

## Rule 2-80

### REDUCTION IN WORK FORCE

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#### § 2-80-010 PURPOSE

The following rules apply to classified represented employees unless otherwise covered by a collective bargaining agreement. The rules for classified management service employees are found in MCPR 4-80.

#### § 2-80-020 SENIORITY

(A) Seniority is determined as follows:

- (1) The total length of continuous employment within the affected job classification and its equivalent; if a tie occurs, then
- (2) Total length of continuous employment within the affected department; if a tie occurs, then
- (3) Total length of continuous employment within the county; if a tie occurs, then
- (4) It will be broken by lot in a manner determined by the department human resources manager.

(B) In computing seniority, the following applies:

- (1) Part-time work within the same or equivalent classification will count on a half-time basis for time served prior to September 15, 2002, and on a full-time basis on September 15, 2002 and thereafter.
- (2) Time spent in an abolished classification that has a current equivalent counts toward seniority in the equivalent classification.
- (3) Time spent on authorized leave with pay counts.
- (4) All time spent on a leave without pay that exceeds 30 days does not count, except for military leave without pay, which counts.

(5) Time as an unclassified employee does not count, except time spent by a sworn law enforcement officer or corrections officer in unclassified service as part of the Sheriff's Office command staff counts.

(6) Once an employee attains regular status, initial temporary time spent in the same classification counts. Subsequent time spent on a temporary appointment by a regular employee counts toward the immediately previous class, except in cases in which the temporary appointment is a promotion and the promotion becomes permanent immediately following the temporary appointment. In these cases the time will be counted toward the classification to which the employee is promoted.

(7) Time spent on layoff does not count.

(8) Time spent in a state or federal trainee program such as PEP, WIN, or CETA does not count.

(9) Time spent in previous government service counts if the employee transferred in accordance with ORS 236.610 through 236.650.

(10) Seniority is forfeited by discharge for cause, voluntary termination, or involuntary termination due to expiration of a recall list.

(11) Time spent on a probationary period that is not completed counts toward the previous class, if any.

(12) For purposes of determining length of employment within a department, time spent in any organizational unit that became a part of the department through reorganization is included.

(13) Time spent in a limited duration appointment will count towards seniority in that classification and countywide seniority if an employee is subsequently appointed to a regular position.

## **§ 2-80-030 REDUCTION IN FORCE RULES**

(A) Layoffs will be identified by classification within the affected department.

(1) No employee has any rights over another employee working under regular appointment in another department.

(2) Employees holding positions within the affected classifications may be subject to demotion, transfer or layoff in inverse order of seniority.

(3) Within a classification and department, temporary, probationary and other employees who do not have regular status will be terminated before employees with regular status are laid off. Employees without regular status and employees with limited duration appointments who are terminated will not be placed on recall lists and do not have displacement rights. Employees with

limited duration appointments who have regular status will be returned to a position in their previous classification.

(4) An employee who has not completed a probationary period following promotion and is subject to layoff will be returned to the position previously held.

(5) When a layoff is scheduled in a classification, vacant positions in that classification that are filled through temporary appointments or work out of class assignments will be treated as vacant positions. If a regular employee elects transfer or demotion to that position through the layoff process, the employee on temporary appointment or work out of class will be returned to his or her regular position.

(6) A regular employee given an unclassified appointment and subject to layoff is entitled to exercise seniority under these rules for two years.

(7) A regular employee who is subject to layoff may demote to a classification previously held, if: (a) a vacancy exists, or (b) if no vacancy exists, the employee has more seniority than another employee in the same department in the lower classification. Transfer to a classification with a higher maximum salary is a promotion and is accomplished only by normal selection procedures. Employees who are reassigned to a position pursuant to these provisions and do not accept that position will be deemed to have resigned.

(B) Where options are available, filling a vacant position will take precedence over displacing another employee. Where displacement is necessary, the least senior employee will be displaced, except as provided below:

(1) A full-time employee who is subject to layoff may displace the least senior full-time employee, even if part-time employees with lesser seniority remain, and

(2) A part-time employee who is subject to layoff may displace the least senior part-time employee, even if full-time employees with lesser seniority remain.

(C) Employees may be denied transfer, demotion or displacement rights otherwise available under these rules only if they lack knowledge, skills or abilities required for the positions that are not easily learned on the job within the normal orientation period. Normal orientation does not constitute gaining skills or training necessary to perform the duties of the job. An employee may be required to take and pass a qualifying examination to establish a right to a position.

#### **§ 2-80-040 REDUCTION IN FORCE NOTICE AND OPTIONS**

(A) An employee who may be subject to layoff or demotion in lieu of layoff will be notified in writing at least 15 days prior to such action. The bargaining agent, if any, will be sent a copy of such notice at least 15 days prior to the action. The notice must state the reason for the action and that the action does not reflect discredit on the employee.

(B) An employee who is subject to layoff and is offered options must indicate preference within three working days of receipt of notice of the options. Failure to do so will be deemed an agreement to accept layoff.

(C) Employees who are laid off or demoted in lieu of layoff will be placed on the recall list, according to seniority, for the classifications held during the displacement and layoff process. An employee who accepts a transfer or elects to retire will not be placed on recall lists.

(D) An employee will remain on a recall list for 18 months, or for the length of time specified in the applicable collective bargaining agreement, from the date of layoff or demotion in lieu of layoff. An employee will be removed from a recall list only under the following circumstances:

- (1) Upon written request of the employee;
- (2) Upon election to retire;
- (3) Upon acceptance of permanent reinstatement from the recall list;
- (4) Upon declining an offer of permanent reinstatement; or

(5) Upon failure to respond within 14 days to a certified letter sent to the employee's last known address.

#### **§ 2-80-050 RECALL LISTS**

Employees on a recall list will be certified in order of seniority before applicants who qualify through examination, provided they are qualified to perform the duties of the position.

#### **§ 2-80-060 RECALL**

(A) An employee on a recall list will be offered appointment to vacancies in order of seniority except when the employee lacks a specific skill or knowledge required for the position that is not easily learned on the job within the normal orientation period. The Director is required to state in writing what qualification(s) the employee lacks that the position requires. The employee will remain on the recall list for certification to other vacancies during term of eligibility.

(B) Employees who were laid off from a regular status position and are recalled from a recall list within 30 days of the date they were laid off, will be treated as if they were returning from an unpaid leave of absence.

(C) Employees who were laid off from county employment or are serving in a temporary or on-call position following layoff will have their sick leave balance restored when they are recalled from a recall list.