Frequently Asked Questions

Classified Reduction in Force (RIF)

**Q: How is my seniority determined?**

State law mandates the process used by school districts and county offices of education to determine seniority for classified staff. Specifically, California Education Code Section 45308 states:

“Whenever a classified employee is laid off, the order of layoff within the class shall be determined by length of service. The employee who has been employed the shortest time in the class, plus higher classes, shall be laid off first.”

For classified management and SEIU, this means that seniority for the purpose of Reduction-in-Force (RIF) consists of the employee’s paid hours in that classification plus all higher classifications. For example, Jane Doe was first hired as a senior typist clerk and then promoted to a secretary position. Jane’s seniority as a secretary consists of her paid hours as a secretary. Her seniority as a senior typist clerk consists of her paid hours as a senior typist clerk plus her paid hours as a secretary.

The classified seniority lists have three columns: “credit in assignment,” “credit in other,” and “seniority credit.” The third column (seniority credit) combines the first two and then ranks the results. Also, please note that seniority is within a classification and is not dependent on the funding source or how long the employee has been in a particular work unit or division.

Classified seniority may be affected by leaves of absence. No seniority is accrued by the employee during unpaid Family and Medical Leave or unpaid Personal Leave. During paid Workers’ Compensation leave the employee continues to accrue seniority.

For CSEA members, seniority is by date rather than hours. For most classifications, this is the first date the employee began service in a regular position (also known as first probation served date). For higher-level classifications, such as paraeducator-healthcare, paraeducator-interpreter, and paraeducator-translator, the seniority date is the date the employee began service in that classification (also known as class entry date).

**Q: I viewed the seniority list and there are 10 people on the list with less seniority than I have. Why did I get a RIF notice?**

This RIF involved a very large number of people. The determination of who received a RIF notice was dependent on the classification in question and the number of people affected in that classification. In a number of classifications, 20 to 30 positions were affected, with the least senior employees in the classification having as much as 10 years of service with LACOE.

**Q: What happens if my seniority is a tie with another employee?**

Seniority for classified management and SEIU positions is first ranked by hours paid in the classification plus all higher classifications. If a tie occurs at this level, seniority is then ranked by the date each employee entered the classification, which is shown on the seniority lists as “begin date.” If there is still a tie, seniority is then ranked by the first probation served date, which is the first date that each employee was hired into a permanent position in the classified service. (This date is not shown on the seniority report. It is found in the employee records in the HR system.) If there is still a tie, seniority is then ranked by the hire date. If a tie still remains at this point, seniority is determined by drawing lots.

CSEA seniority tie-breakers are similar, but dates are used instead of hours.
**Q: Why are there names of retired or deceased employees on the seniority lists?**

The system-generated classified seniority lists are provided monthly to HRS by School Financial Services. They contain the names of employees who are currently in each classification, as well as past members of the classification. In a classified RIF, employees who do not have sufficient seniority to be placed in a position in their current classification may be able to retreat/return to positions in former classifications that they held. While these lists are not the sole basis for determining seniority during a RIF, they are an invaluable tool.

Classified employees who are separated from employment due to a RIF (California Education Code Sections 45308, 45117, and 45298), as well as those separated from employment due to exhaustion of leave (California Education Code Sections 45192/45195), have reemployment rights for 39 months. Classified employees who voluntarily resign may request reinstatement for a period of 39 months (California Education Code Section 45309). Individuals reemployed or reinstated during such 39-month periods keep their previously earned seniority. These individuals therefore appear on the seniority lists even after their LACOE employment has been terminated.

The HR system does not purge (permanently delete) records until approximately 52 months following the cessation of all activity related to an employee’s record. Such activity includes generation of W-2 forms, health insurance coverage for COBRA-eligible dependents, etc.

While employees may have concerns about seeing the names of retired and/or deceased employees on the seniority lists, their inclusion does not indicate that there are errors in the calculation of classified seniority.

**Q: Why did I get placed in a position so far from where I live?**

LACOE provides services throughout the County of Los Angeles. Since RIF displacement ("bumping") is done by seniority, the location of an employee's new assignment is determined by the work location of the employee being bumped.

**Q: Can I choose to displace ("bump") any less senior employee in my classification?**

No. In a RIF, employees are first placed in available vacant positions in the classification, followed by displacement ("bumping") in the order of highest to lowest. That means the most senior employee in the classification bumps the least senior employee, then the next most senior employee in the classification bumps the next least senior employee, and so on. This is also why RIF placements are subject to change as additional positions become available for placement.

**Q: Can I transfer to another position, another classification, or take a voluntary demotion in lieu of being laid off?**

At this time, there are very few classifications not affected by layoffs. Placing current employees in positions, in each affected classification, must take precedence before transfer requests or voluntary demotion can be considered.
Q: When I am on the reemployment list do I have to take the first position offered to me?

No. Positions will be offered to those on the reemployment lists by seniority for a period of 39 months from the date of layoff. When offered a reemployment opportunity, an individual may turn down that opportunity and remain on the reemployment list for the 39-month period. However, if the individual is serving in a lower-level classification at a “Y-rated” salary, the “Y-rated” salary will not be continued after an offer of reemployment has been made.

Q: How can I help colleagues in distress due to the RIF?

Calmly acknowledge and reassure the employee that what is happening to individuals at LACOE is difficult and unfortunate. Let the employee know that HRS understands the negative impact of budget cuts and uncertainty. These feelings are a normal response to the current situation. Communicate that support is available through EASE by calling (800) 882-1341, or they may contact their health-care provider.

Q: Whom do I contact for more information?

- Health insurance benefits—When will they end? How do I sign up for COBRA and how much will it cost? Contact the Benefits Office, (562) 803-8392
- Section 125 Plans—What happens to my flexible spending account? Contact ANI, (888) 264-2717
- Leave balances—Will I get paid for my vacation and/or sick leave? Contact Payroll, (562) 803-8398, or e-mail hendle_matthew@lacoe.edu
- Unemployment Insurance—Do not apply for benefits until the date you are officially unemployed by LACOE or the process will be delayed. Contact the Employment Development Department, (800) 300-5616, or go to www.edd.ca.gov
- Classified seniority—How was the Reduction in Force process applied to me? E-mail fisher_joyce@lacoe.edu
- Assistance with resume writing and interviewing skills—Contact Employee Training and Orientation, (562) 401-5786, or e-mail HRSETO_Registration@lacoe.edu
- Confidential counseling and support. Contact EASE, (800) 882-1341
- Education employment opportunities can be found at www.edjoin.org

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