

**CITY OF SALINAS
LAYOFF POLICY FOR THE FIRE SUPERVISORS' ASSOCIATION**

I. POLICY

It is the intention of the City of Salinas to provide a layoff policy that insures fairness and objectivity to all City employees as well as the best opportunity for a transition to reemployment.

The City of Salinas, at its sole discretion, may layoff an employee due to the lack of work or lack of funds. The City shall inform affected employees and the Fire Supervisor's Association (FSA) regarding potential layoffs in a timely manner when the City becomes aware of potential layoffs.

~~The City shall utilize a Management committee, composed of administration and FSA representatives to review potential layoffs and discuss alternatives to layoffs.~~

II. PROCEDURE

In the event of a reduction in work force in the Fire Department, the City shall designate the classification(s) and position(s) to be eliminated. The City shall provide affected employees and Association with a current seniority list for the positions affected, the reason for proposed layoffs, the effective date of layoffs, and a copy of this policy no later than thirty (30) days prior to the effective date of the layoffs. Additionally, affected employees shall be provided a summary of all accrued benefits and entitlement at least thirty (30) days prior to the effective date of layoffs.

Layoffs shall be made among all employees in the same classification in the following order:

1. Probationary new employees (excluding promotional probationary employees);
2. Regular employees.

III. SENIORITY DEFINED

For purposes of layoff, total seniority shall be defined as the length of service in all regular positions within, the City as determined by City personnel records. Continuous service for purposes of determining seniority shall be defined to include work related injury leave of to one (1) year duration. Seniority in a specific classification shall be established by the length of service in that classification. For purposes of returning to previously held positions, seniority shall be defined as the length of service in that previously held classification in addition to length of service in the current classification and/or previously held promotions.

IV. LAYOFF BY CLASSIFICATION

The order of layoff within a classification shall be based exclusively on seniority with the employee with the least seniority, in that classification being the first to be laid off.

V. PREVIOUSLY HELD POSITIONS

In the event that an employee is laid off, that employee shall have the right to return to ("bump") any specific classification in the Fire Department in which the employee has served in regular status with due consideration to reclassifications, job descriptions and changes in titles of the position previously held.

~~In the event that layoffs occur within classifications represented by the Fire Supervisors' Association, IAFF recognizes and accepts that FSA members laid off who have previously served in classifications represented by IAFF in the City of Salinas shall have return rights to those classifications consistent with the IAFF and FSA layoff policies.~~

In the event that an employee has not served in another classification in the City of Salinas but has held a position in a classification in another California fire agency, that employee shall have the right to a vacant management classification in the City of Salinas Fire Department comparable to that in the fire agency referenced herein. For purposes of seniority in classification (grade), said employee shall be deemed to have the least seniority in classification (grade) of those employees serving in the classification following any layoff and/or "bumping" process.

In the event that an employee exercises his/her right to return to ("bump") to a previously held classification, "bumping" shall be determined by seniority in the classification so that the employee with the least seniority in the classification shall "bump" to his/her previously held classification.

An employee must notify the City within five (5) working days after receipt of written notice of layoff of his/her desire to return to that classification.

VI. JOB COUNSELING AND OUTPLACEMENT SERVICES

It is the City's intent to assist laid off employees through the transition from City service. To that extent, employees whose positions are proposed for reduction may schedule a meeting with a representative of the Personnel Office. In addition to providing job counseling to employees facing layoff, the Personnel Office will function as a clearinghouse for resources, information and referrals on outside employment, training opportunities, and potential re-employment opportunities with the City of Salinas.

VII. SEVERANCE PAY

Each laid off employee shall receive severance pay based on the following:

<u>Years of employment</u>	<u>Severance Pay</u>
Less than 6 years	1 week per year
6 - 10 years	6 weeks
11 - 15 years	7 weeks
16 - 17 years	8 weeks
18 - 19 years	9 weeks
20 - 24 years	10 weeks
25 years and over	11 weeks

In addition, if for any reason the City requests an employee to leave before the thirty (30) day notice period has passed, the City shall pay the employee the remainder of his/her salary and benefits for the thirty (30) day period.

VIII. HEALTH INSURANCE

Each employee is eligible to continue group health insurance benefits under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) with the City's group health plan for a period of 12 months following the date of separation. For laid off employees, the City will pay the full premium amount for the level of health insurance coverage in force on the date of separation for a period of 12 months.

If a laid off employee elects this coverage, the benefit will continue until whichever of the following events occurs first:

- Expiration of 12 months from the date of separation.
- Employee becomes covered under any other group health plan as an employee or dependent. If the laid off employee fails to notify the City of such coverage, the City may immediately terminate group coverage under COBRA and take action to recover the City's costs for the period of time of dual eligibility.
- Employee or covered dependent becomes eligible for Medicare.

The "Election of Benefit" form must be signed and returned to the Personnel/Risk Management Office no later than 5:00 p.m. on the final date of employment or rights to City-paid premium will terminate.

