



Resolution Regarding Proposed Decision of Administrative Law Judge and Implementing Certificated Layoffs

Board Meeting
May 7, 2020
Agenda Item No. 10.5

Presented by: Cancy McArn, Chief Human Resources Officer

Agenda

- Budget Development Process
- Activity end of February to May
- Administrative Law Judge (ALJ) Decision
- Recommendation: Approve ALJ Decision

New Normal (In Process): “Budget Development Process” elements

- Staffing allocations sent to administrators
- One-stop meeting is one step in the PROCESS of staffing allocations and future staffing
- Adjustments made throughout the PROCESS
- Built in feedback loops, such as 1:1 meetings with supervisor
- Integrated approach resulting in cross-departmental team engagement – these types of engagements are still happening, in fact the most recent one took place last Friday

Budget Development Process - “One-Stop” Process Results

The following represents the Particular Kinds of Services approved at the February 20, 2020 Board meeting:

| | |
|--|-----------------|
| <u>Vacant:</u> | 24.0 FTE |
| <u>Adult Education:</u> | 4.0 FTE |
| <u>K-12 Teachers:</u> | 54.0 FTE |
| <u>Total Positions to be Eliminated:</u> | <u>82.0 FTE</u> |

- 24.4 FTE - no employee expected to be noticed due to anticipated attrition (resignation/retirement)

* Number of Positions to be Eliminated that Will Result in Notices 33.6 FTE

The layoff resolution identified those positions proposed for elimination that were:

- (1) currently vacant (meaning no employee will receive a layoff notice);
- (2) filled but attrition (resignation/retirement) allowed the District to close the position but assign the employee to another position in the District instead of issuing a layoff notice; and
- (3) filled and no attrition currently available meaning an employee will receive a preliminary layoff notice.

Activity end of February to May

- Staff analyzed staffing reductions as calculated through the Budget Development Process – one stop staffing process.
- Staff took the following attrition into consideration:
 - Vacancies
 - Resignations
 - Retirements
- Staff determined who and how many employees were issued Preliminary Layoff notices.

March 15th Preliminary Notices Sent

- The District met the timelines as established by the Education Code for these precautionary March 15th notices.
- Even though the position reduction in the PKS totaled 82.0 FTE, due to attrition and vacancies, the District was able to limit the number of preliminary layoff notices to 17 certificated staff members. Employees who received a preliminary layoff notice had seven days to request a hearing on their proposed layoff.

Administrative Hearing

- Employees who received a preliminary layoff notice had a right to a hearing before an Administrative Law Judge on their notice.
- Of the 17 employees served with a preliminary layoff notice, 10 timely requested a hearing.
- The layoff hearing took place telephonically before Administrative Law Judge Heather Rowan on April 28 and 29, 2020.

Proposed Decision of Administrative Law Judge

- Since the March 15th notices thru the hearing, the District was able to rescind 3.26 FTE of layoff notices due to additional attrition and availability of assignment based on credentialing.
- The Administrative Law Judge's decision is presented at tonight's Board meeting for Board approval and to authorize District staff to issue final layoff notices before May 15th.

Proposed Decision of Administrative Law Judge

- The Administrative Law Judge's decision was received today, May 7th, and upholds the District's layoff, with two modifications that will reduce the total number of layoff notices issued to 12 notices.
- The decision also determined that part-time adult education teachers are temporary employees and may be released without a hearing. This affects three employees.
- With approval of this resolution 3136, these 12 certificated layoff notices will be issued before May 15th.

Recommendation

- Upon Board approval of Resolution No. 3136, staff will issue final layoff notices per the Education Code deadline.
- Given all actions to this point, staff is prepared to issue 12 final layoff notices to those employees authorized by the Administrative Law Judge.
- Staff is also prepared to send release letters to the three part-time adult education teachers.
- Should additional attrition or funding be identified, additional layoff notices may be rescinded.
- The recommendation is that the Board approve this resolution.

Questions