



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item# 9.6

**Meeting Date:** February 21, 2013

**Subject:** Resolution #2738 Notice of Layoff: Classified Employees – 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
- Conference/Action
- Action
- Public Hearing

**Division:** Human Resource Services

**Recommendation:** Resolution #2738 Notice of Layoff: Classified Employees – 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, the District will require a reduced number of classified employee positions for the 2013-14 school year. In addition, the District continues to face budget deficits, under enrollment in certain school sites, possible reduction/elimination of categorical funds, and structural changes.

Each year, school site and departmental administrators meet with the Human Resource and Budget departments to determine staffing needs for the upcoming school year for both classified and certificated employees. During this time, each school site and department's staffing list is reviewed and changes are made based on the following:

- 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, a review of 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, the layoff process is initiated. Meetings with each classified bargaining unit will be scheduled to discuss the affects 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. The notice includes the effective date, displacement rights, and reemployment rights. Resolution #2686 and Exhibit A list the classified positions that will be laid off for the 2013-2014 school year.

The District will continue to identify alternative solutions to ensure the least or a minimal impact on employees of the District. As decisions are made regarding the District's budget for 2013-2014, 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 budget shortfall.

**Documents Attached:**

- 1) Board of Education Executive Summary
- 2) Resolution #2738
- 3) Exhibit A will be available at the Board meeting

**Estimated Time of Presentation:** 5 minutes

**Submitted by:** Jess Serna, Chief Human Resource Officer

**Approved by:** Jonathan P. Raymond, Superintendent



# **Board of Education Executive Summary**

## **Human Resource Services – Classified Layoff**

February 21, 2013

### **I. Overview/History:**

Resolution #2738 – Notice of Layoff – Classified Employees – Reduction in Force Due to Lack of Funds/or Lack of Work provides for budgetary flexibility by issuing layoff notices to central office and school site classified employees.

### **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 – see major initiatives
- 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 shall be reemployed in preference to new applicants.”
- Education Code 45308 – “Classified employees shall be subject to layoff for lack of work or lack of funds.”

### **III. Budget Impact**

Budget reductions needed to assist in addressing the District’s budget shortfall.

### **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 or lack of funds. The notice includes effective date, displacement rights, and reemployment rights. Resolution #2738 and Exhibit A list the classified positions that will be laid off for the 2013-14 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 on or before April 29 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, classified employees shall be subject to layoff

## **Board of Education Executive Summary**

### **Human Resource Services – Classified Layoff**

February 21, 2013

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for lack of work 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.

#### **VI. Results:**

Resolution #2738 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, the Chief Human Resources Officer will take all actions to send appropriate notices to all employees whose position shall be affected by layoff.

#### **VII. Next Steps:**

Approve Resolution #2738 – Notice of Layoff: Classified Employees – Reduction in Force Due to Lack of Funds/or Lack of Work.

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

**RESOLUTION NO. 2738**

**NOTICE OF LAYOFF – CLASSIFIED EMPLOYEES – REDUCTION IN FORCE  
DUE TO LACK OF FUNDS AND/OR LACK OF WORK**

**WHEREAS**, Education Code §§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**, due to a bona fide reduction or elimination of the service being performed by any department, classified employees shall be subject to layoff for lack of funds and/or lack of work, and 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; and

**WHEREAS**, the Superintendent has recommended that the positions for the following classified employees as set forth in Exhibit A (attached hereto and incorporated herein by reference as though fully set forth) shall be reduced or eliminated for the 2013-14 school year. The Board of Education directs the Superintendent or his authorized designee to give notice to the affected 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.

**NOW, THEREFORE, BE IT RESOLVED**, that it shall be necessary, pursuant to the recitals above incorporated by this reference, to eliminate the classified 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 21<sup>st</sup> day of February, 2012, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

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Jeff Cuneo,  
President of the Board of Education

ATTESTED TO:

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Jonathan P. Raymond  
Secretary of the Board of Education