

## LAYOFF AND REHIRE POLICY

POLICY NUMBER: 303
DATE ADOPTED: FEBRUARY 27, 1996
PAGE 1 of 6

### I. General Provisions:

- A. In carrying out its responsibility for managing the affairs of the County, the Board of Supervisors exercises its discretion in allocating funds to each county department. The funds allocated to any county department may result in a reduction in force for any and/or all departments. In the event of a reduction in force, each employee affected shall be given notice of the reduction.
- B. When for reasons of lack of funds or lack of work, the County has determined a layoff is necessary, the County shall give notice thereof to all affected employees.
- C. Persons to be laid off shall be determined in accordance with the rules set forth herein.
- D. The Personnel Officer shall make an effort to transfer any employee who is to be affected by a reduction in force to another vacant position for which such employee may qualify.
- E. A part-time employee is defined as any employee working less than 37 ½ hours per week. Any employee funded by two or more departments, and whose work is divided between those individual departments on a part-time basis, shall be designated a full time employee if he or she works a total of 37 ½ or more hours per week.

### II. State Merit System:

- A. The Merit System of the State of California shall apply to all selection, layoff, and reemployment procedures in the Welfare Department except that regular employees in this department shall be notified of layoff thirty (30) calendar days prior to the effective date of layoff.

HISTORY

III. Order of Layoff:

- A. Layoff shall be by inverse order of County seniority for permanent, regular employees if performance is satisfactory. Employees with documented overall "unacceptable" or "passable" on their last two (2) annual performance evaluations in present position shall be laid off prior to employees with satisfactory performance.
- B. All extra-help, limited-term, temporary and seasonal employees shall be laid off before any probationary employees. All part-time probationary employees shall be laid off before any full time probationary employees. All probationary employees shall be laid off before any permanent employees. All part-time permanent employees shall be laid off before any full-time permanent employees. Within each of the above categories, Employees shall be laid off in the inverse order of seniority.

IV. Seniority:

- A. The seniority date of an employee for purposes of layoff and rehire shall be based upon the date of hire with the county. A break in employment shall result in the acquisition of a new date of hire. Any employee laid off after acquiring permanent status shall, after reinstatement, regain the seniority credit he/she possessed at the time of layoff. Periods of approved absences shall be credited as continuous County employment. Any voluntary termination of employment, except an authorized leave of absence, shall constitute a break in service at which point seniority will terminate.
- B. Tie Breaking: When two or more employees in the same department and same class have the same total seniority, the tie shall be broken by a lot process agreed upon by the affected employees and administered by the Employee Relations Officer.

///

///

///

HISTORY

First Adopted: 7/12/88

Amended: 2/27/96

POLICY NUMBER: 303  
DATE ADOPTED: FEBRUARY 27, 1996  
PAGE 3 of 6

V. Bumping:

- A. Any employee designated to be laid off may bump into the same or any lower classification in his/her current series within the same department. If he/she has previously held permanent status in another position or positions in the County, he/she may bump back to the last previously held position, provided that it has not been abolished and that the qualifications and duties have not materially changed to the point where the employee could not be re-trained within forty-five (45) days. An employee who cannot bump into his/her last previously held position because of lack of seniority over the incumbent or other reasons, may then bump into the position held prior to that time. An employee who has previously held more than one position in the County shall bump back in sequence from the most recent to the earliest position held.
- B. Notwithstanding the provisions in the paragraph above, an employee may exercise the bumping rights provided therein only on condition that:
  - 1. He/she has more County-wide seniority than the employee to be displaced.
  - 2. He/she is willing to accept the reduced compensation level.
  - 3. He/she would be able to meet the minimum qualifications for the lower class within forty-five (45) days of assuming the position.
  - 4. He/she requests displacement action in writing to the Personnel Office within five (5) working days after service of the notification of layoff. The filing of an appeal does not stay the notification requirements of this section.
- C. Notwithstanding the above, part-time employees shall not have the right to bump full-time employees.
- D. If an employee is bumped, he/she shall be laid off in the same manner as an employee whose position has been abolished.

///

///

## LAYOFF AND REHIRE POLICY

<p>POLICY NUMBER: 303 DATE ADOPTED: FEBRUARY 27, 1996 PAGE 4 of 6</p>
---

E. The foregoing shall be construed to allow bumping across unit lines, both out of and into the unit, only to previously held positions. Any employee displaced as a result of bumping across unit lines shall, in addition to the bumping rights enumerated above, have the right to be placed in any vacant position in the County for which he/she is qualified or for which he/she may be re-trained within forty-five days. To the fullest extent possible, reductions in status and/or salary shall be prevented or minimized.

