

The City Manager may lay off permanent and probationary workers at any time for lack of work, budgetary reasons, technological changes, or other City actions that necessitate a reduction in the work force. At least four weeks notice shall be given to any employee who is to be laid off. At the City Manager's discretion, a demotion or transfer to another department or classification may be made to prevent a layoff provided the employee is qualified by education and/or experience and is capable of performing the duties of the classification. The Department Heads, in consultation with the Human Resources Director, and as approved by the City Manager, will effect the layoffs.

#### Reduction in Force

When it becomes necessary to reduce the work force in the City, the City Manager shall designate the job classification, division, department, or other organizational unit in order to effect a reduction in the work force. Contract, temporary, seasonal, or initial probationary employees in the same job classification as ones proposed to be reduced within the City shall be laid off first. Probationary promotional employees who are laid off shall be returned to their former classification. Employees who accept lower positions or transfers in lieu of lay-off shall be placed at a pay level within the salary range of the new position, which yields a salary closest to current salary.

#### Order of Layoff

**Effective July 1, 2011**, the order of layoff of career employees shall be made in accordance with a system which favors retention of the ~~more meritorious~~ employees **with the most seniority**, based upon evaluation of the following factors in the listed order of implementation:

- ~~A:~~ ~~An overall rating of "unsatisfactory" or "needs improvement" on the most recent performance evaluation once finalized and filed in Human Resources except when an employee has less than one year seniority with the City. In that case, only seniority will be used:~~
- ~~B:~~ ~~Documented disciplinary actions during the preceding twelve (12) months:~~
- ~~C:~~**A.** Seniority (length of service in a career position):
  1. in the city
  2. in the classification
  3. in the department

For employees who are equal in ~~performance and~~ seniority, as established in ~~A-C~~ **A 1 though 3** above, preference will be given to those with **higher overall performance reviews during the past twelve months, then free of disciplinary action during the past twelve months and then** proof of honorable military discharge.

#### Seniority:

Seniority is determined from the day of official appointment to a City department as a career employee, provided that any career employee, who, as a result of promotion, transfer, or voluntary demotion, is appointed to a career position in another department, shall for purposes of layoff, carry seniority previously acquired over to the new department.

Seniority shall continue to accrue during periods of Annual Leave, layoff not exceeding ~~two (2)~~ **three (3)** years, any authorized leave of absence of less than three (3) months, or any call to military service for the duration of the call to duty. Seniority shall not accrue during any other break

in continuous service.

Other Policies:

The City may call back as a temporary employee, within the first year after layoff, any laid off employee who is on the recall list when the employee is qualified to fill a vacancy of a full-time position.

Any employee who receives an involuntary transfer shall have the option to be reinstated to a vacated position in the classification said employee was involuntarily transferred from for up to six (6) months from the effective date of the involuntary transfer in the event of layoff.

An employee who chooses to terminate and have his/her name placed on the Reinstatement List under this section shall notify the department in writing of his/her decision at least three (3) working days prior to the effective date of reassignment. Such termination shall be on the same date as the reassignment would have been effective.

Recall List:

The name of every career employee who is laid off, transfers, or elects to demote to a formerly held classification in the same department for longer than one pay period due to a Reduction-in-Force, shall be placed on the Recall List. ~~except that the names of those employees laid off under Sections A & B under "order of lay off" above, shall not be placed on the recall list.~~ Vacancies to be filled within a department shall be offered, to individuals named on the Recall List who at the time of the Reduction-in-Force, held a position in the same job classification within the department as the vacancy to be filled. Order of recall shall be same as order of layoff.

Individual names may be removed from the Recall List for any of the following reasons:

1. The expiration of ~~two (2)~~ **three (3)** years from the date of placement on the list, **effective June 30, 2011.**
2. Re-employment with the City in a career full-time position in a department other than that from which the employee was laid off.
3. Failure to respond within 14 calendar days of mailing a certified letter regarding availability for employment.
4. Failure to report to work within 14 calendar days of mailing of a certified letter containing a notice of reinstatement to a position, absent mitigating circumstances.
5. Request in writing, **including e-mail**, to be removed from the list.

Status on Re-employment:

**Effective June 30, 2011,** A career employee who has been laid off or terminates in lieu of reassignment and is re-employed in a career position within ~~two (2)~~ **three (3)** years from the date of his layoff or termination shall be entitled to:

1. Buy back and thereby restore all or a portion of Annual Leave credited to the employees' account on the date of layoff or termination and at the same rate as it was sold originally. This restoration must be requested in writing within 30 days of returning to work and must be fully paid back within six (6) months of the return to work.

2. Restoration of seniority accrued prior to and accrued during layoff.
3. Credit for all service prior to layoff for the purpose of determining the rate of accrual of Annual Leave.
4. Placement in the salary range as if the employee had been on a leave of absence without pay if he/she is reinstated to the same job classification in the same department from which he/she was laid off or terminated.
5. **In accordance with CalPERS regulations, restoration to the same level of CalPERS benefits and City paid member contribution that the employee received prior to being laid off or terminated.**
6. **Restoration to the same level of flexible benefits (i.e. benefit bank) that the employee received prior to being laid off or terminated.**

In the event of a vacancy, if there are no individuals on the recall list who formerly occupied the vacant classification, those individuals on the recall list who possess the necessary qualifications for the vacant classification shall be eligible for recall to the vacancy. Eligibility order shall be the same as the order of lay-off.

No person from outside City employment shall be hired in a career position in the deleted classification until all those displaced due to layoffs or transfers are recalled to their former classification or one classification lower in the same career ladder as the one in which the employee was laid off.

Continuation of Benefits:

Those who are laid off shall have their medical insurance benefits continued to the end of the second month following the date of their layoff in the event that they are not covered by another medical plan at that time.