




<input type="checkbox"/> Administrative Policy
<input type="checkbox"/> Operational Policy

Clackamas County Policy

Name of Policy	Reduction In Force – Layoff Procedures	Policy #	HR – 37
Policy Owner Name	Evelyn Minor-Lawrence	Effective Date	12/31/92
Policy Owner Position	Human Resources Director	Approved Date	5-21-2020
Approved By	Gary Schmidt, County Adminsitrator	Last Review Date	04/01/07
Signature:		Next Review Date	6/01/2023

I. PURPOSE

To provide guidance on layoff, bumping, and recall protocols. When in conflict, collective bargaining agreement language will supersede.

SCOPE

All provisions of this policy apply to regular and probationary status employees. Non-represented employees are subject to the entire policy except as related to “bumping,” and temporary status employees do not have layoff rights, and are not subject to this policy.

II. AUTHORITY

The County Administrator has the authority to draft and promulgate policies for the management and operation of Clackamas County government. (ORS 203.035)

III. GENERAL POLICY

The decision to layoff an employee(s) is a complex and difficult one. The process requires a written layoff plan to the Human Resources Director and approval by the County Administrator. When the bumping process is involved, a layoff scenario can take several months to complete. The appointing authority may also wish to consider alternatives such as reduced hours, partial layoff or other schedule modifications. (See also EPP #38 Temporary Layoffs and Reduction in Hours – Financial Impact).

IV. DEFINITIONS

Appointing authority means any person vested with the authority to appoint individuals to County positions. Such authority will be vested in elected officials and department directors, and may be delegated to supervisory employees within a department or division.

Classification means a group of positions sufficiently similar in duties, authority and responsibility to permit grouping under a common title and which call for similar qualifications and the same schedule of pay.

Layoff means a separation from the County service due to a shortage of funds or materials, elimination of position, material change in duties, changes in an organizational unit, inability to perform assigned duties due to a medical condition, or for any other reasons not reflecting discredit on an employee and outside of the employee’s control.

Non-represented employee means an employee whose position is not included in one of the recognized County collective bargaining units.

Regular status employee means the status a classified employee acquires after successful completion of a probationary period for the particular allocated position to which the employee was appointed.

Temporary status employee means an unallocated position. Temporary positions are subject to an annual limit on hours worked

V. POLICY GUIDELINES

An appointing authority may lay off an employee because of abolition of position, shortage of funds or work, a material change in duties, inability to perform assigned duties, changes in an organizational unit, or for a reason which does not reflect discredit on the service of the employee.

In addition to this document, variations in the grounds for layoff and layoff protocols may be contained within the County's collective bargaining agreements.

VI. PROCESS AND PROCEDURES

When the appointing authority identifies a need to lay off employees, the Human Resources Director shall be notified in writing. As soon as is practicable, the appointing authority shall submit to the Human Resources Director a plan for conducting an orderly layoff, including the anticipated number and classifications of employees to be laid off.

Layoffs will be identified by classification within the affected department. Employees holding positions within the affected classifications may be subject to demotion, transfer, or layoff in inverse order of seniority.

An employee subject to layoff or demotion in lieu of layoff shall be notified in writing at least fifteen (15) calendar days prior to the action. The bargaining unit representative, if any, shall be sent a copy of the notice at least fifteen (15) calendar days prior to the action. The notice shall state the reason for the action and state that the action does not reflect discredit on the employee. An employee who is subject to layoff and is offered options shall elect an option within three (3) working days of notice of the options. Failure to elect an option will be deemed an agreement to accept layoff.

Layoff Order:

Layoff order shall be established within the department on the basis of the retention of employees with the skills or performance abilities that are necessary for the efficient operation of the department. Seniority is a secondary consideration. The judgment of the appointing authority shall be sustained unless the Human Resources Director finds the judgment to be arbitrary or capricious.

Bumping Procedure:

When an employee is laid off due to a reduction in the work force, the employee shall be permitted to exercise bumping rights by displacing an employee with less seniority in a different classification with the same salary grade or lower in the department, provided that the bumping employee is qualified to do the work as determined by the appointing

authority and the Human Resources Director. For bumping purposes, seniority will be defined as length of continuous service within the County.

Layoff Rules:

Within a classification and department, temporary, probationary and other employees who do not have regular status, will be laid off before employees with regular status. Employees who have never attained regular status with the County and who are laid off, will not be placed on layoff registers and do not have displacement rights.

