

**BEFORE THE GOVERNING BOARD OF THE
LYNWOOD UNIFIED SCHOOL DISTRICT
COUNTY OF LOS ANGELES,
STATE OF CALIFORNIA**

Resolution # 21-22/42

***Resolution of the Lynwood Unified School District Board of Education
Approving Elimination/Reduction in Force of Certain
Classified Positions Due to Lack of Funds and/or Lack of Work***

The Governing Board (“Board”) of the Lynwood Unified School District (“District”) does hereby resolve as follows:

WHEREAS, Education Code sections 45114, 45115, 45117, 45298 and 45308 authorize the Board to layoff classified employees for lack of work, lack of funds, and/or as a result of the expiration of a specially funded program; and

WHEREAS, Assembly Bill (“AB”) 438, effective January 1, 2022, amends Education Code section 45117 and modifies the reduction in force process of permanent classified school employees; and

WHEREAS, AB 438 requires the Superintendent or his designee to give the Board and the affected classified employee(s) written notice of its recommendation that notice be given to the affected classified employee(s) that the District will not require the employee’s services for the ensuing year due to lack of work or lack of funds no later than March 15, and informing the employee of his/her displacement rights, if any, and reemployment rights; and

WHEREAS, a classified employee shall not be laid off if a short-term employee (hired for more than 60 days) is retained to render a service that the classified employee is qualified to render; and

WHEREAS, the affected classified employee(s) shall have seven (7) calendar days from service of the written notice to request a hearing or waive their right to a hearing; and

WHEREAS, upon written request from the affected classified employee(s), an administrative law judge from the Office of Administrative Hearings (“OAH”) shall conduct a hearing in accordance with Government Code section 11500 et seq. to determine if there is cause for not reemploying the affected classified employee(s) for the ensuing school year; and

WHEREAS, the OAH shall provide its proposed decision to the Board and the affected classified employee(s) by no later than May 7 of the year in which the proceeding is commenced; and

WHEREAS, the Board retains the right to make the final determination as to the sufficiency of the cause and disposition; and

WHEREAS, the affected classified employee(s) must be given final notice of their layoff before May 15; and

WHEREAS, due to a bona fide lack of work and/or lack of funds, the Board, upon the recommendation of the Superintendent, finds that it is necessary and in the best interest of the

District to reduce or eliminate the classified positions or services set forth below for the 2022-2023 school year; and

WHEREAS, the layoff is subject to the applicable provisions in the Education Code, Collective Bargaining Agreements, and the Personnel Commission Rules & Regulations.

NOW, THEREFORE, THE BOARD DOES HEREBY, RESOLVE, DECLARE, DETERMINE, AND ORDER, AS FOLLOWS:

1. The Board hereby finds and determines that the foregoing recitals are true and correct.
2. The Board hereby finds and determines that as of the 1st of July, 2022, or as soon thereafter as possible, the following classified positions shall be reduced to the extent hereinabove set forth, pursuant to Education Code section 45308 and Article 60.600 of the Personnel Commission Rules & Regulations.

Accounting Technician	2.0 FTE
Payroll Manager	1.0 FTE
Child Care Assistant	18.0 FTE
Director, Early Childhood Education	1.0 FTE
Early Childhood Education Program Specialist	2.0 FTE
Office Assistant II	3.0 FTE
Night Operations Supervisor	5.0 FTE
Printing / Mailroom Assistant	1.0 FTE

3. The Superintendent, or designee, of the District be and hereby is authorized and directed to give notice of layoff to the affected classified employees by March 15, 2022, pursuant to District rules and regulations as well as the applicable provisions of the Education Code, Collective Bargaining Agreements, and the Personnel Commission Rules & Regulations, which shall include their re-employment and displacement rights, if any. In addition, the Superintendent or his designee is authorized, where deemed necessary, to issue additional notices of layoff to certain other employees whose rights may be affected.
4. The Board hereby further authorizes and directs the Superintendent and/or his designee to meet and confer with the District’s applicable exclusive labor representatives to negotiate the effects of the District’s decision to eliminate/reduce the classified positions as set forth above.

PASSED AND ADOPTED at the regular meeting of the Governing Board held on February 24, 2022 by the following vote:

AYES: _____
 NOES: _____
 ABSENT: _____
 ABSTAIN: _____

Dated: _____, 2022

President, Board of Education