



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 9.5

**Meeting Date:** March 7, 2019

**Subject:** Approve Resolution No. 3059: 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 (Action Anticipated: \_\_\_\_\_)
- Conference/Action
- Action
- Public Hearing

**Division:** Human Resource Services

**Recommendation:** Approve Resolution No. 3059 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 2019-20 school year. In addition, the District continues to face declining enrollment, possible reduction/elimination of categorical funds, and structural changes.

Each year, school site and departmental administrators meet with the Human Resources 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, classified employees are noticed for layoff. Meetings with each classified bargaining unit will be scheduled to discuss the effects of layoff.

Under state law, Education Code §§ 8366, 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, if any, and reemployment rights. Resolution #3056 and Exhibit A lists the positions that will be laid off for the 2019-20 school year and thereafter.

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 2019-2020, 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 and staffing needs.

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

**Documents Attached:**

1. Executive Summary
2. Resolution No. 3059
3. Exhibit A will be available at the Board meeting

**Estimated Time of Presentation:** N/A

**Submitted by:** Cancy McArn, Chief Human Resources Officer

**Approved by:** Jorge A. Aguilar, Superintendent

# Board of Education Executive Summary

## Human Resource Services

Notice of Layoff: Classified Employees – Reduction in Force Due to Lack of Funds and/or Lack of Work

March 7, 2019



### I. Overview/History of Department or Program

Resolution No. 3059 – Notice of Layoff: Classified Employees – 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 8366 – “A district may lay off an employee required to have such a permit at any time during the school year for lack of work or lack of funds”
- 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:

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

### IV. Goals, Objectives and Measures:

Under state law, Education Code §§ 8366, 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 and/or lack of funds. The notice includes effective date, displacement rights, if any, and reemployment rights. Resolution No. 3059 and Exhibit A list the classified positions that will be laid off for the 2019-20 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

# Board of Education Executive Summary

## Human Resource Services

Notice of Layoff: Classified Employees – Reduction in Force Due to Lack of Funds and/or Lack of Work

March 7, 2019



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.

### VI. Results:

Resolution No. 3059 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. Lessons Learned/Next Steps:

Approve Resolution No. 3059 – Notice of Layoff: Classified Employees – Reduction in Force Due to Lack of Funds and/or Lack of Work.

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

**RESOLUTION NO. 3059**

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

**WHEREAS**, Education Code sections 8366, 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 or school site, 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 classified employees set forth in Exhibit A be reduced or eliminated for the 2019-2020 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 7<sup>th</sup> day of March, 2019, by the following vote:

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

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Jessie Ryan  
President of the Board of Education

ATTESTED TO:

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Jorge A. Aguilar  
Secretary of the Board of Education

**RESOLUTION NO. 3059**

**EXHIBIT A**

**WILL BE PROVIDED AT THE BOARD MEETING**