- A. An employee who has not completed a probationary period following promotion or reclassification as a result of department reorganization, is subject to layoff rules at the previously held position.
- B. Regular employees who have been given a temporary or unclassified appointment and are subject to layoff, shall be entitled to have their seniority considered under these rules.
- C. Employees in a job share position shall be considered as one full-time equivalent.
- D. Employees cannot bump to a classification with a higher salary grade. This is a promotion and shall be accomplished only by normal appointment procedures.
- E. A regular employee who is subject to layoff may voluntarily demote to a lower classification in the same promotional line or to a classification previously held in the same or different department, provided a vacancy exists after all bumping procedures have been exercised by qualified employees.
- F. No employee shall have any bumping rights over another employee working in another department.
- G. Employees may be denied bumping or demotion rights otherwise available under these rules, only if they lack knowledge, skills or abilities required for the position which are not easily learned on the job within the normal orientation period of two work weeks. Employees may be subject to skills evaluation and testing procedures in order to establish qualifications for a position.

Layoff Registers And Recall:

Employees who are laid off, demoted in lieu of layoff, or who have exercised bumping to a lower level classification, will be placed on layoff registers according to seniority for the classification(s) held during the displacement and layoff process.

Employees placed on a layoff register will be referred in order of seniority. The duration of such placement on the layoff register shall not exceed two (2) years. An individual who is appointed from a layoff register to a position in the same classification in which the person was previously employed will not be required to serve a probationary period. An employee who accepts a transfer or elects to retire, will not be placed on a layoff register for recall.

For recall of non-represented employees, the appointing authority will have the discretion to evaluate the qualifications of the employee and make recall decisions based on:

- a) The needs of the department, including any specialized knowledge and skills necessary to accomplish the work; and,
- b) The overall performance of the employee.

Rate Of Pay Following Appointment From Layoff Registers:

When an individual is appointed from a layoff register to a position in the same class in which the person was previously employed, the employee shall be paid at the same rate of pay, plus cost of living and other salary grade adjustments, as the employee was being paid at the time of layoff.

Seniority:

Where seniority applies as a method of layoff, the definition of seniority is that found in the applicable collective bargaining agreement. If a collective bargaining agreement does not contain a definition of seniority, seniority shall be defined as length of continuous service within the County. If it is found that two (2) or more persons within the same classification have equal seniority, seniority for these individuals shall be determined by the date the employees were appointed by the department. In computing seniority, the following factors will be taken into account:

A. Part-time work and job share in a regular status position will count on a prorated basis of full-time employee status, (i.e.: 0.5 or half-time status for twelve (12) months will count as six (6) months towards seniority);

B. Time spent on all authorized leaves of absences, including leaves without pay, will count;

C. Time spent in unclassified appointment status will not count;

D. Initial time spent in temporary or provisional status in the same classification will not count;

E. Time spent on layoff will not count; however employees recalled from layoff within two (2) years shall regain previously accrued seniority;

F. Time spent in previous government service will count if the employee transferred in accordance with ORS 236.610 through 236.650; and

G. Seniority shall be forfeited by discharge for cause, voluntary termination exceeding 90 (ninety) days, or involuntary termination due to expiration of a layoff register.

VII. ACCESS TO POLICY

Access to this administrative policy shall be as follows:

- Filed in the County's policy management system.
- Posted to the County's intranet.
- Posted to the County's internet.

VIII. ADDENDA

SAMPLE LAYOFF NOTIFICATION LETTER

TO: (Name of Employee)

FROM: (Department Director)

DATE: (Date of Letter)

SUBJECT: Notice of Layoff

Due to the (severe budget problems) affecting this department, it is apparent that we will be required to place some employees on layoff status with the County. We regret to inform you of your separation in good standing (layoff) from Clackamas County due to (shortage of funds or other reason), under County Employment Policy and Practice 37 and any applicable collective bargaining agreement. This action in no way reflects discredit on your service at the County.

Your layoff is effective :00 PM (date with appropriate fifteen day notice or required by contract). Any request for options to this action such as exercising bumping rights or requesting a demotion in lieu of layoff must be expressed to me in writing within three (3) working days of this notice. Failure to submit a request for options shall be considered an agreement to accept layoff. Options to layoff are restricted to the provisions set forth in the County Code or your union contract.

In compliance with Employment Policy and Practice 37 your name will be placed on the layoff register for (your classification) for a period not to exceed two (2) years. You will be eligible for consideration and referral to any vacant position for which you are qualified within this classification.

Although this is an unfortunate situation, it is hoped that this correspondence effectively explains the action being taken and the effect on your status as a County employee. If you have any questions regarding this notice, please contact me. If you have any questions or would like clarification regarding the layoff procedure, contact [a designated person in the Human Resources Department (phone number)].

Enclosure(s): Bumping list
Bumping Request form
Bumping Qualifications form

(signifies end of policy)