

CITY OF SALINAS
LAYOFF POLICY FOR THE SALINAS POLICE OFFICERS ASSOCIATION

I. POLICY

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

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

The City shall utilize a Labor-Management Committee, composed of the City Manager, police management and SPOA representatives to review potential layoffs and discuss alternatives to layoffs.

II. PROCEDURE

In the event of a reduction in work force in the Police Department, the City shall designate the classification(s) and position(s) to be eliminated. The City shall provide affected employees and SPOA 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 SPOA represented employees in the same classification in the following order: temporary employees, probationary new employees, regular employees (including probationary promotional employees). No regular employee within the Police 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.

III. SENIORITY DEFINED

For purposes of layoff, 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 or medical leave and any other non-disciplinary break in service leave of up to one (1) year's duration. In the event that two or more employees with equal seniority have to be laid off from the same classification, the determination as to layoff shall be

made by lottery.

For purposes of returning to a previously held classification, seniority will be defined as the length of service in a classification as determined by City personnel records.

IV. LAYOFF

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

V. PREVIOUSLY HELD POSITIONS

In the event that classifications represented by SPOA other than Police Officer are eliminated, employees in those classifications shall have the right to return to ("bump") any sworn patrol officer classification in the Department with the same or lower salary in which the employee has served in regular status, 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" so that the employee with the least seniority in the classification to be bumped from shall be returned to his/her previously held classification first.

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. 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 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 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.

VIII. SEVERANCE PAY

Each employee actually laid off and separated from City service 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 requests an employee to leave his/her place of 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.

IX. 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) with the City's group health plan for a period of 18 months following the date of separation.

If a laid off employee elects this coverage, the payment of premium 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 limitations of the COBRA provisions.

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

X. 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, consistent with the provisions of the current MOU between the SPOA and City and the City Personnel Rules.

XI. HOLD HARMLESS FOR GRANTED BENEFITS

Any employee receiving notice of layoff who has previously received payment of a benefit, e.g. "flexible compensation plan", 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.

XII. 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 classifications that an employee previously held in regular City service for a period of up to eighteen (18) months 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. Re-employment will be subject to current minimum POST Standards. 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. An employee does not jeopardize his/her standing on the re-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 eighteen (18) 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 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.

XIII. 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 eighteen (18) 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.

XIV. ELIGIBILITY OF CITY PROMOTIONAL EXAMINATIONS - NON-SWORN POLICE POSITIONS

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, including those on a re-employment list will be eligible for promotional examinations, for all classifications except for those from which a layoff has occurred, 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. mails copies of the promotional examination announcement no less than fourteen (14) 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 promotional 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 of the new classification at a step that is closest to the salary that he/she received prior to layoff. In the event that a promotional probationary employee does not satisfactorily complete his/her probation, that employee shall return to his/her previous laid off status defined in these policies.

This policy shall only apply to SPOA represented employees who were laid off and who wish to apply for positions in the City that are not public-safety positions.

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 his/her department head 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 at the expense of the employee.

If the employee is not satisfied with the review provided by his/her department head, 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 Councilmember appointed by him/her, 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 department head. 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. The employee's current classification.

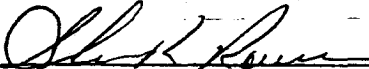
AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING
DATED JANUARY 1, 1993
BETWEEN THE CITY OF SALINAS
SALINAS POLICE OFFICERS ASSOCIATION

For the City:

Dave Mora
City Manager

Date

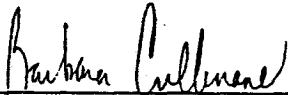
For the Salinas Police Officers
Association:



Glenn Rouse
President

4-14-93

Date



Barbara Cullinane
Union Representative

C:MORA\CM0208.POA