


OAKLAND UNIFIED SCHOOL DISTRICT
Office of the Superintendent of Schools

June 25, 2014

| Legislative File | |
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| File ID Number: | 14-1231 |
| Introduction Date: | 06/25/2014 |
| Enactment Number: | 14-1227 |
| Enactment Date: | 6/25/14 |
| By: |  |

TO: Board of Education

FROM: Gary Yee, Ed.D., Acting Superintendent
Vernon Hal, Deputy Superintendent, Business and Operations
Brigitte Marshall, Associate Superintendent, Human Resources Services and Support

SUBJECT: Layoffs/Additions/Net of Nutrition Services' Classified Positions for Fiscal Year 2014-2015

ACTION: Approval by the Board of Education of Resolution No. 1314-1142 which provides for the reduction or layoff of certain classified positions based on lack of work and/or lack of funds, and increase or creation of authorized classified positions based on the Strategic Plan, as reflected through the Budget Development process.

BACKGROUND: The Education Code requires Board action in order to implement a reduction or elimination of classified positions on the basis of lack of work or lack of funds. Through the Budget Development Process, and based on budget decreases and/or reduction in sites/departments and modification of work to align to the Strategic Plan, sites and departments indicated a need to reduce certain authorized classified positions.

DISCUSSION: For Fiscal Year 2014-2015, the District will continue to face the challenge of keeping expenditures in line with uncertain revenues while ensuring that staffing expenditures are aligned with the District's Strategic Plan and identified priorities. Based on the projected staffing needs through the Budget Development process of sites and departments commensurate with projected revenue for Fiscal Year 2014-2015, it is necessary to reduce and/or eliminate certain classified positions due to lack of funds or lack of work. On the other hand, Budget Development also reflects school sites' and departments' determination that certain other classified areas should be increased. This resolution contains the decreases, increases, and overall net effect for authorized classified positions affected for the 2014-2015 fiscal year.

Although employees affected by the reduction or elimination of positions will receive layoff notices, some may retain District employment by being reassigned as permitted by the Education Code. In addition, other positions may be created to meet student needs and affected employees may be reassigned into newly-created positions, if eligible.

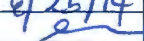
District staff will meet with representatives of the appropriate collective bargaining units to discuss the impact of the layoffs and to identify and create a plan of action to utilize available resources for the affected employees.

The total effect of the resolution is to decrease the overall number of authorized classified positions by 6.67.

FISCAL IMPACT: For the 2014-2015 fiscal year, there will be savings of salary and benefits for positions no longer funded.

RECOMMENDATION: Approval by the Board of Education of Resolution No. 1314-1142, which provides for the reduction or layoff of certain classified positions, and increase or creation of authorized classified positions based on lack of funds and/or lack of work as reflected through the Budget Development process.

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**RESOLUTION
OF THE
BOARD OF EDUCATION
OF THE
OAKLAND UNIFIED SCHOOL DISTRICT
Resolution No. 1314-1142**

Layoffs/Additions/Net of Classified Positions for Fiscal Year 2014-2015

WHEREAS, the District, impacted by the anticipated loss of revenue from the federal government and facing increased costs, must reduce its expenses in Fiscal Year 2014-2015 and ensure that expenditures are aligned with the District's Strategic Plan and budget priorities; and

WHEREAS, the primary mission of the District is to educate its early childhood, K-12 pupils with the annual resources, revenues at its disposal; and

WHEREAS, for Fiscal Year 2014-2015, based on anticipated decreased revenue and shifts in work to increase efficiencies, it is necessary for the District to streamline, reorganize, reduce and/or eliminate positions, in whole or in part; and

WHEREAS, Education Code Sections 45101, 45114, 45117, 45298 and 45308 require action by the Board of Education if services for classified staff are in good faith to be reduced or eliminated in order to permit the layoff of classified employees due to lack of funds and/or lack of work, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Education hereby determines that the following particular kinds of classified services or positions, labeled in the column "Deletes" in Exhibit "A", attached and incorporated herein by reference as though fully set forth, shall be and hereby are eliminated due to lack of funds and/or lack of work effective 11:59 p.m., June 30, 2014; and

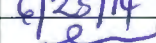
BE IT FURTHER RESOLVED that the Board of Education authorizes the Superintendent of Schools or his designee to: (1) send appropriate notices to all classified employees whose positions are lost, reduced, or otherwise impacted by the foregoing elimination of positions; and (2) to take all proper steps pursuant to Education Code Sections 45117 and 45308 to reduce and/or eliminate said positions; and

BE IT FURTHER RESOLVED, in executing the foregoing Resolve clauses of this Resolution, the Board of Education intends that the position results labeled in the column "Total" in Exhibit "A" attached and incorporated herein by reference as though fully set forth, be achieved.

Passed by the following vote:

- AYES: Jody London, Jumoke Hinton Hodge, Anne C Washington, Christopher Dobbins, Vice President
James Harris, President David Kakishiba
- NOES: None
- ABSTAINED: None
- ABSENT: Roseann Torres

I hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held June 25, 2014.

