

## **RULE 12**

### **LAYOFF, RE-EMPLOYMENT, REINSTATEMENT, AND RESTORATION**

#### **12.01 Purpose**

The purpose of Rule 12 is to establish layoff procedures and employee rights upon re-employment. Re-employment may include call back from layoff or reinstatement/restoration to a list of eligible candidates. An affected person is considered laid off even if that person works in another position or is no longer working in any position. (CSC 3/14/02) (CSC 12/15/15)

#### **12.02 Layoffs and Bumping**

Whenever any permanent position is to be abolished or it becomes necessary because of lack of funds, lack of work, or reorganization to reduce the number of employees in the classified service in any department, the department head shall report such pending layoffs to the Human Resources Department. The department will make proper notification to the employees involved. (CSC 12/15/15)

- A. General Order of Layoff for Position Abolishment, Lack of Funds, Lack of Work or Reorganization (CSC 12/15/15)

Layoffs shall be made in the following order:

1. Persons who have no Civil Service standing.
2. Persons who have been appointed to temporary positions.
3. Persons appointed to permanent positions.

- B. Layoff Based on Seniority

The employee first laid off shall be the employee in a department who was the last one certified to the class in which reductions are to be made. For the purposes of layoff, and demotion due to layoff, there are two departments in the City: (CSC 3/14/02) (CSC 2/24/09)

1. General City
2. Park Board

C. Layoff Resulting From Abolishment of Position

Employees who are laid off due to abolishment of position will be placed on the layoff list for their classification. Employees who have at least two years of City seniority will have the right to bump an employee of lesser City seniority who was last certified to a lower classification previously held by the laid off employee, provided the laid off employee meets the current minimum qualifications, is qualified to perform the work and satisfactorily completed probation of such lower classification. (CSC 12/15/15)

D. Layoff for Medical Reasons and Re-employment

When an employee because of illness or medical condition cannot perform the duties of their job, the department may, upon appropriate medical verification, layoff the employee. An employee who has been laid off for medical reasons may be re-employed in a vacant position in the same class within three years of the layoff provided the employee meets the current minimum qualifications and including any physical or licensing requirements and is medically released to work. The department may require a satisfactory medical report from the City's health services provider before re-employment. Failure to receive an appointment within the three years will result in the removal of the employee's name from the layoff list. The eligibility of an employee on the layoff list shall be extended for the period of military service upon notice by the employee to the Human Resources Department of such military service. (CSC 2/24/09) (CSC 12/15/15)

**12.03 Exceptions to Layoff Procedures**

The following exceptions to the layoff procedures may be observed when applicable:

- A. Whenever a department and the employees (via their union, if represented) affected agree upon a basis for layoff and re-employment in a certain position or group of positions; and if this agreement is approved by the Human Resources Department, then employees will be laid off and re-employed upon that basis. (CSC 12/15/15)
- B. Regardless of the official priority of layoff, an employee may be retained on an emergency basis for up to fourteen days longer to finish an assignment.

**12.04 Re-employment of Laid off Employees**

Any employee in the classified service who has been laid off may be re-employed without examination in a vacant position of the same class within three years of the layoff. An employee recalled from layoff who declines an appointment, no longer meets the current qualifications for the job including any physical or licensing requirements or is unable to perform the essential functions of the job will be removed from the layoff list unless a waiver for satisfactory reason is approved by the Human Resources Department. Failure to receive an appointment within the three years will result in

the removal of the employee's name from the layoff list. The eligibility of an employee on the layoff list shall be extended for the period of military service upon due notice by the employee to the Human Resources Department of such military service. (CSC 5/23/96) (CSC 3/14/02) (CSC 7/27/04) (CSC 12/15/15)

#### **12.05 Reinstatement of Employees Who Resigned from the Classified Service**

Former City employees may be reinstated to the top of an open list of eligible candidates for the class they last held providing the conditions listed below are met. However, if no vacancies exist in the class they last held reinstatement may also be to the open list of a lower level position for which the employee meets the current minimum qualifications and is qualified to perform the work. Conditions for reinstatement are met if: (CSC 3/14/02) (CSC 12/15/15)

- A. They successfully completed a probationary period in that class;
- B. They resigned in good standing;
- C. They requested reinstatement within two years of the resignation;
- D. They completed a satisfactory medical examination if the Human Resources Department determines that such an exam is necessary;
- E. They did not resign in lieu of discharge. (CSC 12/15/15)

#### **12.06 Rights of Reinstated Employees**

A reinstated employee will, upon appointment, begin to accrue seniority vacation eligibility, sick leave, and other Civil Service rights and benefits the same as any other new employee. Except for a special provision relating to credit for vacation increments (See Rule 15), service prior to resignation will not be credited to a reinstated employee for purposes such as: fulfilling in-service time requirements for competing in promotional examinations, computing seniority in promotional examinations, determining order of layoffs, etc.

#### **12.07 Restoration to Open List of Eligible Candidates (CSC 3/14/02)**

A person who meets one of the following conditions may be restored to the bottom of an open list of eligible candidates, one time only, at the discretion of the Human Resources Department under the following circumstances: (CSC 3/14/02)

- A. Was removed from a list of eligible candidates; (CSC 3/14/02)
- B. Resigned in good standing during probation and not in lieu of termination; or,
- C. Previously held the job title within the prior two years. (CSC 3/14/02)