

ARTICLE SIXTEEN

LAY-OFF AND REINSTATEMENT

1. **Lay-Offs.** The appointing authority may lay off employees pursuant to this Section (i) whenever it becomes necessary because of lack of work or funds or (ii) whenever it is deemed advisable in the interests of economy to reduce the force in a department.
2. **Order of Lay-Offs.** Persons shall be laid off in the following order:
 - a) Lay-off shall be by department and class within the department except as otherwise noted herein.
 - b) When it becomes necessary to reduce the force in any department, lay-off of regular employees shall be in the order in which their names appear on the Lay-Off List for the affected class, as prepared by the Personnel Director, with those persons having the least seniority credit being first laid off.
 - c) A designated position which requires special or unique knowledge or skills critical to the operation of county business which is in the same class as other positions within a department or office may be exempted from the provision in this Section when recommended by the appointing authority and approved by the County Administrator.
3. **Lay-Off List Computation.** When it becomes necessary to reduce the work force in any department, the Personnel Director shall establish a lay-off list by department and class. Said lay-off list shall be based upon seniority as follows:
 - a) **Seniority Defined.**
 - (1) For each regular employee, except as modified in Subsection 2, seniority will be measured from such employee's initial appointment to permanent county service. Seniority shall not be calculated nor included for any period during which the employee did not receive compensation. For any employee who is re-employed after permanent separation, seniority shall be measured from the date of his/her most recent appointment.
 - (2) Regular employees who held seasonal or limited term status prior to permanent appointment shall receive seniority credit for said status only if the service was continuously compensated employment prior to a permanent position.
 - (3) One point seniority credit shall be given for each full calendar month of service as specified in (1) and (2) above or for any period of one half (1/2) or more of a calendar month for the first or last months of employment. Except that permanent part-time employees shall receive seniority credit on a proportionate basis to their monthly regular schedule services.
 - b) **Tie Breaking.** When two or more regular employees have the same total Lay-Off credit, the tie shall be broken and preference given in the following sequence:
 - (1) Employees with the greatest seniority as reflected by the date of appointment as computed in Subsection 3(a).
 - (2) Employees with the highest position on the employment list of permanent appointment to his/her present class.
 - (3) Random drawing.
4. **Notice of Lay-Off.** The appointing authority shall send written notice by certified mail, postage prepaid, return receipt requested and correctly addressed to the last known mailing address of the employee as found in the records of the Personnel Department. If return receipt is not promptly received by the

appointing authority, then it shall serve said notice by personal service. If personal service cannot be made, said notice shall be effective when mailed by ordinary mail to said address. Notice of Lay-Off shall be mailed or delivered to all regular employees affected by a layoff at least fifteen (15) days prior to the effective date of the action. Said notice shall include:

- a) Reason for layoff.
- b) Regulations pertaining to demotion and displacement in lieu of layoff.
- c) Effective date of the action.
- d) Conditions governing retention on and reinstatement from re-employment lists.
- e) Rules regarding waiver of reinstatement and voluntary withdrawal from the re-employment list.
- f) Layoff list credit of the employees.

All employees not in regular positions shall be notified of appointment termination at least forty-eight (48) hours prior to the effective date of the action. An employee who is to be laid off may elect to accept such layoff prior to the effective date thereof.

5. Demotion and Displacement in Lieu of Lay-Off

- a) In lieu of being laid off, a regular employee may elect demotion and displacement in lieu of lay-off in the same department, to a class previously held by said employee with a lower salary range or to a lower class within a class series which the employee either holds or previously held a class. Class series means a class with the same title but different levels as identified as I, II, III, with a possible IV.
- b) Demotion and displacement rights to specified classifications shall be applicable only within the department and subject to lay-off list provisions in this Section based on seniority and ability.
- c) Notwithstanding Section 5 (a) and (b), employees who are transferred in accordance with Article 15, Subsection 2 of these rules and are subject to lay-off, should retain their rights to demotion and displacement in lieu of lay-off in the previous department or to whichever department the employees previous position has been allocated to if the interdepartmental transfer was initiated by the County. Should an employee exercise their rights under this section, all conditions and provisions of these rules shall be applicable.
- d) To be considered for demotion and displacement in lieu of lay-off, an employee must notify the Personnel Department in writing of this election no later than five (5) calendar days after receiving the notice of lay-off. Regular employees shall have an additional five (5) calendar days after each notification that lay-off credit is insufficient to allow displacement as computed in Subsection 3 above. The Personnel Director must be notified, in the time frame noted above, for a regular employee to elect to displace to the next lower class.
- e) A department head may request that his/her department be exempted from this subsection if he/she is able to demonstrate to the Board of Supervisors that this process would damage the overall efficiency and effectiveness of the department.

6. **Extra Help Employment for Laid Off Employees.** Should a regular employee be laid off from a classification and department which utilizes extra help employees in that classification to maintain staffing levels or to perform special projects, the department shall offer available extra help employment to the laid-off employee. Utilization of extra help shall not supplant regular employees.

7. **Priority Consideration.** An employee who has received formal notice of their separation from employment resulting from a pending layoff in accordance with Merit Resolution Article 16, Section 1, may elect to have their names forwarded for Priority Consideration for any County vacancy for which they meet the Minimum Qualifications.

The names of qualifying employees will be sent to the Department Head of any department that has a vacancy as soon as possible, but no later than five working days after the Personnel Department is notified by the department of the vacancy.

The Department Head with the vacancy is not required to select anyone from the Priority Consideration list; however, they are required to interview all employees whose names are submitted to them, before making a final decision on filling the vacancy. If the Department Head would still prefer to consider applicants from a Merit List, they may do so, without rejecting from consideration anyone on the layoff list until a final selection is made for their vacant position.

Employees who want to participate in this program must submit a request in writing to the Personnel Department, and complete a current application (with resume if they wish) with the position title left blank. The Personnel Department will have authority, only under this program, to copy the employee's application, fill in the position title, and forward it to the Department Head for consideration. The employee's right to participate in this program will terminate on the effective date/time of their layoff and separation from County employment.

Employees who transfer to another department in accordance with this program are subject to the terms and conditions of a transfer as set forth in the Merit Rules, Article 14, Section 3 and Article 15.