

TENTATIVE AGREEMENT

ECRA/UTLA

February 24, 2016

ARTICLE X - LAYOFFS

10.1 Permanent Employees:

In the event ECRA must implement a layoff (reduction in force), ECRA shall comply with the Education Code provisions including, but not limited to, Sections 44949 and 44955 for implementing the layoff. As to the determination of seniority, see Section 10.3, below.

10.2 Probationary Employees:

10.2.1 Order of Layoff: ECRA shall determine the teaching or service fields in which a Reduction in Force shall be effected and the number of employees to be terminated in such fields. ECRA may determine to exempt from the Reduction in Force some but not all employees in a shortage field, and in such instance the order of termination in such field shall be as set forth in Section 10.3.1, below. In regard to the exemption of employees in shortage fields by credential authorization, ECRA may exempt employees in one or more than one shortage field by credential authorization without exempting employees by credential authorization in other shortage fields. For purposes of this Article, an employee who is "presently serving" in a teaching or service field is an employee who is assigned to the field for not less than one period (or its equivalent) per day, as of the date of notice pursuant to Section 10.2.2, below.

10.2.2 Notice: A probationary employee subject to layoff shall be provided written notice thereof at least fourteen (14) calendar days prior to such termination. Such notice shall be mailed by certified or registered mail to the address on file with ECRA as of the date of mailing, or shall be served on the employee by direct delivery. The notice shall be effective if mailed or delivered as stated above, or if actually received by the employee. The notice shall state that the employee will be terminated pursuant to the terms of this Article, and shall state the date upon which such termination is effective. The notice shall also state that the employee is being offered employment as a day-to-day substitute on the same basis as other day-to-day substitutes. A Reduction in Force shall be deemed commenced pursuant to this Article upon the action of the Board of Directors authorizing the Reduction in Force, so long as the Notices of Termination are served no later than thirty (30) days from the date of such authorization.

10.3 Seniority:

10.3.1 Prior service with LAUSD will be counted toward seniority so long as there was no break in employment from the employee's service with LAUSD and employment with ECRA as an independent charter school on July 1, 2011. Date

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of hire for employees hired after the formation of the charter will not include prior service with LAUSD or other districts.

10.3.2 For purposes of this Article, a permanent employee is senior to a probationary 5 employee, then Probationary 4, then Probationary 3, then Probationary 2, then Probationary 1, then conditional employees, then ECRA Interns, then University/Individualized Interns, then temporary contracts, and finally provisional employees.

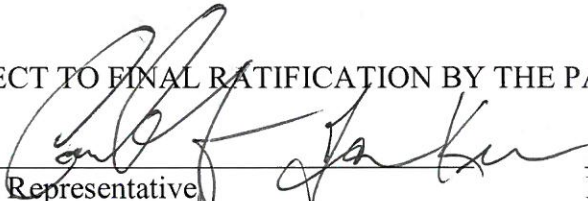
10.4 Re-employment

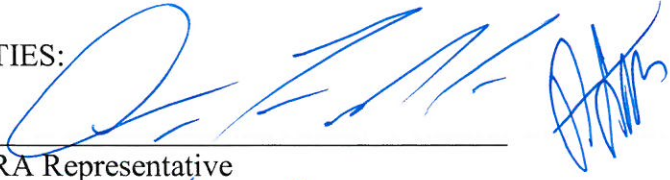
10.4.1 Re-employment List: Terminated probationary employees shall be placed on an ECRA Re-employment List for their particular teaching or service field for a period of 39 months from the last day of paid contract service with ECRA. Excluded from the list are those terminated employees who served in temporary contract, provisional, University Intern, ECRA Intern, or conditional status.

10.4.2 Order of Re-employment: Subsequent to the lay-off, if ECRA determines that vacancies exist in teaching or service fields, contract offers shall be made to individuals on the appropriate ECRA Re-employment List (for the specified teaching or service field) as follows:

- a. Individuals who were permanent employees shall be made offers of re-employment first, followed by Probationary 5, then Probationary 4, then Probationary 3, then Probationary 2, and finally Probationary 1 employees. Within each status the individual(s) with the earliest seniority date shall be made offers of re-employment first except that, as between individuals who have the same seniority date, they shall be re-employed in the inverse order of their termination;
- b. If an offer of re-employment is not accepted, the individual's name shall be removed from the ECRA Re-employment List;
- c. Individuals re-employed from the Re-employment List shall be placed in the status to which they would have been entitled but for the termination, provided however, that time spent on said List shall not be counted toward eligibility for permanent status; they shall have restored their initial seniority dates as defined herein.

SUBJECT TO FINAL RATIFICATION BY THE PARTIES:

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UTLA Representative 


ECRA Representative

Date: 2/24/16

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