

**ARTICLE 11**  
**LAYOFF AND RECALL**

In the event the Board determines that the numbers of bargaining unit personnel must be reduced for any reason, such reduction shall be based on objective, reasonable and non-discriminatory standards which:

1. Shall not be arbitrary or capricious;
2. Shall not deprive unit employees of other rights conferred by this Agreement, by the laws of Florida, or by the laws of the United States;
3. Shall be capable of uniform application; and
4. Shall be based on seniority as fully described in this Article.

To implement this Article, the Board shall, through the appropriate department, keep and maintain a current seniority list of laid off employees in each area of classification with the school district and a copy of same shall be given to the FOPE. In the event, the Board determines that personnel must be reduced for any reason, the following procedures shall be controlling:

**A. LAYOFF**

1. Prior to implementing a district-wide reduction in personnel, the Superintendent or designee shall meet with representatives of the FOPE to discuss the proposed Board action and solicit their suggestions.
2. The Board shall then determine the net number of positions to be reduced and the classification in which layoff shall occur.
3. For the purposes of this layoff procedure, "work location" shall be defined as either a school, or a center, or, in the case of county employees, the department.
4. Employees shall be laid off by job classification at the work location in reverse order of total county seniority with the least senior person being laid off first.
5. When employees of the same job classification at the same work location have the same total county seniority, lay off shall be in reverse order of total work location seniority.

6. When employees of the same job classification at the same work location have the same total county seniority and the same total work location seniority, lay off shall be based on the employment date as reflected on the Personnel Action Form (PAF) with the person having the most recent employment date being laid off first.
7. For the purposes of this article, as soon as any bargaining unit member receives notification that he/she is not being reappointed to his/her current position in the subsequent fiscal year, a lay-off/recall list for the subsequent fiscal year shall be established for the specified job classification. No vacancy for any position in a fiscal year for which a lay-off/recall list exists shall be posted until said lay-off/recall list has been exhausted. Nothing in this section shall prohibit the effected employee from applying for any vacancy posted in the current fiscal year for which the employee is qualified.
8. The order of layoff shall be as follows:
  - a. First - Temporary employees shall be terminated.
  - b. Second - Probationary employees shall be terminated.
  - c. Third - Permanent part-time employees shall be laid off.
  - d. Fourth - Permanent full-time employees shall be laid off.
9. If layoffs occur, written notice of layoff will be given to the employee and to the FOPE twenty (20) working days before the action is to become effective. Should an employee be laid off without notice, then the employee shall receive full pay and benefits for the required period of notice.
10. Any employee who would have qualified for retirement during the school year in which the layoff takes place may, with the approval of the Superintendent, be permitted to ~~complete that school year~~ work through the date in order to qualify for retirement.
11. Any employee who is laid off/terminated due to the elimination of ~~their~~ his/her job shall be placed on the recall list and the recall procedure as outlined below will apply. Written notice of such a layoff will be given to the employee and to the FOPE twenty (20) working days before the action is to become effective. Thereafter, the FOPE may request and shall be entitled to receive written

documentation from the Board showing the basis for the job elimination. In the event the employee believes that the layoff was arbitrary or capricious, the employee may file a grievance to protest the layoff.

## **B. RECALL**

1. When it becomes necessary to implement recall procedures, seniority shall apply districtwide and may be calculated as defined in Definitions (Def-O), within the area of qualified job classifications.
2. Laid-off employees shall be notified of vacancy by certified mail, return receipt requested, to the last address listed in the District's Employee Self-Service (ESS) system. On the same date as the notice is mailed to the employee, a copy of the Notice of Recall shall be sent by certified mail to the FOPE. The absence of such qualified personnel shall be certified by the Non-Instructional Staffing Department. If an employee fails to respond within eight (8) working days of the date the Notice of Recall is mailed, the employee shall be deemed to have refused the position offered.
3. Within seventy-two (72) hours of the affirmative response of the employee receiving the job offer, the employee shall call for an appointment with the appropriate administrator/designee for the interview. If the employee, within the seventy-two (72) hours, fails to call for an appointment, the employee will be bypassed and the next senior person will be considered. This will count as a job refusal for the employee.
24. As vacancies occur in a particular job classification, and recall procedures are in effect, the five (5) most senior qualified employees on the seniority recall list maintained by the Noninstructional Staffing Department, shall be ~~interviewed~~ recalled by seniority for a particular vacancy. Within twenty-four (24) hours after an offer of employment has been made, in accordance with the seniority provisions herein, the employee shall respond to the ~~Board~~ Non-Instructional Staffing Department either accepting or refusing the job offer/un-posted vacancy, and thereafter shall confirm their acceptance/refusal to the ~~Board~~ Non-Instructional Staffing Department in writing or by phone followed up by signed written documentation. An employee shall retain the position on the seniority list for one year unless the person resigns, refuses three (3) job positions offered, or accepts a vacant position that is offered.

35. The job ~~offer~~ acceptance letters/documentation shall include the start date, job title, assigned calendar, and work location, for the ~~offered~~ accepted position.
46. Permanent full-time employees shall be recalled before any part-time employees are recalled.
57. No new appointments may be made while there are laid-off employees available who are qualified and willing to fill the vacancies.
68. An employee may be recalled to a job classification lower than that, which was held immediately prior to the layoff. If the employee accepts the lower position, the employee shall remain eligible for recall to the former classification in accordance with the provisions of this Agreement.
- ~~7. Laid-off employees shall be notified of vacancy by certified mail, return receipt requested, to the last address given to the Personnel Department by the employee. On the same date as the notice is mailed to the employee, a copy of the Notice of Recall shall be sent by certified mail to the FOPE. The absence of such qualified personnel shall be certified by the Non Instructional Staffing Department. If an employee fails to respond within eight (8) working days of the date the Notice of Recall is mailed to the employee shall be deemed to have refused the position offered.~~
89. When a laid-off employee's name is removed from the seniority list after one (1) year in accordance with ~~2~~ 3 above, their employment with the School Board shall be considered terminated.
910. The Board reserves the right to immediately fill a vacancy on a temporary basis not to exceed twenty (20) working days until the vacancy is filled, in accordance with the provisions of this Article and Article 6, Section 2.