This coverage falls within the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA). Coverage beyond the 12 months of City-paid premiums may be continued at employee expense, subject to the guidelines and imitations of the COBRA provisions.

For purposes of this policy, health insurance is defined to be inclusive of City health, vision, dental, and EAP program.

IX. ACCRUED TIME

At the time of separation, each laid off employee shall be paid in full for all accrued time earned during the course of employment to include 100 percent of accrued annual leave and 50 percent of accrued sick leave.

X. FLEXIBLE COMPENSATION PLAN

Any employee receiving notice of layoff who has previously received a benefit under the "flexible compensation plan" shall under no circumstances be required to reimburse the City for the benefit already paid.

XI. RE-EMPLOYMENT OF EMPLOYEES LAID OFF

The names of persons laid off under these procedures shall be maintained on a City re-employment list for the classification from which the employee was laid off and for those specific positions that an employee previously held in regular City service for a period of up to eighteen (18) month period from date of layoff. When using a re-employment list to fill a position in a classification from which layoffs have occurred within the eighteen (18) month period the City shall re-employ laid off employees from the list in reverse order of layoff. During the eighteen (18) month period, no new employee shall be hired nor shall any employee be promoted to a classification from which layoffs have occurred until all employees on layoff status in that classification have had the opportunity to return to work.

A laid off employee may be removed from the City re-employment list for any of the following reasons: 1) The expiration of eighteen (18) months from the date of layoff; or 2) Regular re-employment with the City; or 3) Failure to accept employment with the City; or 4) Failure to appear for a job interview after fourteen (14) days notification by U.S. Mail of such interview; or 5) Failure to respond within fourteen (14) days of available employment or 6) Request in writing by the laid off employee to be removed from the list.

It is the responsibility of the laid off employee to advise the City Personnel Office of any change in address or phone number.

XII. RETRAINING

It is the City's intent to consider on-the-job training programs for laid off employees or employees who have received notification of proposed layoffs who may be interested in transitioning to other available positions within the City for which they may or may not be fully qualified.

If an employee's qualifications are judged to meet the minimum desirable qualifications as outlined in the job description, or in the opinion of the Personnel Officer and Department Director it is reasonable to expect the employee to meet the minimum desirable qualifications

within a 90 calendar day period of on-the-job training, the City will consider that aid off employee prior to any other employee or applicant.

In the event that there is more than one laid off employee who is considered for retraining, the laid off employee who has greater seniority will be given first priority for consideration of the on-the-job training opportunity.

XIII. RESTORATION OF BENEFIT FOR RECALLED EMPLOYEES

Any employee who has been laid off and is hired from a City reemployment list under the terms of this article within eighteen (18) months from the date of layoff shall be entitled to:

Restoration of regular status or, for employees who have not completed their probationary period, credit for that portion which has been completed shall be given; and

Restoration of any accrued time lost due to layoff: and

Credit for all years of service for the purpose of determining seniority and benefits; and

Placement in the same step of the salary range the employee held at the time of layoff.

XIV. ELIGIBILITY OF CITY PROMOTIONAL EXAMINATIONS

In an effort to re-employ laid off employees, the City will temporarily suspend (for a period of eighteen (18) months from the effective date of layoff) Section 5.3 of the Personnel Manual relating to promotional policy in order to allow employees on the re-employment list the opportunity to compete in closed, promotional exams. All employees on a reemployment list will receive notice of any promotional opportunity within the City service. Further, during the temporary suspension of this rule, if only one qualified employee submits an application for the promotional exam, such exam shall remain in-house. If the one promotional applicant fails the examination, the exam may then be posted as an open recruitment and outside applications invited.

The City shall mail notices of all promotional examination opportunities to employees in a laid off status for a period of eighteen (18) months. This provision shall be satisfied by the City depositing in U.S. Mail copies of the promotional examination announcement no less than ten (10) working days prior to the closing date of the application for the promotional examination.

In the event that a laid off employee is appointed to City service through a promotional exam process, the employee shall be hired as a probationary employee and will receive credit for all prior service for purposes of determining seniority and benefits; and the employee shall be placed in the salary range at a step that is closest to the salary that he/she received prior to layoff.

XV. APPEAL PROCEDURE

An employee directly affected by the operation of this policy may, within five (5) working days after notice of layoff is received, request a meeting with the Fire Chief to review the application of this policy as it affects the employees status. The employee may be accompanied by the representative of his/her choice.

If the employee is not satisfied with the review provided by the Fire Chief, a further review of the applications of the layoff policy may be requested by the employee with the City Manager. The determination of the City Manager may be appealed to the City Council. Such appeal must be filed with the City Clerk within three (3) working days of the City Manager's determination.

Appeals shall be limited to the following:

1. Seniority;
2. Interpretations of the employee's right to return to a specific position in the City in which the employee has served in regular status with due consideration to reclassifications, job descriptions and changes in titles of the position previously held; and
3. The employee's current classification.

XVI. DEFINITIONS

Position - A group of duties and responsibilities assigned to one employee.

Classification - A group of positions with the same job title having similar duties, responsibilities, and qualifications.