worked within the classification held at such time the leave was taken.
- e. At the time of hire, those employees with the same hire date shall draw lots to determine their placement on the seniority list for the purpose of layoff and recall. Those employees with the same hire date hired prior to the execution of this Agreement shall also draw lots to determine their placement on the seniority list for the purpose of layoff and recall. A copy of the placement determination shall be placed in the employee's personnel file.
- f. Employees who are laid off as a result of reduction in positions, and who are subsequently reinstated to the same position, shall retain their full seniority except for the period of layoff. Such employees shall be placed at the same step on the salary schedule as when they were laid off.

2. Total Compensation: Total annual salary plus insurance contribution.

3. Classification: A job description (e.g. Administrative Assistant I, Administrative Assistant II)

4. Category: A family of job descriptions (e.g. Administrative)

5. Region: Klamath/Lake County, Jackson/Josephine County, or Douglas County

6. Classifications and Category are outlined in Appendix A. New positions are placed in a category through the code level process.

### 12.2 Reduction in Force

1. As soon as the District determines it has become necessary to conduct a layoff or a reduction in hours, the District shall notify the Association Chapter President and OSEA Field Representative in writing thirty days (30) prior to the effective date of layoff/reduction. Reductions are made first by

classification in the region. -The employee with the least amount of CLASSIFICATION SENIORITY is scheduled for layoff/reduction.

2. The employee scheduled for layoff or reduction in hours shall use CATEGORY SENIORITY to bump the employee in the classification (same or lower pay range) with the closest total compensation in the same category and region who has the least CLASSIFICATION seniority.
3. If the employee cannot bump using CATEGORY SENIORITY, then they shall bump using DISTRICT SENIORITY to bump the least senior (by classification seniority) employee in a classification the employee previously held in the region with the closest total compensation to what the employee currently holds.
4. An employee cannot improve their hours or total compensation through layoff/bumping.
5. ~~An Except in case of emergency, an~~ employee subject to layoff shall be furnished written notice of impending layoff or reduction thirty (30) calendar days prior to the date of such layoff or reduction.
6. In order to bump, the District must determine that the employee meets the qualifications/special skills of the job in which they would be placed. ~~The District shall be the sole judge of an employee's qualifications.~~
7. An employee may ~~not~~ choose layoff in lieu of new placement in region as a result of bumping.

### 12.3 Recall

1. When work forces again increase or hours are reinstated, employees shall be recalled in the inverse order in which they were laid off or reduced by region based upon classification seniority into the job classification held at the time the layoff or reduction in hours~~process~~ was initiated. In order to be recalled, the ESD must determine that the employee meets the qualifications/special skills of the job in which they would be placed. ~~The District shall be the sole judge of an employee's qualifications.~~ If two (2) employees have the same recall eligibility, the decision to recall will be based on documented performance.
2. Recalls are conducted by region. -At the time of layoff an employee may request to be recalled to other regions. If they do, then they will be eligible for all regions, but will not be able to refuse a recall to a different region and remain on the recall list.
3. Notice of recall shall be by written notice, via certified return receipt mail to the most recent address on file with the District.
4. Employees who fail to respond as outlined in "a" or "b" below shall be considered to have waived their right to recall. The right to recall will terminate at the end of twenty-seven (27) months following the date of layoff.
  - a. Resign. In such event a written resignation shall be sent to the Superintendent's office.

- b. Fail to accept a recall within ten (10) working days of the date the notice of recall was mailed.
5. Should the twenty-seven (27) months expire without recall, bargaining unit members will be deemed to have resigned in good standing.
6. The District's recall list shall be reviewed at Labor-Management Meetings to verify those employees who have been recalled or removed from the list for any reason.

#### 12.4 Rehire

An employee who has resigned and is rehired within one (1) year, within the same job classification, shall be placed at the same step on the salary schedule as when they resigned on the corresponding job code listing pertaining to that particular job classification. If the employee is rehired in a different job classification, the code and step level shall be the same as with new employees as to previous experience and additional steps allowed for experience in accordance with the Oregon Pay Equity law and placement practices outlined in Article 11.4.~~within the ESD.~~ The rehired employee will earn vacation and seniority as a new employee. Academic year employees who return after missing one (1) school year shall be covered by this article.