



CITY OF VISALIA PERSONNEL POLICY
Policy #119
Reduction in Workforce (Layoff)

I. PURPOSE

The purpose of this policy is to establish the regulations pertaining to layoff and seniority and establish procedures in the application of this policy.

II. POLICY

When it is deemed necessary to eliminate regular allocated positions by the layoff of employees, the layoff procedure shall protect the right of the City to retain qualified employees, while recognizing the seniority of affected employees. The City will implement its decision, if any, to eliminate positions and/or outsource City services and/or programs as required under the Meyers-Milias-Brown Act and other applicable laws.

If a bargaining unit employee is subject to a Memorandum of Understanding (MOU) which provides a layoff procedure, the layoff procedure in the MOU shall supersede this policy, with respect to the affected employees.

III. LAYOFF

- A. The department head, with approval of the City Manager, shall determine the classification, number of positions to be affected within a department, and the layoff effective date.
- B. Layoffs shall occur by classification within the department in inverse order of seniority in the following order of employee status.
 - 1. Probationary employees
 - 2. Regular employees.
- C. Employees in at-will positions are not subject to these rules; however, if equivalent contract and/or hourly positions exist in the impacted department, regular employees who are laid off will be given the option of those positions.

IV. SENIORITY

A. Determining Seniority Ranking for Layoff

Seniority for determination of layoff only shall mean the length of continuous service an employee has served in his/her current classification with the City of Visalia, subject to the following:

- 1. Credit shall be given only for continuous service in a regular allocated position.
- 2. Continuous time worked includes time during which the employee was absent with pay. Approved leaves of absence without pay maintain the continuity of employment, but the duration of the leave shall be deducted from the total continuous time period worked except as provided by State and/or Federal law.



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Policy #119
Reduction in Workforce (Layoff)

Length of service does not include unauthorized absences or periods of suspension or layoff.

3. Continuous service in regular part-time positions will be pro-rated for the purposes of computing seniority.

B. Tied Seniority Scores

In situations where there are two or more employees in the classification from which the layoff is to be made who have the same seniority date within that classification, such employees shall be laid off on the basis of their overall rating of their last performance evaluation. If both employees have the same evaluation rating their overall time with the City will be considered. See exception below for sworn Fire and Police Department positions.

- Fire Department Sworn: Seniority ranking as established by the Fire Department.
- Police Department Sworn: Seniority ranking as established by the Police Department.

C. Determining Seniority Ranking for Bumping

1. For bumping purposes only, seniority shall be calculated based on the length of continuous service in all regular allocated positions, subject to the following:
 - a. Continuous time worked includes time during which the employee was absent with pay. Approved leaves of absence without pay maintain the continuity of employment, but the duration of the leave shall be deducted from the total continuous time period worked except as provided by State and/or Federal law. Length of service does not include unauthorized absences or periods of suspension or layoff.
 - b. Bumping rights are limited to an employee's department

V. BUMPING RIGHTS

- A. Bumping rights or bumping shall mean the right of an employee, based upon the seniority as defined in this policy, to displace another employee ("bump" into another classification) within the affected department.
- B. An employee shall be permitted to bump into any at-will (contract, hourly) position in the same classification or performing similar duties within the affected department. In such cases the employee who bumps assumes appropriate at-will status. The displaced at-will employee will receive notification as deemed appropriate by the City.
- C. An employee shall be permitted to bump into any classification he/she previously held within the affected department, provided that he/she has seniority over the person being bumped.



