

		Policy # 840
Subject: Layoff Process and Reemployment		
Responsible Department: Personnel Services		
Effective Date: 10/2015		Revision Date: N/A
David Devine Director of Personnel Services		Navdeep S. Gill County Executive

1. **Purpose**

This policy defines the roles and relationships of the Department of Personnel Services and the affected department(s) when a lay off action is necessary in accordance with labor agreements and the County Personnel Ordinance. This policy will also address related layoff issues, such as, establishing seniority lists, implementing layoffs, placement of employees identified for layoff, and outlining the procedures departments will follow when reemployment lists are established.

2. **Authority**

Personnel Ordinance, Article VII
Civil Service Rules, Section 10.1
Applicable Labor Agreements

3. **Scope**

Definitions:

“Appointing Authority” means the person having the lawful power to make appointments and to suspend, demote, reduce the compensation of, and remove persons from positions in the County service, and subordinates to whom such authority is delegated. (Personnel Ordinance Section 2.78.210)

“Appointment” means the offer to a person and that person’s acceptance of, a position. (Personnel Ordinance 2.78.208)

“Accommodation Transfer List” refers to the list of qualified, eligible candidates who have received ADA Certification from the Disability Compliance Office to request reassignment as an accommodation.

Layoff Process and Reemployment, Policy # 840

"Director of Personnel Services" means the Director or his or her designee.

"Interdepartmental Transfer List" refers to a transfer in the same class from one County department to another.

"Interclass Transfer List" refers to a transfer from one job class to a different job class. Candidates must meet the minimum qualifications of the job class in order to transfer and the difference between the Max Monthly Salary (top step) of the current job class and the job class in which the employee wishes to transfer into is less than 5%.

"Layoff" means the involuntary termination from a class of a permanent or probationary employee without fault on the part of the employee, because of lack of work, lack of funds, or in the interest of economy. (Personnel Ordinance Section 2.78.246)

"Layoff list" and "seniority list" refer to lists prepared by the Department of Personnel Services to establish the seniority of incumbents in classes in which deletions are scheduled or classes effected by bumping actions for a particular department.

"Position scheduled for deletion" refers to those positions proposed in the budget hearings, approved by the Board of Supervisors, and subsequently identified in the Salary Resolution as positions scheduled to be deleted or unfunded.

"Reemployment List" means a list of persons who formerly held permanent status in a class who have been laid off and who are entitled to preference in appointment to vacancies in that class. (Personnel Ordinance 2.78.274)

- On the "Departmental Reemployment List," names are certified to the department in accordance with applicable labor agreements, or the Personnel Ordinance. Generally, names are placed on the list in the order of seniority.
- On the "County-wide Reemployment List," names are merged with names from the departmental reemployment lists for that class, in accordance with the Civil Service Rules, applicable labor agreement, or the Personnel Ordinance. Generally, names are placed on the list in the order of seniority.

Layoff Process and Reemployment, Policy # 840

"Section 21 (j)" of the Sacramento County Charter (SCC) provides that the County Executive has authority to temporarily transfer employees from one position to another within the County.

4. Policy

AUTHORIZATION FOR IMPLEMENTING LAYOFFS:

When an Appointing Authority has determined that a position or a number of positions must be deleted and will result in layoffs, the Appointing Authority will consult with the County Executive's Office.

Once a layoff is requested, all personnel activities involving promotions in the department, transfers within the department, or new hires into the department will be permitted only with authorization from the Department of Personnel Services.

The County Executive's Office will forward to the Director of Personnel Services the department's request for a layoff. This request for layoff shall be provided a minimum of 30 days prior to the date of service of notice of layoff being presented to the affected employee(s).

The Board of Supervisors must authorize layoffs and the issuance of layoff notices.

The Board of Supervisors has authority to approve the SRA deleting the position(s).

At the direction of the Board of Supervisors, the Department of Personnel Services will exercise the delegated authority to prepare the SRA for any budget changes subsequently authorized due to funding changes.

The Department of Personnel Services will then be responsible for establishing seniority lists and implementing the layoff process.

PRIOR TO IMPLEMENTING LAYOFFS:

Prior to implementing any request(s) for seniority lists and/or layoffs, the Director of Personnel Services must refer to the Personnel Ordinance or applicable labor agreement(s) to follow any layoff requirements.

Layoff Process and Reemployment, Policy # 840

Once a layoff is requested, all personnel activities involving promotions in the department, transfers within the department, or new hires into the department will be permitted only with authorization from the Department of Personnel Services.

Prior to a department notifying an affected employee of layoff, the department will reduce or eliminate departmental Section 71-J contracts in the amount and to the extent necessary to avoid and/or minimize layoffs. In addition, if such reduction to departmental Section 71-J contracts is not sufficient to offset the impact to County employees, the County shall reduce or, eliminate, as necessary, applicable Agency-wide or County-wide Section 71-J contracts.

Prior to layoff of any probationary or permanent employees, temporary and provisional employees in the class involved in the layoff shall be separated. (Personnel Ordinance, Section 2.78.815[b]).

