

HUMAN RESOURCES DEPARTMENT POLICY
San Luis Obispo County

Topic: Layoff Process	
Subject: Layoffs	Revised: April 2009
CSC Rule: 2.10, 2.27, 2.37, 2.50, 9.01(c), 9.02, 10.03, 12.04, 12.05, 12.07,12.13	Approval: _____
Location: P:\HR Department Policies\Final Policies 2004\LAYOFFS\Layoff Guidelines update 2009_04.doc	Date: _____
	Note: Original signed copy on file in Human Resources Department.

1. Determination of position(s) subject to Layoff

Pursuant to CSC Rule 12.04, the appointing authority shall determine the position(s) subject to layoff within their department as depicted on the department's Position Allocation Listing (PAL).

2. Determination of employee(s) subject to Layoff

Pursuant to CSC Rule 12.05, total county seniority determines the individual employee(s) who are reduced or laid off in the affected class(es). Seniority is based upon paid hours in the classified service with the County, regardless of an employee's current full-time or part-time status.

3. Rights of a Part-time Employee in a Layoff

Departments cannot be required to split full-time positions into part-time positions to accommodate part-time, laid-off employees. A part-time employee who is impacted by a layoff can choose to accept a full-time position, if it is available through bump rights, or terminate employment with the County.

4. Bump Rights between Confidential and non-Confidential Job Classes

An employee in a confidential job classification will only have bump rights (see CSC rule 12.05(e) Order of Layoff) to a non-confidential job classification if that employee has achieved permanent status in the non-confidential job class.

5. Rights of a Laid-off Employee When a Former Position Has Been Reclassified

When it is determined that a job class which a laid off employee formerly held is *substantially similar* to a position reclassified after the employee held status, then the employee will have bump rights into that reclassified position.

In determining substantial similarity the Human Resources Department will, at minimum, consider the following factors:

- Similarity of duties of the current classification in comparison with job duties of the class the employee held.
- Dates the employee held the job class and the date of the reclassification.
- Changes to the minimum qualifications, salary range, and/or bargaining unit.

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- Whether the new classification is more specialized, more generic, or could best be described as a title change.
- Whether the changes in duties were state-of-the-art updates in the job field (e.g., computer applications) or fundamental changes to the job.

These factors will be reviewed in a more restrictive manner than those used to determine reemployment rights to related positions or voluntary reduction rights afforded to employees under Civil Service Rules 12.10 and 12.13.

6. Multi-level positions in a series

When position(s) are assigned to a multiple-level series, (e.g. Administrative Asst I, II, III) the appointing authority shall determine the specific level in the series subject to layoff, as well as the positions' full-time or part-time designation, as depicted on the PAL. Pursuant to CSC rule 12.05, bump rights to a class are obtained through achieving permanent status in that class and determined by total county seniority.

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QUESTION & ANSWER EXAMPLES

1. Question

Does an employee who will be laid off in a "confidential" classification have bump rights to a position, based on seniority, to the "regular" classification of that series?

Example

There will be a layoff in job class 0851 Account Clerk - Confidential. Should the least senior employee in this job class be entitled to bump a less senior employee in job class 0827 Account Clerk?

Conclusion

No. The employee will only have bump rights to the "regular" classification if that employee achieved permanent status in the non-confidential job class.

The "confidential" and "regular" job classes are two distinct job classes. They have two different job class codes and different salary ranges. Moreover, in all personnel practices they are treated as distinct job classes. For example, employees must compete in a promotional exam process for an appointment from a "regular" to a "confidential" position.

CSC Rule 12.05(e) only provides employees with a right to "reduce" to a job class which they held in permanent status.

2. Question

Does a Department that has positions in a selected classification which are depicted on the PAL on both a full-time and part-time basis, have the ability to choose which positions (full-time or part-time) will be eliminated?

Example

A Department has several Account Clerk positions allocated as follows: two full-time positions, two half-time positions, and two quarter-time positions. The department head needs to eliminate the budgetary equivalent of one full-time position and determines that he/she will eliminate the half-time positions. Can a department head make this determination?

Conclusion

Yes. Departments select the position(s) subject to layoff as depicted on the PAL. However, the specific employee(s) subject to layoff are identified by the Human Resources Department based upon total county seniority.

Pursuant to CSC rule 12.05, layoff lists within the selected classification will be provided to departments based on total county seniority.

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3. Question

What are the rights of employees in part-time positions in a layoff, when only full-time positions remain? Must the County place this employee in a half-time position?

Example

A half-time Accounting Technician in a department is being laid off. Although the employee has bump rights, only full-time positions remain on the department's PAL.

Conclusion

No. Departments cannot be required to split allocated positions to accommodate part-time, laid-off employees. The part-time employee can choose to accept an offer of a full-time position or terminate employment with the County.

4. Question

What bumping rights does a laid-off employee have when a position s/he had previously held has been reclassified?

Example

An Accounting Technician is going to be laid off. The least senior Accounting Technician in the County worked for the County several years as an Account Clerk II. The County no longer has this job class, as some months ago all Account Clerk II's were reclassified to Senior Account Clerk.

Conclusion

If it is clear that the job class which the employee formerly held is "substantially similar" to the new allocation, then the employee will have bump rights into that new classification. (See Page 1, "Rights of a Laid-off Employee When a Former Position Has Been Reclassified").

5. Question

What bump rights does a laid-off employee have when they hold a position assigned to a multi-level class series?

Example

A department determines that they must layoff an Administrative Asst. III (AA III). The least senior employee holding an AA III position was hired as an AA III, i.e., s/he never achieved permanent status as an AA II or AA I. Can s/he bump an AA II that is less senior?

Conclusion

No. Employees only have bump rights to classifications in which they have achieved permanent status.