

MEMORANDUM OF UNDERSTANDING
between the
CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION AND
ITS HART CHAPTER #349
and the WILLAM S. HART UNION HIGH SCHOOL DISTRICT

Regarding Effects Of June 2020 Layoff

Notice of Layoff:

Whereas, the Governing Board Members of the William S. Hart Union High School District (District) took action to approve a Reduction in Force Resolution No. 19/20-12 on June 24, 2020, and

Whereas, the District has conformed to Education Code as summarized below by:

- A. Providing written notice of layoff not less than sixty (60) calendar days prior to the effective date of the layoff and the notices included the following information:
 - 1. The reason for the layoff;
 - 2. The effective date of the layoff;
 - 3. The unit member's displacement (bumping) rights, if any;
 - 4. The unit member's re-employment rights. (Education Code § 45117)
- B. Delivering layoff notices to the affected unit members by certified mail to the address listed on the unit member's most recent paystub.

The Association recognizes that the District has presented all affected unit members with notice of their displacement and reemployment rights.

2. The District recognizes and agrees to:

A. Work Protection:

- 1. Not reassign work previously performed by laid off employees, to non-bargaining unit members such as confidential, supervisory, administrative, management, certificated, substitute and/or short-term employees as well as volunteers, except as allowed and permitted by law.
- 2. Bargaining unit members on the 39-month/63 month rehire list who refuse an employment offer shall not be removed or lose their standing in the reemployment list.
- 3. Bargaining unit members who accept demotion in lieu of layoff shall be placed on the applicable salary schedules in accordance with P.C. Rule 13.9, and shall retain seniority in accordance with P.C. Rule 7.1(B).
- 4. Two unit members who chose to exercise their bumping rights and/or accept a demotion in lieu of layoff would otherwise receive a reduced level of health and welfare benefits, including District contributions. On a special one-time basis, the District will maintain benefits at the same level the two unit members received prior to the bumping/demotion.

B. Rehire Rights and Restoration:

1. Those unit members who have completed a probationary period in the position to which they are reemployed shall be reemployed without having to serve an additional probationary period.
2. Any demoted unit member on the reemployment list shall be notified by email or US Mail of all vacancies in the previously held classification as they become available within the District. If a unit member meets the minimum qualifications, that unit member shall be reemployed prior to all outside applicants. If two or more unit members meet the minimum qualifications of a vacancy, then the most senior unit member shall be offered the position.
3. Unit members who are returned to their former classification from the reemployment list within sixty (60) days from the date of layoff shall retain their seniority within the District.

C. Additional Support for Affected Unit Members:

1. Employees on reemployment lists may apply for any posted vacant position for which they are qualified.

The parties agree that this Agreement completes all effects bargaining relating to the District's layoff.

Other

The parties agree this MOU is non-precedential, will not bind the parties in any future action whether under similar circumstances or not, and cannot be introduced in any grievance, arbitration, complaint, administrative or legal proceeding of evidence of past practice or intent of the parties or meaning or application of the collective bargaining agreement.

This Agreement becomes final upon ratification of the Association (pursuant to Association Policy 610) and adoption by the District.

Dated: September 15, 2020

FOR THE ASSOCIATION:

Jessica Morrow
Labor Relations Representative
Jessica Morrow
Kathy Hefferon
Chapter President CSEA Hart 349
Kathy Hefferon

FOR THE DISTRICT:

Michael Vierra
Assistant Superintendent, Human Resources
Michael Vierra, Ph.D.