A limited-term employee is a temporary employee for the purposes of separation from County employment. However, in the event of such separation, a permanent employee appointed to a limited-term position shall have return rights, within the same department, from the limited-term position to the permanent position in a class they previously held status. (Personnel Ordinance Section 2.78.249[b]).

Prior to layoff of any probationary or permanent employee, any permanent employee who currently is serving in a temporary position in the class involved in the layoff shall be separated and returned to the class in which the person holds permanent status in that department. (Personnel Ordinance Section 2.78.815[c]).

Recruiting Allowance (RA) positions are not temporary positions. They are permanent positions with no funding.

SENIORITY LISTS:

This section outlines the requirements for requesting the departmental seniority lists and the timing of the seniority list used to generate the layoff notice for the employee(s). Seniority lists will serve as a basis for decisions regarding the order of layoff actions.

The Board of Supervisors authorizes any layoff actions in the County.

Layoff Process and Reemployment, Policy # 840

The department requiring seniority lists shall inform the Department of Personnel Services of the upcoming layoff and review timing of the issuance of the layoff Notices.

Each County department is responsible to review position eliminations against the current list of 71(J) contracts. The Department of Personnel Services will also perform a second check of eliminated positions against existing County contracts to ensure compliance with the provisions of 71(J).

No layoff can occur until applicable 71(J) contracts are reduced or eliminated pertaining to the affected job class.

After the seniority lists have been finalized, the Director of Personnel Services shall forward those lists to the Appointing Authority of the requesting department.

LAYOFF ACTION:

Once the process of seniority determination is completed, the finalized seniority lists will serve as the basis for required personnel actions. This section outlines the requirements for affecting a layoff.

Probationary and permanent employees shall be laid off in the inverse order of their seniority. (Personnel Ordinance 2.78.815 [d])

The Director of Personnel Services is responsible for procedural conduct of the layoff notification process and will establish a plan to effect all required actions. In addition to responsibilities for overall layoff procedures and coordination, the Director of Personnel Services is responsible for:

- Preparing and signing the notices of layoff. Employees must be given a layoff notice in accordance with section 2.78.817 of the Personnel Ordinance or applicable labor agreement. The employee will be notified in the layoff notice regarding placement on reemployment lists and any right to demote as may be applicable.
- Providing layoff information to Labor Relations so that appropriate information can be distributed to the Recognized Employee Organizations (REO) in accordance with their relevant agreements.

Layoff Process and Reemployment, Policy # 840

- Ensuring all documents necessary for serving employee layoff notices are delivered to the effected departments.
- Providing guidance and information to those serving employee layoff notices within the effected departments.
- Ensuring the deletion of position(s) scheduled for layoff through the Salary Resolution Amendment (SRA).
- Establishing the reemployment lists for which layoffs have occurred.
- Assisting Labor Relations in the preparation of grievance responses and arbitration materials connected to the layoff action.

The Appointing Authority must return all appropriate documents including the notice(s) of layoff and affidavit(s) of service to the Department of Personnel Services.

PLACEMENT OF EMPLOYEES IDENTIFIED FOR LAYOFF:

The County will make reasonable efforts to place employees identified for layoff in other County jobs for which they are qualified. The Director of Personnel Services shall be responsible for this process. This section outlines the procedures associated with placing employees identified for layoff into other positions within the County.

When this procedure is in effect, all requisitions and certifications will be sent to the Director of Personnel Services to verify the existence of vacant positions and identify classes for possible placement of employees identified for layoff.

The Director of Personnel Services will review every requisition to determine if the request to fill the vacant position can be met by the appointment of an incumbent from a position scheduled to be deleted.

Requisitions and Certifications for positions that are not affected by layoffs and are not appropriate for appointment by an incumbent from a position scheduled to be deleted will be processed through the standard requisition and certification process (e.g. - specialized classes with no layoff anticipated).

Layoff Process and Reemployment, Policy # 840

The Director of Personnel Services reviews the qualifications of incumbents in positions scheduled for deletion and coordinates placement into vacant positions.

Requisitions which do not result in the appointment of an incumbent of a position scheduled for deletion may be filled by utilizing the specified hiring exemption process.

All demotion, charter section 21(j) placement, and transfer actions will be coordinated by the Director of Personnel Services, who shall:

- Coordinate employees under consideration for Charter Section 21(j) appointments who have obtained pre-approval for such appointments from the County Executive's Office. The County Executive may invoke the provisions of Charter Section 21(j), where appropriate circumstances exist.
- Determine, in cooperation with gaining departments, the actual job duties, minimum qualifications and whether alternate classes are acceptable to fill vacancies.
- Track deletions held in abeyance due to expected attrition and anticipated vacancies.

MAINTENANCE OF RECORDS AND DOCUMENTATION:

The Director of Personnel Services will maintain records and documentation of all personnel actions associated with layoff(s) including positions scheduled for deletion, official seniority lists and all SRA documentation.

REEMPLOYMENT:

Permanent employees who have been laid off shall be entitled to appointment from a departmental reemployment or certification from a County-wide list for a vacancy in the class in which the employee was laid off.

