



Personnel and Administrative Policy and Procedure

SUBJECT: Layoffs	EFFECTIVE DATE: July 1, 2003 REVIEWED: REVISED: December 2012
CATEGORY: 200 POLICY NUMBER: 200.30	CROSS REFERENCE: AFSCME Contract, Article 14 MPEA Contract, Article 15

Purpose: To provide equitable procedures for the handling of a necessary reduction in staffing.

Definitions

Continuous Service Date: The first day an employee actually worked in an authorized position, or the day designated by the City as the continuous Service Date in recognition of prior service credit or absences from work or employment.

Layoff: An involuntary separation from City employment due to shortage of funds or materials, abolishment of position, or for other reasons not related to the job performance of an employee.

Scope: All non-represented employees who have attained regular status. For layoff procedures for represented employees, contract language will prevail.

Policy: The City Manager or Department Head may separate an employee without prejudice due to lack of funds or curtailment of work after giving at least ten (10) working days written notice of layoff or ten (10) days of pay if notice cannot be given.

Guidelines for Use

- In the event the City has a revenue short fall, departments may identify specific positions for layoffs.
- Preference for retention shall be based first upon performance and skills/knowledge, and, when this is not decisive, upon seniority of service in the classification.
- Unpaid leaves of absence shall not be used in calculating seniority.
- Bumping rights, and recalls, shall be based on the employee's seniority in classification. Layoffs for represented employees shall be based on seniority (see collective bargaining unit agreements.)
- With the approval of the HR Director and the employee, a Department Head may appoint an employee who is to be laid off to a vacancy in another classification for which, in the City's judgment the employee is qualified. If the employee accepts an appointment for a position in another classification with the same or higher salary range, his/her name shall not be placed on the layoff eligible list for the employee's present classification. If the employee is offered and does not accept appointment in another classification, his name shall, upon layoff, still be placed on the layoff eligible list for his/her present classification.

Procedures

- The City Manager in conjunction with the HR Director and respective Department Head shall identify position(s) designated for layoff.

- HRD shall assist employee(s) with job reassignment within the City if possible.
- Layoff list:
 1. The names of employees who have a satisfactory employment record and who have been recommended for reemployment by their department head shall be placed on a layoff eligible list and shall have recall rights to vacant positions in the classification in which they were laid off for a period of two (2) years following the date of layoff.
 2. The order of names on layoff eligible lists shall be determined by performance and skills/knowledge first and if not decisive, seniority of service as determined by continuous service date, with the most senior employee listed first.
 3. Laid off employees who have been notified in writing that they are being recalled to a vacant position must report to work within fourteen (14) calendar days of the City sending a certified letter to their last known address, or their name will be removed from the recall eligible list. If the City attempts to contact the employee by certified mail and the letter is returned unclaimed the employee's name will be removed from the layoff eligible list.
 4. An employee who is offered appointment to a vacant position in the laid off classification may reject such appointment if the employee does not believe he is able to perform the duties of the vacant position due to lack of required skills. If the department head concurs with the laid off employee's judgment, the appointment may be rejected and, subject to approval by the HR Director, the employee's name shall remain on the recall eligible list. If the department head does not concur with the employee's judgment, subject to approval by the Human Resources Director, the rejection of the appointment shall result in removal of the employee's name from the layoff eligible list.
 5. When the City rehires an employee on layoff status, the amount of sick leave, which that employee had accrued at the time of layoff, shall be reinstated to the employee. This applies to employees returning to the job class from which they were laid off as well as to those accepting replacement employment.

Responsibilities

Employees: If an employee is given an option to bump to a lower level position they have fourteen (14) days from date of notice of layoff to notify the HR Director in writing that they wish to exercise their bumping rights.

If an employee is offered a position as a result of being on a recall list, the employee must report to work within fourteen (14) calendar days or their name will be removed from the recall list.

City Manager: The City Manager has the final determination in which positions will be laid off.

The Human Resources Director: To notify employees of impending layoff, bumping rights, placement on a recall eligibility list and any subsequent openings as a result of being placed on the recall list.