


## PERSONNEL SERVICES BULLETIN 17-01

**To:** All Department Directors and Division Managers

**From:** Dianna L. Berry, Director  
Personnel Department 

**Date:** January 13, 2017

**Subject:** Reduction-in-Force Procedure Bulletin for Fiscal Year 2017-2018

### Layoff and Reemployment Procedures for FY 2017-2018

The following procedures will be used to prepare for and handle the personnel or position changes for Fiscal Year 2017-2018. These procedures will pertain to all employees excluded from coverage by a collective bargaining agreement and all classifications covered by the Executive and Management pay plans. Those classifications covered by a particular bargaining unit contract will be reduced according to the provision of those contracts. These procedures do not pertain to those employees covered under the pay plans for the City Auditor and the Office of the Municipal Counselor.

#### A. Layoff

Layoff shall mean separation from regular full-time City service for reasons of lack of work, lack of funds, reorganization, or other reason of economy, efficiency, or lack of need. Such nondisciplinary action is not subject to appeal.

All layoffs and reductions shall be by classification of position within the employing department.

#### B. Order of Layoff

The order of layoff shall be within a department as follows:

**Group one** - Any employee filling an "overage" position will be laid off first in order, unless funded in Fiscal Year 2017-2018; or, if the City Manager approves continuation of the "overage." An "overage" is a position that is unfunded and filled on a temporary or limited basis. This should not be confused with an "overfill" position. An "overfill" position is a budgeted position filled by a person having a higher paid classification.

**Group two** - Regular, full-time probationary new-hire employees holding the same classification title as a position identified to be eliminated within a department will be second in order.

**Group three** - Regular, full-time employees who have not completed one (1) year of City service and/or regular, full-time employees who have promoted to a different pay plan (i.e., promotion from an AFSCME/General Pay Plan position to a Management Pay Plan position) and have not yet had their first annual performance evaluation in the new position, and are holding the same classification title as a position identified to be eliminated within a department will be laid off third in order.

**Group four** - Regular, full-time employees holding the same classification title as a position identified to be eliminated within a department and whose most recent performance evaluation on file as of April 1, 2017, reflects an overall Marginal, Conditional or lower rating will be laid off fourth in order.

**Group five** - Regular, full-time employees holding the same classification title as a position identified to be eliminated within a department and whose most recent performance evaluation on file as of April 1, 2017, reflects an overall Acceptable rating will be laid off fifth in order.

**Group six** - Regular, full-time employees holding the same classification title as a position identified to be eliminated within a department and whose most recent performance evaluation on file as of April 1, 2017, reflects an overall Proficient or Fully Competent rating will be laid off sixth in order.

**Group seven** - Regular, full-time employees holding the same classification title as a position identified to be eliminated within a department and whose most recent performance evaluation on file as of April 1, 2017, reflects a Highly Competent, Commendable or better rating will be laid off seventh in order.

If two or more employees' overall evaluation ratings fall within the same group (i.e., Conditional, Acceptable, Fully Competent, Commendable), then the employee with the least City seniority will be identified for layoff, unless an exception has been granted. Seniority means length of regular, full-time continuous City service.

If there are two or more employees who have identical seniority in a group listed above, the order of layoff shall be by total length of continuous City service in the classification of the position being eliminated. If such length of service in the position is also identical, layoff shall be based on the needs of the department as determined by the department director.

### **C. Exceptions to Layoff**

Whenever the department director believes that the best interest of the City requires the retention of an employee with special qualifications, characteristics, skills, or fitness for the work, the department director may prepare a written request to the City Manager to grant an exception to the order of layoff.

### **D. Displacement Rights (Bumping)**

#### **1. Horizontal Displacement Within the Same Classification**

Any regular full-time employee, who is to be laid off, may be placed in a vacant, authorized position in the same classification within the department. If no vacancy exists, the employee may displace employees in the same classification within the department. The employee exercising the displacement privilege must have greater City seniority within his/her group as specified above in *Section B, Order of Layoff*. Conditions that affect horizontal displacements are as follows:

- a. The employee exercising the displacement privilege will displace employees in the same classification in the same order as specified above in *Section B, Order of Layoff*, unless exception provisions are invoked as in *Section C, Exceptions to Layoff*.
- b. The employee displacing an employee in a position within a classification will be required to fully perform all the essential duties of the position within ninety (90) days. Failure to perform the essential duties of the new position will result in layoff from the City without further recourse to displacement rights under these procedures.