The Director of Personnel Services is responsible for establishing and maintaining reemployment lists in accordance with the applicable labor agreement, Civil Service Rules, or the Personnel Ordinance.

Layoff Process and Reemployment, Policy # 840

Entitlement to appointment or certification applies whether the position in which the vacancy occurs is regular, temporary or limited-term. (Personnel Ordinance 2.78.321) The Department of Personnel Services shall consult the Civil Service Rules, applicable labor agreement, or Section 2.78.325 of the Personnel Ordinance to determine appointment and certification priorities. Generally, after the requisition has been approved, the following priority will apply for appointment: departmental reemployment list, County-wide reemployment list, and the applicable eligible list (or other appropriate lists).

- If there is a departmental reemployment list, only one name (in seniority order) will be certified for each vacancy. For each person who declines an offer of employment, an additional name shall be certified.
- The County-wide reemployment list shall be sent after there are no longer any names on that departmental reemployment list for the class within the department in which the vacancy exists OR all persons on that departmental reemployment list have declined appointment to that vacancy.
- The names of the three most senior persons will be certified in the order of the County-wide reemployment list.
- The department will have the discretion to offer the appointment to one of the three people.
- If there is more than one vacancy, an additional name shall be certified for each vacancy in excess of one. The first appointment shall be from the first three certified names.
- If there are fewer than three names on the County-wide reemployment list, a rank or ranks of additional names shall be certified from the regular eligible list (or other appropriate lists such as transfer list or Accommodation Transfer List) so as to provide a total of not less than three persons available for appointment. Additional ranks will not be certified once there are at least three people available for appointment.

TEMPORARY/LIMITED-TERM APPOINTMENTS:

When a temporary or limited-term position is available, persons may be contacted via e-mail, telephone, or in writing, and may accept or decline an appointment either orally or in writing. Based on the business need of the department, the response time may be accelerated, and all the people on the list may be contacted simultaneously, so the position can be filled in a timely manner. Those who respond with interest within the given time frame will be appointed in accordance with the order of the reemployment list.

Whether or not a person accepts or declines a temporary or limited-term appointment in any class, he or she shall not be deemed removed from reemployment lists.

PERMANENT APPOINTMENTS:

A person to whom an appointment is intended to be offered may be contacted personally and may accept appointment orally. A person shall not be deemed to have declined appointment unless he or she has done so in writing, or unless written notice of the offer of appointment has been transmitted by certified mail to his or her last known address and he or she has failed to accept the appointment in writing within five calendar days following the date of mailing of the notice. (Personnel Ordinance 2.78.325, subparagraph "2" of paragraph "b")

OFFER OF APPOINTMENT:

When an appointment has been offered and accepted, the appointing authority shall return the appropriately annotated and signed certification list to the Department of Personnel Services.

When an appointment has been offered and declined, the appointing authority shall return the certification list to the Department of Personnel Services with one of the following attached:

- The original letter of refusal, if the person does not desire appointment or is temporarily medically incapacitated.
- A copy of the letter sent to the person's last known address and the certified mail receipt, if the person fails to file a written statement within five calendar days following the certified mailing.

Layoff Process and Reemployment, Policy # 840

- The original written statement of objection, if the person declines appointment from a County-wide reemployment list on the basis of the identity of the department, geographical location of the job, or shift schedule.

REMOVAL FROM REEMPLOYMENT LISTS:

The name of a person shall be deemed removed from reemployment lists and their entitlement to appointment or certification from such lists will be terminated as follows:

- Upon expiration of the time limit contained in the applicable Labor Agreement or Personnel Ordinance (generally 2-5 years following the effective date of layoff of each person).
- As a result of appointment to a regular position within the County service in a class which is the same as the one for which the list exists or which, at the time of appointment, is equal to or higher in salary, when measured at the top step of the salary schedule, than the one for which the list exists.
- Removal from the departmental reemployment list will also result in the removal of the name of the person from the County-wide reemployment list for the same class.

The names of persons shall be not be deemed removed from reemployment lists and their entitlement to appointment or certification from such lists will not be terminated as follows:

- When a person accepts or declines an appointment to any temporary or limited-term position in any class.
- When the person states in writing that he or she is temporarily medically incapacitated. (Personnel Ordinance 2.78.325, subsection "c")
- When a person submits a written statement objecting to the appointment from a County-wide reemployment list on the basis of the identity of the department, geographical location of the job, or shift schedule of the job. However, the person shall not thereafter be certified for appointment from a County-wide reemployment list to a

Layoff Process and Reemployment, Policy # 840

vacancy which falls within the description of the written objection.
(Personnel Ordinance 2.78.327, subsection "d")

EFFECT OF LAYOFF

Reference must be made to the applicable labor agreement or the Personnel Ordinance, but generally, the period of separation following the layoff shall not be treated as an interruption of service for purposes of reestablishing salary, benefits, or seniority. The period of such unemployment shall be treated as County service for seniority purposes. With the exception of seniority, the period of separation shall not be treated as County service for any other purposes

5. Review Not Applicable