

SUBJECT: Reduction in Force and Recall	EFFECTIVE DATE: 8-11-16	A.R. NO.: 6
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In order to comply with provisions of Section 2.76.470, LMC, it has been determined with the advice of the Human Resources Director and City Attorney, that the following procedures will be implemented should a department head need to conduct a reduction-in-force because of lack of work or curtailment of funds. Consideration shall be given to performance record and seniority in service.

1. GENERAL CONSIDERATIONS

Full-time regular employees do not compete with part-time regular employees and vice-versa. For this purpose, full-time employment means employment in a position which does not normally require less than 40 hours work per week. Part-time employees may not retreat into positions which require a greater number of regularly scheduled hours than the employee normally is scheduled to work.

Separation shall be considered to mean any reduction in an employee's normally scheduled work week.

2. COMPETITIVE LEVEL

The competitive level shall be the class of position to which the employee is regularly assigned (unless the position is highly specialized – a unique set of responsibilities or functions not found in any other job description within that classification and no other person in that class could perform those responsibilities without extensive experience and training) and in which he/she performs duties a majority of the time while in a pay status.

3. COMPETITIVE AREA

The competitive area shall be the department in which the employee is regularly assigned, and in which he/she performs duties a majority of the time while in a pay status.

4. DETERMINATION OF EMPLOYEE STATUS

Once it is determined which positions are to be eliminated, the following criteria will apply:

For employees in pay ranges prefixed by 'E':

- a. Use employee's two most recent regularly scheduled annual performance evaluations in accordance with LMC 2.76.160 and Executive Order Nos. 30255 and 31519. Employees with the highest average performance evaluations by category in the class to be reduced will be retained. If there is a one point difference or less in average score between categories, the employee
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to be RIFed will then be determined by continuous service excluding any leave without pay status. For example, one employee's average score for last two years is 121.53, the second employee's average score is 121.30. Assuming the second employee has two more years of continuous service, that employee would not be RIFed but the first employee with a score of 121.53 would be RIFed.

- b. For the purpose of determining highest average overall performance evaluations, the following categories will be used: 130.5 to 150 highest category followed by 121.5 to 130.499, 94.5 to 121.499 and lastly 94.499 and below. As an example, a 138 average evaluation would not automatically take precedence over a 136 average evaluation since both are in the highest category and are considered equal. Seniority would then become the determining factor. Likewise average evaluations between 121 and 94.5 would be considered equal since relative work performance is about the same.

Categories for RIF purposes will be obtained by averaging the last two years' scores. No rating with a due date of January 15th or later will be used in the year in which a layoff is to take place. Any rating with the above due date not submitted to Human Resources by that date will not be considered. This is designed to provide for a fair assessment of work over a longer period of time. An employee with less than two years of service will have the benefit of only 95% of his/her evaluation scores for RIF purposes. For example, an average score of 140 for RIF purposes would be 133.

- c. In the event of identical overall performance evaluations falling within the same category, the employees with the greater length of total continuous city service, computed to months and days, will be retained. Total continuous city service is defined to mean service with the City since the most recent date of hire, minus leaves of absence without pay or previous layoffs. Service in more than one City department shall count toward total city service.
- d. It is assumed positions are properly classified in accordance with present class specifications. Where certain individuals perform highly specialized work within a class from which a position is to be eliminated, said individuals may be considered as best qualified to perform the available work, but only after submission of written justification to, and approval of, the Human Resources Director. Time in a position does not automatically qualify an individual for the best qualified or speciality status.

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For employees in pay ranges prefixed by ‘M’ or ‘W’:

- e. Use employee's two most recent regularly scheduled annual performance evaluations in accordance with LMC 2.76.160 and Executive Order Nos. 30255 and 31519. Employees with the highest average performance evaluations by category in the class to be reduced will be retained. If there is a one point difference or less in average score between categories, the employee to be RIFed will then be determined by continuous service excluding any leave without pay status. For example, one employee's average score for last two years is 80.94, the second employee's average score is 80.78. Assuming the second employee has two more years of continuous service, that employee would not be RIFed but the first employee with a score of 80.94 would be RIFed.

- f. For the purpose of determining highest average overall performance evaluations, the following categories will be used: 86.91 to 100 highest category followed by 80.92 to 86.90, 62.94 to 80.91 and lastly 62.94 and below. As an example, a 91 average evaluation would not automatically take precedence over a 89 average evaluation since both are in the highest category and are considered equal. Seniority would then become the determining factor. Likewise average evaluations between 80.91 and 62.94 would be considered equal since relative work performance is about the same.