#### **2. Vertical Displacement Within the Classification Series**

Any regular full-time employee, who is to be laid off, may be placed in a vacant, authorized position in the next available lower classification within a series, within the department. If no vacancy exists, the employee may displace an employee in the next available lower classification within a series within the department (see conditions below). A series means the classification within a career path specific to the classification within the department. The employee exercising the displacement privilege must have been

reduced from a higher classification within the series. The Personnel Director will determine the classifications making up the series. Conditions that affect vertical displacements are as follows:

- a. The employee exercising displacement privilege must have greater City seniority and an overall evaluation rating (i.e., Conditional, Acceptable, Fully Competent, or Commendable) that is equal to or exceeds the overall evaluation rating of the person being displaced in the lower classification.
- b. The employee exercising displacement privilege will not be subject to further layoff during the *immediate* layoff process. Displaced employees in the lower classification will be subject to layoff and reduction in the same order as specified above in *Section B, Order of Layoff*, unless exception provisions are invoked as in *Section C, Exceptions to Layoff*.
- c. The employee displacing an employee in a position within a classification series will be required to fully perform all the essential duties of the position within ninety (90) days. Failure to perform the essential duties of the new position will result in layoff from the City without further recourse to displacement rights under these procedures.

#### **E. Demotion in Lieu of Layoff**

With the approval of the current employing department director and the Personnel Director, an employee may be appointed or allowed to fill a lower level vacant authorized position in the same department if he/she meets all the requirements of the lower position as determined by the Personnel Director (or designee) and such appointment complies with applicable collective bargaining agreements.

An employee who is demoted in lieu of layoff will be required to fully perform all the essential duties of the position within ninety (90) days. Failure to perform the essential duties of the new position will result in layoff from the City without further recourse to displacement rights under these procedures.

#### **F. Transfer in Lieu of Layoff**

For this purpose, transfer refers to the change of an employee from one position to another in the same classification in another department without examination in lieu of layoff or displacement.

The hiring department director may request such transfer of an employee from another department to fill a vacant authorized position within the department. Upon such a request, an employee may be considered. Any employee being considered must be fully qualified and technically able to perform the duties as determined by the hiring department director and the Personnel Director (or designee).

The City Manager may order the transfer of any employee when in the best interest of the City.

Any employee who does not accept a transfer within five (5) working days, after a notice of transfer is given, will be laid off from the City, placed on a recall list (if not yet expired), and will have automatically forfeited his/her ability to displace, reassign, or transfer under these procedures.

Employees who are transferred will be required to fully perform all the essential duties of the position within ninety (90) days. Failure to perform the essential duties of the new position will result in layoff from the City without further recourse to displacement rights under these procedures. Such individuals will be placed on a recall list (if not yet expired).

#### **G. Reassignment in Lieu of Layoff**

For this purpose, reassignment means the assignment of an employee, with or without examination, from one position to another position in the same pay range, with a similar level of difficulty and responsibility despite the series to which the classification belongs in lieu of layoff or displacement.

The current employing department director may request such reassignment of an employee to a vacant authorized position within the department. Upon such a request, an employee may be considered. Any employee being considered must be fully qualified and technically able to perform the duties as determined by the department director and the Personnel Director (or designee). Placement by reassignment may involve testing or other selection procedures as determined by the Personnel Director (or designee).

The City Manager may order the reassignment of any employee when in the best interest of the City.

Any employee who does not accept a reassignment within five (5) working days, after a notice of reassignment is given, will be laid off from the City, placed on a recall list (if not yet expired), and will have automatically

forfeited his/her ability to displace, reassign, or transfer under the provisions of these procedures.

