



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 9.5

Meeting Date: February 18, 2021

Subject: **Approve Resolution No. 3185: Notice of Layoff: Classified Employees and Child Development Permit Teachers – Reduction in Force Due to Lack of Funds and/or Lack of Work**

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: _____)
- Conference/Action
- Action
- Public Hearing

Division: Human Resource Services

Recommendation: Approve Resolution No. 3185 Notice of Layoff: Classified Employees and Child Development Permit Teachers – Reduction in Force Due to Lack of Funds and/or Lack of Work.

Background/Rationale: Based on a lack of work and/or lack of funds, and to ensure the District's long-term fiscal health the District will require a reduced number of classified employee positions for the 2021-22 school year. In addition, the District continues to face declining enrollment.

Each year, the District undergoes a process of reviewing available information and engaging in cross-departmental collaborations with school sites to assist in identifying staffing needs for the upcoming school year. These meetings explore:

- 1) Staffing Needs – To provide maximum flexibility during this time of uncertain budgetary constraints.
- 2) Funding changes – categorical and general funds increase or decrease resulting in the reduction of hours or elimination of a classified position.
- 3) Academic program changes – the school site may change an academic focus resulting in the reduction of hours or elimination of a classified position.

- 4) Budget reductions or staffing formula changes – due to budgetary reductions and the potential change in staffing formulas, an increase or decrease of hours or elimination of a classified position may occur.

Prior to determining the layoff of classified employees and child development permit teachers, a review of current vacant positions is conducted. That review enables Human Resource Services staff to assign a displaced employee to a vacant position; therefore, a layoff does not occur. If there are no vacancies, classified employees and child development permit teachers are noticed for layoff. Meetings with each the appropriate bargaining units will be scheduled to discuss the effects of layoff.

Under state law, Education Code §§ 45114, 45115, 45117, 45298, and 45308, school districts must provide not less than 60 days' notice to classified employees of a layoff. Education Code § 8366 permit school districts to provide notice of layoff to child development permit teachers at any time during the school year. The notice includes the effective date, displacement rights, if any, and reemployment rights. Resolution No. 3185 and Exhibit A lists the positions that will be laid off for the 2021-22 school year and thereafter.

The District will continue to try and identify alternative solutions for minimal impact on employees of the District. As decisions are made regarding the District's budget for 2021-22, additional funding may become available, new positions may be identified and/or positions that were eliminated may be reinstated.

Financial Considerations: Budget reductions needed to assist in addressing the District's declining enrollment, the elimination of certain funds, the District's fiscal health, and staffing needs.

LCAP Goal(s): Goals include Safe, Emotionally Healthy and Engaged Students, Family and Community Empowerment, and Operational Excellence.

Documents Attached:

1. Executive Summary
2. Resolution No. 3185
3. Exhibit A will be available on Tuesday, February 16, 2021

<p>Estimated Time of Presentation: 5 minutes Submitted by: Cancy McArn, Chief Human Resources Officer Human Resource Services Approved by: Jorge A. Aguilar, Superintendent</p>
--

Board of Education Executive Summary

Human Resource Services

Notice of Layoff: Classified Employees and Child Development Permit Teachers
– Reduction in Force Due to Lack of Funds and/or Lack of Work
February 18, 2021



I. Overview/History of Department or Program

Resolution No. 3185 – Notice of Layoff: Classified Employees and Child Development Permit Teachers – Reduction in Force Due to Lack of Funds and/or Lack of Work proposes to reduce enumerated classified positions due to a lack of work and/or lack of funds.

II. Driving Governance:

- Education Code 45114 – “The Governing Board may lay off and reemploy classified employees only in accordance with procedures provided by Sections 45298 and 45308.”
- Education Code 45115 – “Any person who was subject to being, or was in fact, laid off for lack of work or lack of funds and who elected service retirement from the Public Employees’ Retirement System shall be placed on an appropriate reemployment list.”
- Education Code 45117 – “When, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of any school year, and classified employees will be subject to layoff for lack of funds [and/or] when, as a result of a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of work, affected employees shall be given notice of layoff not less than 60 days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights.”
- Education Code 45298 – “Persons laid off because of lack of work or lack of funds are eligible to reemployment for a period of 39 months [and] [t]he person’s reemployment shall take preference over new applicants.”
- Education Code 45308 – “Classified employees shall be subject to layoff for lack of work or lack of funds.”
- Education Code section 8366 – “A district may lay off an employee required to have [a child development permit for the supervision and instruction of children] at any time during the school year for lack of work or lack of funds.”