Categories for RIF purposes will be obtained by averaging the last two years' scores. No rating with a due date of January 15th or later will be used in the year in which a layoff is to take place. Any rating with the above due date not submitted to Human Resources by that date will not be considered. This is designed to provide for a fair assessment of work over a longer period of time. An employee with less than two years of service will have the benefit of only 95% of his/her evaluation scores for RIF purposes. For example, an average score of 93 for RIF purposes would be 88.35.

- g. In the event of identical overall performance evaluations falling within the same category, the employees with the greater length of total continuous city service, computed to months and days, will be retained. Total continuous city service is defined to mean service with the City since the most recent date of hire, minus leaves of absence without pay or previous layoffs. Service in more than one City department shall count toward total city service.

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- h. It is assumed positions are properly classified in accordance with present class specifications. Where certain individuals perform highly specialized work within a class from which a position is to be eliminated, said individuals may be considered as best qualified to perform the available work, but only after submission of written justification to, and approval of, the Personnel Director. Time in a position does not automatically qualify an individual for the best qualified or speciality status.

For employees in pay ranges prefixed by 'A', 'C', 'N', or 'X':

- i. Whenever a classified position is abolished, or a reduction in force becomes necessary, or an employee is laid off to create a vacancy for an employee moving from a higher classification, layoff shall be in reverse order of continuous service with the City.
- j. An employee who has received notice of layoff shall have the privilege of bumping an employee in the same class in his Department with less continuous City service. If there are no employees in the same class with less continuous City service, he may move to the next lower classification in the class family in the employee's Department. Additionally, the City will permit employees to bump into a different class within the employee's Department so long as the employee has served at least one (1) year in that class.
- k. An employee who is laid off to create a vacancy for an employee moving from a higher classification shall in turn have the privilege of moving to the next lower classification within the class family for which he is qualified, within the employee's Department, whether or not a vacancy in such lower classification exists.
- l. In no case shall an employee with greater continuous City service be laid off to create a vacancy for an employee with less continuous City service.

5. RETREAT RIGHTS

In the competitive area (department) an employee may retreat to another class related to the competitive level (such as a class series), if the employee is qualified and has greater city service than an incumbent in the related class. However, the employee will not have retreat rights when the class of position is highly specialized and the employee does not possess the necessary qualifications.

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Additionally, the City will permit an employee to retreat into the exact class within the employee's department so long as the employee has previously served at least one (1) year in the exact class.

There shall be no retreat rights into bargaining units by non-represented employees and vice versa.

6. NOTICE

Once the Mayor's budget is released to the City Council, any position unfunded or not in the base budget, the affected employee(s) in the position(s) will be notified as soon as practicable. However, in no event shall an employee receive a written notice less than 10 working days as per LMC 2.76.470 prior to effective date of the RIF. Employees will also be given written notice of their right to appeal such action to the Personnel Board. This appeal must be filed in writing within ten working days of receipt of the written notice of a reduction-in-force.

Employee notification will be made jointly by the department head and the Human Resources Director.

Employees who are notified according to the above procedure must notify the Human Resources Director in writing of their decision to exercise retreat rights within three working days of the receipt of such notification.

7. RECALL

In accordance with the provisions of Section 2.76.470(a) and Section 2.76.305, LMC, employees who are subject to a reduction in force shall be placed on reemployment lists. An employee desiring to be placed upon a reemployment list should submit a request in writing to the Human Resources Department. (See sample attached.)

Employees who elect in writing to have their name placed on a recall list for the class of the position from which laid off, shall be responsible for making their current address available to the City-County Human Resources Department. Recall shall be in reverse order of layoff and shall expire two (2) years from the effective date of the layoff or separation. An individual offered recall to a vacancy in the class of the position from which laid off, has the right to refuse the offer and remain on the recall list up to two (2) years. Recall lists shall be utilized City-wide and shall not be applicable only to the department from which the employee was laid off.

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A recalled employee shall have his service time computed back to his original date of employment minus the time not employed.

An employee who is laid off, and is later recalled within two (2) years, shall have available upon his return such unused sick leave accrual as he may have earned up to the time of his departure. Further, accrual rates for vacation and sick leave will be established at the level based upon the revised service time. An employee who is recalled, is eligible for enrollment in the health, dental and life insurance programs without waiting periods and reinstatement in the retirement program.

Approved:



 Mayor



 Human Resources Director



 Law

