

City TA:

Union TA:

Article 14. Layoff/Recall

- 14.1 Layoff and recall of employees shall be as provided in this section.
- 14.1.1 ~~Union Notification and Seniority Roster:~~ The City will notify the Union upon determination of a pending layoff or reduction in force. If known at the time of the notification, the City will specify the initial classifications affected, the proposed date of layoff, and initial number of employees (FTE) affected. ~~and if Layoff/Reduction in Force is based on budgetary rationale, the City shall provide cost estimate of required savings to avoid layoff or reduction.~~
- ~~14.1.2 The Union shall be afforded reasonable opportunity to bargain actions to avoid, reduce, or mitigate the need for layoff or reduction. Reasonable notice will be at least sixty (60) days written notice of a potential layoff or greater notice wherever possible.~~
- ~~14.1.3~~ 14.1.2 BHR will establish provide a seniority roster of employees in affected classifications and provide that list to the Union as soon as reasonably possible seven (7) days in advance of it being posted. The roster will include the employee's date of hire into the City and into their current classification. The roster is not a guarantee of seniority status. If there is a grievance based on this article this section, the sole remedy is to provide the roster.
- 14.2 **Seniority within Classification.** Seniority for purposes of ~~layoff and recall and reductions in force~~ shall be determined as the length of continuous service, from the date of permanent appointment to the classification listed in Schedule A. An employee will not lose classification seniority in previously held classifications as a result of accepting permanent or temporary appointment to another classification.
- 14.2.1 Continuous service shall be broken and accrued seniority canceled, by resignation, dismissal, retirement, voluntary demotion, or movement to a classification not listed in Schedule A. However, seniority shall continue to accrue during layoff, disability retirement and approved leaves of absence.
- 14.2.2 Seniority in a job classification consolidated prior to March 17, 1988 shall be as determined at the time of consolidation by the Civil Service Board. Seniority in a job classification consolidated after March 17, 1988 shall be equal to the total permanent service in all job classes included in the consolidated classification.
- 14.3 A tie in classification seniority shall be broken and greatest seniority determined by:
- 14.3.1 the highest score on the eligible list from which appointment was made; if a tie remains, then
- 14.3.2 the greatest length of service with the City; if a tie remains, then
- 14.3.3 the date and time of receipt of the application by the Human Resources Bureau; if a tie remains, then
- 14.3.4 by random draw.
- 14.4 It is recognized from time to time that a seniority inequity may exist in multiple appointments in a bureau and classification where an employee is required by the City to delay the starting date in a new position. In those instances, the employee may submit to the Human Resources Director a request for the seniority adjustment within six (6) months of hire into the classification. ~~within thirty (30) days of the delay.~~
- ~~14.4.1 In instances where a bureau hires multiple employees in the same classification together as a cohort or class for training, employees shall be considered equal in seniority and tie-break rules will apply, unless actual start date differs by greater than 30 days.~~

City TA:

Union TA:

~~14.4.2 In instances of multiple individual hire offers within a classification (excluding the instance above in 14.4.1), the date of offer letter shall prevail over actual start date for the purposes of determining seniority, if it does not result in an adjustment greater than 30 days.~~

- 14.5 **Reductions in Force.** In the event an employee's position is abolished, an employee shall be permitted to bump as follows, providing the employee is qualified to perform the work and meets the skills, knowledge and ability requirements for the position as determined by the Director of the Bureau of Human Resources' review of the class specifications and other data including position descriptions, if any, and in consultation with the Bureaus: which have been designated in existing classification specifications by the Bureau of Human Resources:
- 14.5.1 into a vacancy in the same classification in the employee's assigned bureau with the same shift(s) and days off; if none, then, provided the affected employee has greater seniority:
- 14.5.2 into the position held by the least senior person within the employee's current classification within the bureau with the same shift(s) and days off; if none, then
- 14.5.3 into a vacancy in the same classification in the employee's assigned bureau; if none, then:
- 14.5.4 into the position held by the least senior person within the employee's current classification within the bureau; if none, then
- 14.5.5 into a vacancy in the employee's current classification City-wide; if none, then
- 14.5.6 into the position held by the least senior person within the employee's current classification City-wide; if none, then
- 14.5.7 at the full-time employee's option, into a part-time or job share position in the employee's current classification, in the bumping sequence as defined in 14.5.1 through 14.5.6 above; if not, then
- 14.5.8 into previous classifications in inverse chronological order, where the employee held permanent status, in the bumping sequence as defined in 14.5.1 through 14.5.6 above.
- 14.5.9 A part-time or job share employee shall have bumping rights as described in 14.5 above except that a part-time or job share employee shall not displace a full-time employee.
- 14.5.10 No layoffs or reduction to a lower classification shall be executed so long as there are temporary employees serving within the affected classification.

14.6 **Recall**

- 14.6.1 Employees that have been transferred as a result of a layoff, shall have the right to transfer back to their former classification in their former bureau or division from which they were transferred, if the City is going to re-employ an employee in that classification in that bureau or division. The transfer back shall be on a strict City-wide seniority basis in the classification of the employee at the time the transfer occurred.
- 14.6.2 The City shall re-employ laid off employees ~~in~~ on a strict seniority basis for the classification from which the employee was laid off.
- 14.6.3 Employees shall be placed on a recall list for the classification from which layoff occurred, for five years, or removal as defined in 14.6.6 below, whichever occurs earlier.

City TA:

Union TA:

- 14.6.4 The employee, by notifying the Bureau of Human Resources in writing, may become unavailable for recall no more than one specified period of time, except when documented medical evidence or lack of both personal and public transportation prevent the employee from being available for work.
- 14.6.5 On re-employment of laid off employees, the City shall notify employees by Certified Letter and email (if available), with a copy to the Unions, mailed to their last known address. Employees shall have ~~five (5) business~~ five ten (10) (5) days to report their intentions to the City and shall report to work within two (2) weeks after notification to the City.
- 14.6.6 Reappointment to the classification from which the employee was laid off, or refusal of appointment by the employee to a bona fide recall, shall result in the employee's removal from the recall list and right to recall, except that an employee recalled to a bureau other than that of layoff may opt to remain on the recall list for the bureau from which they were laid off.
- ~~14.6.7~~ Employees who return to City service during the recall period after layoff, but not through the recall process, will be placed at the closest Step with the least loss of pay to their previous wage rate, so long as it is in compliance with pay equity, which results in no or the least loss of pay.
- ~~14.6.8~~ 14.6.7 For employees who utilize the Career Transition Services program all language regarding promotions and demotions in the Promotions Article will apply.