

RULE XVIII
Layoffs

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4 Section A. General provisions

- 5 1 An Appointing Authority may lay off an employee when necessary by reason of lack of work or
6 shortage of funds, the abolition of the position, material change in the duties of the position through
7 reorganization or for other related reasons which are outside the employee's control and which do not
8 reflect discredit on the service of the employee (i.e. completion of a special program or project,
9 abolishment of a program or function, technological change, etc.).
- 10 2 Layoffs for periods not exceeding 15 calendar days may be made by the Appointing Authority in any
11 order for reasons approved by the Personnel Director.
- 12 3 No employee laid off shall have any right or precedence over any other permanent employee in the
13 same job class within another department, or in another organizational unit within the same
14 department which is not involved in the layoff.
- 15 4 The layoff procedure shall not be used to effect either a temporary or permanent separation of an
16 employee as a penalty or disciplinary action.
- 17 5 Individuals on layoff lists shall be given priority over any other appointment in the same job class and
18 organizational unit from which they were laid off.

19 Section B. Order of layoff

- 20 1 The order of layoff shall be established in the following manner:
- 21 a The Appointing Authority shall determine the total number of employees to be laid off.
- 22 b The Appointing Authority shall select those job classes which shall be involved in the layoff.
- 23 (1) A layoff cannot apply in a higher-level job class in a series unless the layoff also applies in a
24 successively lower job class or job classes in the series.
- 25 (2) A list of the job classes in which a layoff will occur shall be submitted to the Division of
26 Personnel.
- 27 c The Appointing Authority shall determine the specific number of employees to be laid off in each
28 job class selected for layoff. Whenever practicable, there shall be a reasonable relationship
29 between the number of employees selected for layoff in one job class in a series and the number of
30 employees selected for layoff in other job classes in the same series.
- 31 d Emergency, temporary, on-call, intermittent, and probationary employees shall be laid off before
32 permanent employees in the same job class and organization unit. Emergency, temporary, on-call,
33 intermittent, and probationary employees may be laid off in any order according to the preference
34 of the Appointing Authority. Term employees are not considered in layoffs since they are
35 employed until the termination of the project for which hired.
- 36 e Permanent employees shall be laid off in accordance with a uniformly applied procedure in which
37 the order of layoff shall be by inverse order of seniority. If it is found that two or more employees
38 in the unit in which layoff is to be made have an equal seniority rating, the order of layoff shall then
39 be determined by the employees' most recent performance evaluation ratings or in a manner
40 recommended by the Appointing Authority and approved by the Civil Service Commission.

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- 41 f The Commission may make an exception to the order of layoff by inverse order of seniority by
42 approving a request by an Appointing Authority for layoff of one employee to retain the service of
43 another employee who would immediately meet the needs of the department. This request must
44 include the specific job duties which will be performed and the reasons the employee
45 recommended for retention should be retained and the other employee laid off.

46 Section C. Notice of layoff

- 47 1 In every case of layoff in excess of 15 days, the Appointing Authority shall notify the Personnel Director
48 and the employee in writing not less than 30 calendar days prior to the effective date of layoff.
- 49 2 The employee's notification must include a statement advising the employee of the right to request an
50 investigation by the Personnel Director concerning the layoff.
- 51 3 Any permanent employee who does not believe the layoff properly conforms with the layoff rule shall
52 have the right to request an investigation thereof by the Personnel Director. Such request must be
53 submitted in writing and be received by the Personnel Director no later than 10 calendar days
54 following notification of the effective date of layoff. The written request must state each and every
55 reason why the employee believes the layoff does not conform with the layoff rule.
- 56 4 After receipt of such written request, the Personnel Director shall investigate such claim and report the
57 findings to the Commission. The Commission may, in its discretion, schedule a hearing on the subject.

58 Section D. Placement of names on eligible lists

- 59 1 The names of permanent employees who are laid off shall be placed, in inverse order of layoff, on the
60 appropriate layoff lists for the job class, unless the employee indicates in writing to the Personnel
61 Director that the employee is no longer interested in employment in that job class.
- 62 2 The names of probationary and on-call employees who are laid off shall be restored to the original
63 appointment list from which certification was made or to a successor list and the names of such
64 employees shall not be placed on a layoff list.