CITY OF VISALIA PERSONNEL POLICY
Policy #119
Reduction in Workforce (Layoff)

- D. No employee shall have the right to bump into a classification for which the employee does not possess the minimum qualifications of the classification, such as specialized education, training, certifications, knowledge, skills and abilities.
- E. An employee who is bumped shall have the same rights as provided within this policy and shall be considered laid off for purposes of this policy.
- F. In addition to bumping rights, an employee shall be permitted to transfer into a vacant position in the employees' current classification within the City organization provided the position has been approved to fill, and where his/her current performance has been documented to be satisfactory as determined by the Human Resources Manager.
- G. An employee shall be permitted to voluntarily demote to a vacant lower classification in which the employee previously served within the City organization, provided the employee possesses the minimum qualifications for the lower position, the position has been approved for filling, the department head concurs with the appointment, and his/her prior performance in that position has been documented to be satisfactory as determined by the Human Resources Manager.

VI. EXCEPTIONS TO LAYOFF BY SENIORITY

Whenever the City believes that the best interest of the City requires the retention of employees with special qualifications, certifications, licenses, or skills essential for the effective operation of the department, an exception to the order of layoff may be made by the City Manager at the request of the department head. The City Manager may, in his/her sole discretion, grant or deny an exception. An employee who is laid off in lieu of a less senior employee, pursuant to the exception, will be notified as outlined in this policy.

VII. NOTIFICATION

- A. The City will notify the appropriate Employee Bargaining Unit of its intention to eliminate positions prior to making any formal announcement of such layoffs. The notification will offer the appropriate Employee Bargaining Unit the opportunity to meet and confer over the impacts and effects of the City's decision to implement the layoff. The notification will be provided to the relevant Employee Bargaining Unit and include a list of the affected employee(s) and classification(s) and their seniority at the time the notification is prepared.
- B. If the Employee Bargaining Unit accepts the offer to meet and confer over the impacts and effects of the City's decision to implement the layoff(s), the meeting shall take place prior to any layoffs or formal announcement of layoff. Nothing in this section relinquishes the City's right to lay off employees.
- C. Employees subject to layoff shall be given at least thirty (30) calendar days advance notice in writing. In addition to a copy of this policy, the layoff notice shall include the following information:
 - 1. Reason for layoff
 - 2. Effective date of layoff



CITY OF VISALIA PERSONNEL POLICY
Policy #119
Reduction in Workforce (Layoff)

3. Employee's calculated seniority time
 4. Classifications and positions to which the employee may exercise bumping rights and/or other options such as transfer to vacant position(s) and
 5. Other rights the employee may have as outlined in the City Personnel Policies.
- D. An employee who has bumping rights shall notify the Human Resources Manager in writing within ten (10) calendar days of the written notice of layoff of his/her intention to exercise the bumping rights described in this policy.

VIII. REEMPLOYMENT

- A. Employees who are laid off shall have their names placed on a reemployment eligible list for their current classification and/or a classification they previously held for a period of two years. Certification from the reemployment eligible list shall be made in accordance with Policy #104 Recruitment and Selection.
- B. The Human Resources Manager shall make every effort to place an employee who has been laid off in a vacant position approved for filling, for which he/she is qualified, during the term of the reemployment eligible list.
- C. Notice of recall from layoff shall be in writing, sent by Certified Mail and shall specify the date for reporting to work, which shall not be more than thirty (30) calendar days from the date the notice is received. Notice shall be deemed to have been received when sent to the last known address of the employee on file with the City. The employee shall have fourteen (14) calendar days from the date of Notice to notify the City in writing, as to whether the employee accepts the job offered through the recall. If the employee does not notify the City in writing by that period of time, of their acceptance of the job offered, the employee will be deemed to have rejected the offer of reemployment, and his/her name will be removed from the reemployment eligible list. The City will move to fill the position by other means.

IX. RESTORATION OF BENEFITS UPON REEMPLOYMENT

Employees reemployed from the Reemployment eligibility list are eligible to restore benefits as follows:

- Retain original service date;
- Vacation accrual rate in effect at time of separation;
- Uncompensated sick leave balance in effect at time of separation;
- PERS retirement system in effect at time of rehire and as outlined by PERS requirements; and
- Health insurance benefits and employee premiums in effect at time of reemployment.