

RULE 5: REDUCTION IN FORCE, REORGANIZATION, AND TRANSFER.

Section 5.1 Reductions in Force—Civilian Employees.

(a) Identification of affected employees. This section applies to employees in the classified civil service and unclassified labor class, which includes all ordinary unskilled labor.

(b) Creation of reduction-in-force register. Whenever it becomes necessary to reduce the workforce because of lack of work or lack of funds, the director of the affected civil service department shall request that the board secretary prepare a reduction-in-force register and identify the classifications from which reductions will occur. Civil service will provide seniority lists on request for departments covered by civil service (i.e. “civil service departments”) and will monitor reinstatement rights of employees in the civil service, as defined by the charter. In departments having major divisions that perform substantively different activities, the director shall identify which divisions are to be affected. Department directors should request seniority lists in a timely manner.

(c) Listing of affected employees. The names of incumbents in the affected classifications shall be listed in order of length of service with the city since their last appointment. Temporary and probationary employees will be listed first, followed by non-probationary employees with the least senior being first, the most senior being last. Where subdivision of a position classification is requested, the reduction-in-force list shall be subdivided, provided that no reorganization or transfer of work units between divisions has occurred within the six months immediately preceding the request.

(d) Order of layoffs. Employees in positions in the affected classification who are paid and qualified in different classifications shall be removed from the affected classification and placed in their proper classification. Temporary employees and employees serving their initial probation will be laid off first. Employees serving in a probationary status following promotion will be returned to their prior classification, provided the prior classification is also not being eliminated and provided the prior classification is vacant and was a classified position. After all employees identified have been removed, the remaining employees will be laid off in reverse order of seniority, except for allowable and authorized exemptions in Subsection (e).

(e) Exemptions. For each affected classification or subdivision within each department, the department director may exempt one or more less senior employees based on demonstrated and documented specialized skills or documented superior performance to the next most senior employees. The number of allowable exemptions is based on the number of employees in the classification as follows:

Number of Employees	Number of Allowable Exemptions
2 to 5	1
6 to 15	2
16 to 25	3
26 to 40	4
41 or more	10% of the classification size rounded up to the nearest whole number

(f) Reduction in force transfer. An employee about to be laid off because of lack of work or funds may be transferred to fill a vacancy in any other department in a class equal to or lower than his or her present class, provided that the transfer meets the approval of the appointing authority in the department where the vacancy exists, and provided that the employee is willing to accept the proffered transfer. If more than one employee is interested in being transferred to fill the vacancy, then the appointing authority in the department must hold a competitive process to select the most highly qualified candidate for the transfer. If the employee declines the transfer, then the employee will be laid off as provided in this section. A transfer is not permissible when it is requested to avoid a reduction in force and when there are persons of greater seniority in the same classification about to be laid off.

(g) Vacancies after layoff. If an employee covered by this section is laid off through lack of work or lack of funds, and if within a period of two years thereafter a vacancy should occur in the same department and in the same or in a lower class, the employee shall be reinstated in the vacant position, provided that he or she is willing to accept the proffered employment. If the vacancy is in the same class, he or she shall be reinstated without examination, but if in any other class, he or she shall be required to pass the regular examination for that class before reinstatement.

(h) Preference for reinstatement. When more than one laid off employee qualifies for reinstatement under this rule, preference is given to the employee laid off last.

(i) Reinstatement; rate of pay. When an employee has been reinstated to or employed in a position at a rate of pay lower than the rate received before layoff, the employee will continue to have the right of reinstatement to any vacancy that becomes available at or up to his or her previous rate of pay during the two-year period immediately following the layoff.

Section 5.2 Reductions in Force—Sworn Service.

(a) Layoffs on basis of seniority. Whenever it becomes necessary to reduce the force in the Police and Fire-Rescue Departments in the sworn class of police officer, fire-rescue officer, or fire prevention officer, the order of layoff is determined on the basis of seniority as provided in Section 5.1. Whenever it becomes necessary to reduce the number of positions in any class higher than that of police officer, fire-rescue officer, or fire prevention officer, the least senior in terms of length of service in the rank shall be reduced to the next lower class and the least senior in the said lower class shall be reduced, and so on down. Non-sworn employees of the Police and Fire-Rescue Departments are reduced according to the provisions in Section 5.1.

(b) Vacancies after layoff. Whenever a vacancy occurs in any of these classes, the last one laid off in that particular class shall be the first re-employed in that class provided the vacancy occurs during a period not to exceed five years after that employee's layoff or reduction, and provided that the person is physically able and otherwise qualified to perform the duties of the position.

Section 5.3 Departmental Reorganization. Employees assigned to ranks or grades that have been eliminated by departmental reorganization shall be reassigned without loss of compensation for a minimum of two years from the date of reassignment. A reassignment is not required under this section when a position is eliminated due to a reduction in force, or if an employee is discharged or demoted for cause.

Section 5.4 Transfers. The transfer of an employee from one position to another in the same class and of the same title in another civil service department may be made with the approval of the civil service board upon receipt of a written request signed by the city manager or his or her designee, provided the employee meets the minimum qualifications for the position as determined by the civil service board.