

CITY OF SALINAS LAYOFF POLICY
IAFF, LOCAL 1270 POLICY:

It is the intention of the City of Salinas to provide to layoff policy that ensures fairness to all City employees as well as the best opportunity for a transition to re-employment.

The City of Salinas may layoff an employee due to lack of work or lack of funds. The City shall inform the Union in writing regarding potential layoffs no less than sixty (60) days prior to any notice of layoff being sent to individual employees.

PROCEDURE:

In the event of a reduction in work force in the Fire Department, the City shall designate the classification(s) and positions to be eliminated. The City shall provide affected employees and the Union with a current seniority list for the classification(s) 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 entitlements at least thirty (30) days prior to the effective date of layoffs.

Layoffs shall be made among all bargaining unit employees in the same classification within the Fire Department in the following order: temporary employees, probationary new employees, regular employees (including probationary promotional employees). No regular employee within the department shall be laid off in any classification if there are temporary employees in an active status in the same classification within the department. For purposes of this layoff policy, a regular employee is defined as an employee filling an authorized, budgeted position regardless of hours worked.

SENIORITY DEFINED

For purposes of layoff, seniority shall be defined as the length of service in any regular position(s) with the City as determined by City personnel records. Continuous service for purposes of determining seniority shall be defined to including work related injury leave of up to one (1) year's duration as determined by City Personnel records.

For purposes of returning to a previously held classification, seniority will be defined as the length of service in that classification.

LAYOFF BY CLASSIFICATION

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

A single seniority list will apply for all IAFF members. An exception to the order of layoff may only be made if a layoff according to seniority will result in less than eighteen (18) paramedic-

licensed personnel being available for duty. If laying off a Firefighter/paramedic would result in less than eighteen (18) paramedic/licensed personnel being available for duty, the City may lay off the least senior firefighter without a paramedic license.

PREVIOUSLY HELD POSITIONS

In the event that an employee is notified of layoff, that employee shall have the right to return to ("bump") any classification in the City in which the employee has served in regular status in City service, with due consideration to reclassifications, job descriptions and changes in titles of the position(s) previously held. For purposes of "bumping" to previously held classifications, seniority shall be defined as total time served in the classification from which an employee will "bump". An employee must notify the City of his/her desire to return to a previously held classification within five (5) working days after receipt of written notice of layoff.

FIRE SUPERVISORS UNIT

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 layoff policy.

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 clearing-house for resources, information and referrals on outside employment, training opportunities, and potential re-employment opportunities with the City of Salinas.

RETRAINING

It is the City's intent to consider on-the-job training programs for laid off employees and employees designated for layoff 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 if, in the opinion of the Human Resources 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 laid 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.

SEVERANCE PAY

Each laid off employee shall receive severance pay in the amount of one (1) week for each year of service up to a maximum severance of six (6) weeks. In addition, if for any reason the City request an employee to leave his/her employment before the thirty (30) day notice period has passed, the city shall pay the employee the remainder of his/her salary for the thirty (30) day period.

HEALTH INSURANCE

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. Each employee is eligible to continue group health insurance benefits under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) for a period of 18 months following the date of separation.

If a laid off employee elects to receive the City's payment of premium for twelve (12) months after separation, 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 a 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 month of City-paid premiums may be continued at employee expense, subject to the guidelines and limitations of the COBRA provisions.

Health insurance coverage is defined to be inclusive of current City health, dental, vision, and EAP insurance programs.

ACCRUED TIME

At the time of separation, each laid off employee shall be paid in full for all accrued vacation/annual leave time earned during the course of employment, consistent with the provisions of applicable MOUs and the City Personnel Rules.

BENEFITS

Any employee receiving notice of layoff who has previously received a benefit, e.g. uniform

allowance, shall under no circumstances be required to reimburse the City for the benefit already paid. However, an employee receiving notice of layoff shall not receive a benefit, which is not specifically outlined in this policy or any other City, County, State or Federal policy or Memorandum of Understanding.

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 a period of up to thirty-six (36) months from date of layoff for the classification from which the employee was laid off and for those classifications that an employee previously held in regular City service. When using a re-employment list to fill a position in a classification from which layoffs have occurred within the thirty-six (36) month period, the City shall re-employ laid off employees from the list in reverse order of layoff. During the thirty-six (36) month period, no new employee shall be hired nor shall any employee shall be hired nor shall be 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 in that classification. An employee does not jeopardize his/her standing on the employment list by failure to apply for any promotional exam.

A laid off employee may be removed from the City re-employment list for any of the following reasons: 1) The expiration of thirty-six (36) months from the date of layoff; or 2) 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 after fourteen (14) days notification by mail 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.

RESTORATION OF BENEFIT FOR RECALLED EMPLOYEES

Any employee who has been laid off and is hired from a City re-employment list under the terms of this article within thirty-six (36) months from the date of layoff shall be entitled to: 1) 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 2) Restoration of any accrued time lost due to layoff; and 3) Credit for all prior service for the purpose of determining seniority and benefits; and 4) Placement in the same step of the salary range the employee held at the time of layoff.

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 employee's status. The employee may be accompanied by the representative(s) of his/her choice.

If the employee is not satisfied with the review provided by the Fire Chief, a further review of the

application of the layoff policy may be requested by the employee with an appointed Layoff Appeal Board made up of the City Manager or his appointee, the Mayor or a Council member appointed by the Mayor, and one (1) person appointed by the bargaining unit. Review by the Layoff Appeal Board must be requested within three (3) working days of a determination by the Fire Chief. The Layoff Appeal Board's determination shall be final.

Appeals regarding the layoff policy shall be limited to alleged misapplications of the policy in terms of the following:

- 1) Determination of seniority.
- 2) Determination of an employee's current or prior service in a classification.
- 3) Determination of an employee's classification series.