Employees who are reassigned will be required to fully perform all the essential duties of the position within ninety (90) days. Failure to perform the essential duties of the new position will result in layoff from the City without further recourse to displacement rights under these procedures. Such an individual will be placed on a recall list (if not yet expired).

#### **H. Benefits and Assistance**

Employees to be laid off shall be provided assistance by designated Personnel Department staff in exercising their entitlement to City and statutorily provided benefits. Employees to be laid off will also be afforded the opportunity to receive job placement counseling from designated Personnel Department staff.

#### **I. Classification Restoration of Employees Demoted in Lieu of Layoff**

Employees who are demoted in lieu of layoff, shall have their names placed on a Classification Restoration List. Any employee placed on a Classification Restoration List will be given consideration for a vacant position in a classification from which they were demoted. Eligible individuals who fail to respond within five (5) working days to the City's Personnel Department, after receipt of notification of an opening, shall have their names removed from the Classification Restoration List. A demoted employee being considered must be fully qualified and technically able to perform the duties as determined by the department and the Personnel Director (or designee). Placement by classification restoration may involve testing or other selection procedures as determined by the Personnel Director (or designee). The name of the demoted employee will be removed from the Classification Restoration List if he/she rejects any offer of restoration.

Consideration for classification restoration of demoted employees will occur before recall of laid off employees.

Employees who are restored will be required to fully perform all the essential duties of the position within ninety (90) days. Failure to perform the essential duties of the new position will result in layoff from the City without further recourse to displacement rights under these procedures. Such an individual will be placed on a recall list (if not yet expired).

Employees who are restored to a vacant position in a classification from which they were demoted will be placed into the prevailing pay range and step they would have been paid, if not for the demotion in lieu of layoff.

**J. Classification Recall of Employees Laid Off**

Laid off individuals who held regular status at the time of layoff shall have their names placed on a Classification Recall List for possible reemployment in the classification from which they were laid off. Any employee placed on a Classification Recall List will be given consideration for a vacant position in the classification from which they were laid off. Vacant City-wide positions in such classifications may be offered to eligible individuals on the Classification Recall List who qualify for such vacancies after application of *Section I, Classification Restoration of Employees Demoted in Lieu of Layoff*, and before any recruitment activity to fill the positions. The name of the laid off individual will be removed from the list if he/she rejects any offer of reemployment.

Employees who are recalled will be required to fully perform all the essential duties of the position within ninety (90) days. Failure to perform the essential duties of the new position will result in termination from the City. Such an individual will *not* be placed on a recall list.

**K. Duration of Classification Restoration/Recall Lists**

The eligibility for an individual to be recalled or restored from either the Classification Restoration List or the Classification Recall List shall expire June 30, 2018.

**L. Notice of Classification Recall**

Notice of Classification Recall from layoff shall be by Certified Mail and shall specify the date for reporting to an interview or work. Recalled individuals must be able to report for an interview or to work no more than fourteen (14) working days from the date the notice is postmarked. Notice shall be deemed to have been received when sent to the last known address on file with the City's Personnel Department.

It shall be the responsibility of the laid off individual to maintain a current address with the Personnel Department by sending written notification, including full name and social security number, to the Personnel Department's HRIS Section:

Attn: HRIS Section  
Personnel Department  
The City of Oklahoma City  
420 W. Main, Suite 110  
Oklahoma City, OK 73102

**M. Restoration of Benefits Upon Reemployment Following a Layoff**

Upon reemployment from a Classification Recall, an individual will be eligible for the same benefits provided to a new hire employee, except as specified below:

- a. An individual rehired from the Classification Recall List to a previously held classification, from which he/she was laid off, shall return to an appropriate rate of pay on the prevailing pay plan as determined by the Personnel Director. In all other instances of rehire, the normal personnel policy governing entrance salary will apply.
- b. The original City seniority date for future layoffs will be restored.
- c. The leave anniversary date for vacation leave accruals will be restored.

The pay review date for laid off employees who are recalled to City Service will be calculated as a new hire (i.e., pay review date will be set at one year from the effective date of reemployment).

Laid off employees who return to City Service after their names have been removed from the Classification Recall List, or after the expiration date of the Classification Recall List, return to service as any other new hire.