

**Layoff Timeline**  
**for Probationary and Permanent Certificated Employees**  
**and Permanent Classified Employees**  
**for 2020-21 School Year**

There is a provision in the Education Code that allows a second window for certificated layoffs should the increase in the enacted budget be less than two percent. This provision may need to be used across the state as districts absorb the impact to school funding as a result of reduced taxes collected due to COVID-19.

Ed Code 44955.5 (a): During the time period between five days after the enactment of the Budget Act and August 15 of the fiscal year to which that Budget Act applies, if the governing board of a school district determines that its total revenue limit per unit of average daily attendance for the fiscal year of that Budget Act has not increased by at least 2 percent, and if in the opinion of the governing board it is therefore necessary to decrease the number of permanent employees in the district, the governing board may terminate the services of any permanent or probationary certificated employees of the district, including employees holding a position that requires an administrative or supervisory credential. The termination shall be pursuant to Sections 44951 and 44955 but, notwithstanding anything to the contrary in Sections 44951 and 44955, in accordance with a schedule of notice and hearing adopted by the governing board.

In order to complete any final notices for summer layoffs by August 15, the Morgan Hill Unified School District will use the following timeline:

May 1-31	Review employee classification, seniority lists (approved earlier this year), tie-breaking criteria, and current staffing levels with labor leaders; share information regarding potential personnel reductions with Budget Committee
May 19 Board Meeting	Summer layoff timeline introduced as information item to the Board
June 2 or June 16 Board Meeting	If needed, resolutions for Classified and Certificated layoffs
June 3-30	Notify affected classified employees (begin 60-day layoff notice). Notified employees remain on a rehire list for 39 months, and employees are called back in order of seniority.

	Serve Certificated employees with <i>Notice of Layoff</i> (via email and certified regular mail). The notice is for layoff for the 2020-21 school year
Within 7 calendar days of receipt of notice	Certificated employees <i>may</i> request a hearing (or the union can do it on behalf of everyone given a notice); a hearing is to verify that the seniority list and tie-breaking or skipping criteria was used to appropriately identify employees for layoff; employees who understand the reason for the layoff and who do not dispute the seniority list generally waive their right to a hearing
Following hearing request	Each employee who requests a hearing, will be served with documentation related to the hearing process
Within 5 calendar days of service of Accusation	Employee submits to the district a written <i>response</i> and <i>Request for Discovery</i> (or the union does it on behalf of everyone served)
Hearings will be scheduled in July	If a hearing is requested, the employee and District personnel appear before an administrative law judge (ALJ) who works for the State of California's Office of Administrative Hearings. The issues will include whether the employee was properly notified of the layoff, if the district followed the school board's direction as passed in a Board resolution, and if layoffs occurred in correct order of seniority and credentialing.
By August 10	The administrative law judge will give the district a <i>recommended</i> decision.
By August 15	The school board reviews the ALJ's recommendations and decides whether to adjust layoffs. Final notices of layoff must be given to the employee no later than August 15. If there is no final layoff notice served, the employee still has a job. Employees served with a final layoff notice remain on a rehire list for 39 months.