

POLICY

Whenever in the judgment of the City one or more positions are to be eliminated for reasons of lack of work, lack of funds, reorganization, or other reasons of economy, efficiency or lack of need, an employee filling such a position may be laid off, demoted or transferred. Such non-disciplinary action shall not be subject to appeal.

ORDER OF LAYOFF

1. The order of layoff shall be in inverse seniority within the groups below. Seniority is defined as length of service in a classification within a designated department. Layoffs shall be by group in the following order:
 - A. Group 1: temporary and part-time employees not included in the PERS retirement system.
 - B. Group 2: temporary and part-time employees included in the PERS retirement system.
 - C. Group 3: probationary employees in regular full-time positions who received an overall satisfactory or lower rating on their last written evaluation.
 - D. Group 4: probationary employees in such positions who received an overall above average rating on their last written evaluation.
 - E. Group 5: regular full-time employees who on their last written evaluation received an overall unsatisfactory rating.
 - F. Group 6: regular full-time employees who on their last written evaluation received an overall satisfactory or better rating.
2. If there are two or more employees to be laid off who have identical seniority in a classification, the order of layoff shall be by total length of continuous City service. If such City length of service is also identical, layoff shall be by random selection made by the Personnel Director.

EXCEPTIONS TO LAYOFF SENIORITY

1. Whenever the Personnel Officer believes that the best interest of the City requires the retention of employees with special qualifications, characteristics, skills, or fitness for the work the Personnel Director may prepare a written request to the City Manager to grant an exception to the order of layoff.

2. With respect to sworn public safety officers (police officers pursuant to Penal Code Section 830.01 and fire) the City may grant an exception to the order of seniority to retain those officers who live within a 20 minute response time of City Hall. This provision is not intended to apply to correctional officers employed at the Taft Community Correctional Facility.

DISPLACEMENT RIGHTS (BUMPING)

Regular employees who are designated to be laid off and have held regular status in a lower classification within the same classification series, (e.g., planning series, engineering series, police serried, fire series, etc.) in the same department, may displace employees in the lower classification provided that the employee exercising the displacement privilege had an equal or better overall rating on his/her last written evaluation and providing that the employee has the necessary licensure or certificates required by the position. If the employee in the higher classification has not held status in a lower classification, then no displacement rights accrue to the individual. Conditions which affect displacement rights are as follows:

1. The employee exercising the displacement privilege will displace employees in lower classifications in the same order as specified in that section entitled "Order of Layoff."
2. All employees must exercise displacement privileges within five (5) working days after receipt of the Notice of Layoff, by written notice to the Personnel Director. If these privileges are not exercised within the specified time period, they are automatically forfeited.
3. Displacement rights shall be exercised within the following departmental structure:
 - A. City Administration
 - B. Finance
 - C. Fire
 - D. Planning/Building
 - E. Police/CCF
 - F. Public Works Administration
 - G. Streets/Building & Grounds/Refuse/Garage
 - H. Transit
 - I. WWTP/Sewer

DEMOTIONS

Upon request of the employee, and with the approval of the appointing authority, an employee who has not held status in a lower classification may be allowed to demote to

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SECTION 116

a vacant authorized position in the same position in the same department if he/she meets all the requirements of the lower position as determined by the appointing authority.

All employees who are demoted will be paid at the same rate of pay as prior to demotion, if, and only if, the rate of pay is within the range of the lower position. If this is not the case, the rate of pay shall be within the salary range of the lower position which is closest to the rate of pay prior to demotion.

TRANSFERS

1. The appointing authority may transfer an employee to a vacant authorized position if the employee is qualified and technically capable of performing the duties as determined by the appointing authority.
2. Employees who are transferred will be paid at a rate of pay equal to the rate of pay prior to transfer. Any employee who does not accept a transfer within five (5) working days after a Notice of Transfer is given will have automatically forfeited his ability to transfer.
3. If the transfer involves a change from one department to another, both department heads must consent unless the City Manager orders the transfer for purposes of economy or efficiency.

NOTICE OF LAYOFF

A written notice of layoff shall be accomplished by personal service or sent by certified mail to affected employee(s) to the last address given to the City, not less than five (5) days prior to the effective date of layoff.

1. The notice shall contain:
 - A. The reason for layoff and its effective date;
 - B. The employee's displacement rights, if any; and
 - C. The employee's reemployment rights.
2. The Association shall be notified of the name(s) of the affected employee(s).

BENEFITS AND ASSISTANCE

Employees to be laid off shall be provided assistance by designated Personnel Department staff in exercising their entitlements to City and statutorily provided benefits.

REEMPLOYMENT OF DEMOTED EMPLOYEES IN LIEU LAYOFF

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Employees who are demoted as a result of layoff shall have their names placed on a classification reemployment list, in the order of their classification seniority in the position that has been vacated. Vacant positions within a classification shall be first offered to employees on this list.

REEMPLOYMENT OF EMPLOYEES LAID OFF

Employees who are laid off and who held regular status at the time of layoff shall have their names placed on a Reemployment List for classifications in which they previously held status and for classifications at the same or lower salary range for which they qualify in the order of their classification seniority by group as specified in paragraph 1. Vacant positions in such classifications will be offered to eligibles on the Reemployment List who qualify for such vacancies after reemployment of demoted employees in lieu of layoff (above) and prior to an open or promotional recruitment.

DURTION OF REEMPLOYMENT LIST

The eligibility of the individual on the Reemployment Lists shall extend for a period of twelve (12) months from the date of demotion, transfer or layoff. Eligible not responding to written notification of an opening within five (5) working days shall have their names removed from the Reemployment List.

NOTICE OF RECALL

Notice of Recall from layoff shall be by Certified Mail and shall specify the date for reporting to work, which shall not be more than fourteen (14) working days from the date the notice is received. Notice shall be deemed to have been received when sent to the last known address on file within the City.

RESTORATION OF BENEFITS UPON REEMPLOYMENT FOLLOWING A LAYOFF OR DEMOTION IN LIEU LAYOFF

Upon reemployment, an individual will have the following benefits restored:

1. Prior uncompensated sick leave accruals to a maximum of 720 hours.
2. Seniority at time of layoff for purposes of determining merit increases, vacation accruals and future layoffs.