### VI. Notice of Layoff:

- A. The County shall send written notice by certified mail, postage prepaid, return receipt requested, and correctly addressed, to the last known mailing address of the employees found in his/her personnel file. Notice of layoff shall be made at least thirty (30) calendar days in advance of the effective date of such layoff. The notice of layoff shall include the following information: Reason for Layoff, Effective Date of Layoff, and a copy of this Article, and forms to request hearing to assert displacement rights. Personal service may be substituted in lieu of certified mail.
- B. An employee who has been notified of his/her impending layoff, shall be granted up to twenty (20) hours released time without a loss of pay or benefits, by prior arrangement with his/her supervisor, to obtain other employment. The department head shall require proof of actual job search. In addition, employees may use accrued vacation or compensatory time for this purpose once notice is given.

### VII. Preferential Rehire Rights:

- A. For a period of 12 months, the names of permanent employees who were laid off and/or reduced in class or displaced shall be placed on the reemployment list for their class at time of layoff in order of seniority. At the end of 12 months, these same employees may request an extension of 12 months placement on the rehire list. A maximum of two extensions will be allowed.

HISTORY

## LAYOFF AND REHIRE POLICY

POLICY NUMBER: 303

DATE ADOPTED: FEBRUARY 27, 1996

PAGE 5 of 6

Any vacancy occurring in the class from which employees have been laid off shall be filled by a person on preferential rehire status for that class in order of seniority, provided he/she is qualified and available for this position.

- B. A permanent employee who has been laid off may request that his name be placed on the reemployment list for a lower class in his/her current series also for a period of 12 months.
- C. Any employee who holds permanent status with the County, regardless of whether or not they are currently serving a promotional probationary period, who has been laid off may request that his/her name be placed on the reemployment list for a classification he/she previously held in Colusa County, provided that such classification was held prior to the date of layoff.
- D. Employees who have been laid off or reduced in class or displaced shall remain on preferential rehire status for a period of 12 months after their layoff date.
- E. Preferential rehire status cannot be revoked. However, active placement efforts for a person on preferential rehire status may be suspended in the following circumstances :
  - 1. If the person indicates unavailability or if attempts to reach the individual are unsuccessful, active placement activities may be suspended. Active placement effort must be resumed if the person later indicates availability in the 12 months preferential rehire period.
  - 2. If the person declines three (3) job offers, the person's name may be removed from the rehire list.
  - 3. Notification to individuals for possible rehire shall be sent by certified mail with a return receipt requested.
- F. When a person is reemployed from a preferential rehire status, the employee shall be entitled to accrue sick leave and vacation at the same rate at which it was accrued prior to layoff. If the employee is rehired within 30 days of layoff, he/she is entitled to "buy back" any sick leave or vacation time that was previously paid. His/her status in relation to probationary period, merit salary

HISTORY

First Adopted: 7/12/88

Amended: 2/27/96

increases and seniority shall be the same as at the time of layoff. Any unused and unpaid sick leave and vacation shall be reinstated.

- G. An individual on preferential rehire status may accept an extra-help appointment or position and not lose his/her preferential rehire status.

VIII. Hearing:

- A. A regular permanent employee who receives a notice of layoff shall be entitled to request a hearing before the Board of Supervisors prior to the effective date of the layoff. Such a request shall be made within five working days after service of the notice of layoff. Failure to make such request shall waive the right to a hearing. At said hearing, the employee may challenge the determination of seniority and bumping rights and whether this procedure was complied with. The employee shall have the right to be represented by a representative of his choosing, to present evidence, and to cross-examine any witnesses. Following the hearing, the Board of Supervisors shall issue an order affirming or revoking the layoff of the employee. Unless the Board of Supervisors orders revocation of the notice of layoff, the employee shall be laid off on the date set forth in the notice.
- B. If, after request, the hearing is not held prior to the effective date of layoff as set forth in the notice of layoff, the effective date of the layoff shall be deemed to have been extended until after the hearing and the issuance of the order by the Board of Supervisors.

IX. Personnel Lists:

At the time notices of layoff are sent to employees, the Employee Relations Officer shall post a list of all County employees in all departments arranged by classification and seniority date, in the Personnel Office. Such a list shall also be posted in each department. Employees shall be entitled to obtain, on request, a similar list for positions they previously held in other departments of the County.

///  
///