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OAKLAND UNIFIED SCHOOL DISTRICT



David Kakishiba



Dr. Gary Yee
Acting Superintendent and Secretary, Board of Education

Resolution No. 1314-1142

Exhibit A:

Layoffs/Additions/Net of Nutrition Services' Classified Positions for Fiscal Year 2014-2015

SCHOOL SITES

| AFSCME | | | | |
|----------------------------|------|----------------|-------------|---------------|
| Position | Mnth | Delete | Add | Net |
| Food Service Assistant I | 10 | (10.60) | 2.20 | (8.40) |
| Food Service Assistant III | 10 | (1.47) | 2.20 | 0.73 |
| Food Service Manager II | 10 | (1.00) | | (1.00) |
| Food Service Manager III | 10 | 0.00 | 3.00 | 3.00 |
| Food Service Manager IV | 10 | (1.00) | 0.00 | (1.00) |
| Total | | (14.07) | 7.40 | (6.67) |

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CALIFORNIA EDUCATION CODES – CLASSIFIED LAYOFFS

45101. Definitions as used in this chapter:

(a) "Classification" means that each position in the classified service shall have a designated title, a regular minimum number of assigned hours per day, days per week, and months per year, a specific statement of the duties required to be performed by the employees in each such position, and the regular monthly salary ranges for each such position.

(b) "Permanent" as used in the phrase "permanent employee" includes tenure in the classification in which the employee passed the required probationary period, and includes all of the incidents of that classification.

(c) "Regular" as used in the phrase "regular classified employee" or any similar phrase, refers to a classified employee who has probationary or permanent status.

(d) "Demotion" means assignment to an inferior position or status, without the employee's written voluntary consent.

(e) "Disciplinary action" includes any action whereby an employee is deprived of any classification or any incident of any classification in which he has permanence, including dismissal, suspension, demotion, or any reassignment, without his voluntary consent, except a layoff for lack of work or lack of funds.

(f) "Reclassification" means the upgrading of a position to a higher classification as a result of the gradual increase of the duties being performed by the incumbent in such position.

(g) "Layoff for lack of funds or layoff for lack of work" includes any reduction in hours of employment or assignment to a class or grade lower than that in which the employee has permanence, voluntarily consented to by the employee, in order to avoid interruption of employment by layoff.

(h) "Cause" relating to disciplinary actions against classified employees means those grounds for discipline, or offenses, enumerated in the law or the written rules of a public school employer. No disciplinary action may be maintained for any "cause" other than as defined herein.

The provisions of this section shall not apply to school districts to which the provisions of Article 6 (commencing with Section 45240) of this chapter are applicable.

The provisions of this section shall not apply to any school district which, during the 1973-74 school year, had an average daily attendance of 100,000 or more.

45114. Notwithstanding the provisions of Section 45113, the governing board may lay off and reemploy classified employees only in accordance with procedures provided by Sections 45298 and 45308, except the term "personnel commission" therein shall be construed to mean the governing board. "Governing board" as used in this section shall include districts governed by a common board or by different boards but with a common administration. Employees in common board or common administration districts shall, for the purpose of layoff for lack of work or funds, be considered as having been employed in a single district.

CALIFORNIA EDUCATION CODES – CLASSIFIED LAYOFFS – con't.

45117. (a) 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, 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. However, if the termination date of any specially funded program is other than June 30, the notice shall be given not less than 45 days prior to the effective date of their layoff.

(b) 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 45 days prior to the effective date of layoff, and informed of their displacement rights, if any, and reemployment rights.

(c) (1) A classified employee may not be laid off if a short-term employee is retained to render a service that the classified employee is qualified to render. This subdivision does not create a 45-day layoff notice requirement for any individual hired as a short-term employee, as defined in Section 45103, for a period not exceeding 45 days.

(2) This subdivision does not apply to the retention of a short-term employee, as defined in Section 45103, who is hired for a period not exceeding 45 days after which the short-term service may not be extended or renewed.

(d) This section does not preclude the governing board of a school district from implementing either of the following actions without providing the notice required by subdivision (a) or (b):

(1) A layoff for a lack of funds in the event of an actual and existing financial inability to pay the salaries of classified employees.

(2) A layoff for a lack of work resulting from causes not foreseeable or preventable by the governing board.

(e) This section shall apply to districts that have adopted the merit system in the same manner and effect as if it were a part of Article 6 (commencing with Section 45240).

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.

CALIFORNIA EDUCATION CODES – CLASSIFIED LAYOFFS – con't.

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.

45308. Classified employees shall be subject to layoff for lack of work or lack of funds. 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. Reemployment shall be in the reverse order of layoff.

For purposes of this section, in school districts with an average daily attendance below 400,000, for service commencing or continuing after July 1, 1971, "length of service" means all hours in paid status, whether during the school year, a holiday, recess, or during any period that a school is in session or closed, but does not include any hours compensated solely on an overtime basis as provided for in Section 45128. Nothing in this section shall preclude the governing board of a school district from entering into an agreement with the exclusive representative of the classified employees that defines "length of service" to mean the hire date. For purposes of this section, in school districts with an average daily attendance of 400,000 or more, for service commencing or continuing after January 1, 1986, "length of service" shall be determined by the date of hire.

If a governing board enters into an agreement with the exclusive representative of classified employees that defines "length of service" to mean the hire date, the governing board may define "length of service" to mean the hire date for a classification of employee not represented by any exclusive bargaining unit.

Nothing contained in this section shall preclude the granting of "length of service" credit for time spent on unpaid illness leave, unpaid maternity leave, unpaid family care leave, or unpaid industrial accident leave. In addition, for military leave of absence, "length of service" credit shall be granted pursuant to Section 45297. In the event an employee returns to work following any other unpaid leave of absence, no further seniority shall be accrued for the time not worked.

"Hours in paid status" shall not be interpreted to mean any service performed prior to entering into a probationary or permanent status in the classified service of the district except service in restricted positions as provided in this chapter.