III. Budget:

Position reductions and/or eliminations are needed to assist in addressing the District’s declining enrollment, the District’s fiscal health, the elimination of certain funds, and staffing needs.

IV. Goals, Objectives and Measures:

Under state law, Education Code §§ 45114, 45115, 45117, 45298, and 45308, school districts must provide not less than a 60-day notice to classified employees of a layoff for lack of work

Board of Education Executive Summary

Human Resource Services

Notice of Layoff: Classified Employees and Child Development Permit Teachers
– Reduction in Force Due to Lack of Funds and/or Lack of Work
February 18, 2021



and/or lack of funds. Under Education Code § 8366, child development permit teachers may be notified at any time during the school year of their layoff for lack of work and/or lack of funds. The notice includes effective date, displacement rights, if any, and reemployment rights. Resolution No. 3185 and Exhibit A list the classified positions that will be laid off for the 2021-22 school year.

V. Major Initiatives:

According to Education Code 45117, as a result of the expiration of a specially funded program, classified positions must be eliminated at the end of the year, and classified employees will be subject to layoff for lack of funds, the employees to be laid off at the end of the school year shall be given written notice informing them of their layoff effective at the end of the school year and of their displacement rights, if any, and reemployment rights.

In addition, Education Code 45117 states, in part, due to a bona fide reduction or elimination of the service being performed by any department or school site, classified employees shall be subject to layoff for lack of work and/or lack of funds, affected employees shall be given notice of layoff not less than 60 days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights.

Education Code section 8366 states, in part, that child development permit teachers may be notified of their layoff for lack of work and/or lack of funds at any time during the school year. The order of layoff shall be determined by length of service. A permanent employee who has been laid off shall hold reinstatement rights for a period of 39 months from the date of layoff.

VI. Results:

Resolution No. 3185 will provide layoff notices to central office and school site classified employees informing them of their layoff effective at the end of the school year. With approval of this resolution, Human Resources Services will take all actions to send appropriate notices to all employees whose position shall be affected by layoff.

VII. Lessons Learned/Next Steps:

Approve Resolution No. 3185 – Notice of Layoff: Classified Employees and Child Development Permit Teachers – Reduction in Force Due to Lack of Funds and/or Lack of Work.

**SACRAMENTO CITY UNIFIED SCHOOL DISTRICT
BOARD OF EDUCATION**

RESOLUTION NO. 3185

**NOTICE OF LAYOFF: CLASSIFIED EMPLOYEES AND CHILD DEVELOPMENT
PERMIT TEACHERS – REDUCTION IN FORCE
DUE TO LACK OF FUNDS AND/OR LACK OF WORK**

WHEREAS, Education Code sections 45114, 45115, 45117, 45298 and 45308 require that notice of layoff for lack of funds and/or lack of work be provided to classified employees and set forth the procedures for laying off and reemploying such employees; and

WHEREAS, Education Code section 8366 requires that notice of layoff for lack of funds and/or lack of work be provided to child development permit teachers and sets forth the procedures for laying off and reemploying such employees; and

WHEREAS, due to a bona fide reduction or elimination of the service being performed by any department or school site, classified employees and child development permit teachers shall be subject to layoff for lack of funds and/or lack of work, and affected classified employees shall be given notice of layoff not less than 60 days prior to the effective date of layoff, while child development permit teachers may be given notice of layoff at any time during the school year, and informed of their displacement rights, if any, and reemployment rights; and

WHEREAS, the Superintendent has recommended that the positions for the classified employees and child development permit teachers set forth in Exhibit A be reduced or eliminated for the 2021-2022 school year. The Board of Education directs the Superintendent or his authorized designee to give notice to the affected classified employees not less than 60 days prior to the effective date of layoff due to a lack of funds and/or lack of work and of their displacement rights, if any, and reemployment rights. The Board of Education directs the Superintendent or his authorized designee to give notice to the affected child development permit teachers prior to the effective date of layoff due to a lack of funds and/or lack of work and of their displacement rights, if any, and reemployment rights.

NOW, THEREFORE, BE IT RESOLVED, that it shall be necessary, pursuant to the recitals above incorporated by this reference, to eliminate the classified and child development permit teacher positions listed in Exhibit A as a result of lack of funds and/or lack of work. The Superintendent or his authorized designee is directed to take all appropriate action needed pursuant to the applicable provisions of the Education Code.

PASSED AND ADOPTED by the Sacramento City Unified School District Board of Education on this 18th day of February, 2021, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Christina Pritchett
President of the Board of Education

ATTESTED TO:

Jorge A. Aguilar
Secretary of the Board of Education