

# EDUCATION CODE PROTECTS YOUR RIGHTS DURING LAYOFFS

During times of state budget problems, it's crucial for us to be informed about our legal rights under the Education Code, and under our contract.

Education Code (Section 45298 for K-12 and Section 88117 for Community Colleges) states that laid off employees are eligible for reemployment for up to 39 months, and are preferred over new hires.

Also, voluntary demotions or reductions increase possible reemployment time by an additional 24 months. Employees have the right to return to their original classification as vacancies become available.

## **The entire Ed Code section is reproduced below:**

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. In addition, such persons laid off have the right to participate in promotional examinations within the district during the period of 39 months.

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff or to remain in their present positions rather than be reclassified or reassigned, shall be granted the same rights as persons laid off and shall retain eligibility to be considered for reemployment for an additional period of up to 24 months; provided, that the same tests of fitness under which they qualified for appointment to the class shall still apply. The personnel commission shall make the determination of the specific period eligibility for reemployment on a class-by-class basis.

Employees who take voluntary demotions or voluntary reductions in assigned time in lieu of layoff shall be, at the option of the employee, returned to a position in their former class or to positions with increased assigned time as vacancies become available, and without limitation of time, but if there is a valid reemployment list they shall be ranked on that list in accordance with their proper seniority.

