

**CITY LAYOFF POLICY  
SEIU LOCAL 817 - BLUE COLLAR  
JUNE 11, 2004**

**POLICY:**

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

The City may layoff an employee due to lack of work or lack of funds. The City, upon determining that layoffs are to take place, shall inform the President of SEIU Blue Collar and the Union 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 the Labor-Management Committee, composed of equal representatives from Labor and Management, to review imminent layoffs, after the City serves notice as outlined in the above paragraph, to discuss and implement alternatives to layoffs, i.e. reducing contracting out, early retirement, cost savings measures, etc.

The Labor-Management Committee meetings are a pre-requisite to layoff implementation.

**PROCEDURE:**

Layoffs shall be determined within City departments, not the City as a whole. In the event of a reduction in work force in a department, the City shall designate the classification(s) and positions to be eliminated. The City shall provide affected SEIU – Blue Collar 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 sixty (60) days prior to the effective date of the layoffs. Additionally, affected SEIU - BLUE COLLAR employees shall be provided a summary of all accrued benefits and entitlements at least sixty (60) days prior to the effective date of layoffs.

Layoffs shall be made among SEIU – Blue Collar employees in the same classification within a City department in the following order: temporary employees, probationary new employees, regular employees (including probationary promotional employees). No regular SEIU – Blue Collar employee within a department shall be laid off in any classification if there are temporary employees in an active status in the same classification within that 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 a regular position(s), to include time spent in probationary status, with 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 up to one (1) year's duration. In the event that two (2) 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.

## 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 within that classification series.

The Union and SEIU – Blue Collar have reviewed and discussed with the City the Draft Classification Revision regarding jobs for SEIU – Blue Collar and agrees with the draft with the revisions agreed to during their meeting with the City.

## PREVIOUSLY HELD POSITIONS:

In the event that an employee is notified of layoff, that employee shall have the right to "bump" any position within their classification series within the City. The laid off employee can bump into a lower position within their current classification series even though they may not have held that position because they have more seniority than the employee in the lower position or return to a classification series that they have held previously. The laid off employee's base salary shall be set within the range for the lower classification at a step that would result in the least possible reduction in base salary with due consideration to reclassifications, job descriptions, and changes in titles of the position(s) previously held. Current classification series are attached as an exhibit to this policy. An employee shall notify the City Human Resources Officer of his/her desire to return to a previously held classification and designate the classification within ten (10) working days after receipt of written notice of layoff.

## JOB COUNSELING AND OUTPLACEMENT SERVICES:

The City shall work with the Union to develop a job displacement program offering support service, placement opportunity information, and potential re-employment opportunities with the City.

## RETRAINING: (Shall not apply to promotional opportunities)

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 meet the minimum qualifications as outlined in the job description (for a current job opening), the City shall offer that laid off employee the job prior to opening the job to any other permanent employee or applicant from the outside.

If a laid off employee elects to be retrained for a job that is open within the City and does not have the minimum qualifications outlined in the job description, then he/she shall be given a training period for on-the-job training to acquire those minimum qualifications required, and subsequent to that process a period in which to complete retraining in order to perform the job. Upon acquiring the minimum qualifications after completing the training period the City shall offer the job to that laid off employee. The timeline for that training process shall be the following:

1. First ninety (90) days of training: It is in this period where an employee can demonstrate the ability to acquire the minimum qualifications for the job. If the employee can acquire the minimum qualifications for the job then he/she shall enter the next phase of retraining. If an employee cannot acquire the minimum qualifications for the job, then the employee shall be removed from the retraining program for that particular job and shall be laid off with full benefits as provided for in the layoff policy.
2. Special educational and/or training requirements: This period applies for those jobs that require an employee to have completed any special training and/or educational requirements to be qualified to perform the job they are being retrained in. The timeline for this period is based on the educational and/or training requirements. This provision only applies to those jobs where special training and education is required.
3. The final phase of special educational and/or training shall be for no more than six (6) months.

In the event that there is more than one (1) laid off employee who is considered for retraining, the laid off employee who has greater seniority shall 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 requests an employee to leave his/her place of employment before the required sixty (60) day notice period of layoff has passed, the City shall pay the employee the remainder of his/her salary for the balance of the sixty (60) day notification of layoff period.

#### HEALTH INSURANCE:

For laid off employees, the City shall pay the full premium amount for the level of health insurance coverage (medical, vision, dental, and employee assistance program) in force on the date of separation from the City for a period of eighteen (18) months. Each employee is eligible to continue group health insurance benefits after their eighteen (18) month period of paid health insurance ends with the City, under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) with City's group health plan for a period of eighteen (18) months following the date of separation.

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

- Expiration of eighteen (18) months from the date of separation with the City.
- 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 Human Resources/Risk Management office no later than 5:00 p.m. on the final date of employment, or rights to City-paid premium shall terminate.

This coverage falls within the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA). Coverage beyond the eighteen (18) 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 medical, dental, vision, and employee assistance program insurance programs.

Dependent becoming eligible for Medicare does not affect the laid off employee's coverage. City insurance coverage is the coverage in place for all employees; coverage subject to change periodically. Dependent coverage is what is in place at time of layoff. Dependents can be removed, not added.

#### 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 applicable MOU's and the City Personnel Rules and Regulations.

#### HOLD HARMLESS FOR GRANTED BENEFITS:

Any employee receiving notice of layoff who has previously received 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.

## 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 twenty-four (24) 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 twenty-four (24) month period, the City shall re-employ laid off employees from the list in reverse order of layoff. During the twenty-four (24) 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 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 twenty-four (24) 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 twenty-one (21) days notification by U.S. Mail of such interview; or 5) Failure to respond within twenty-one (21) 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 Human Resources Office of any change in address and/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 twenty-four (24) 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.

## ELIGIBILITY OF CITY PROMOTIONAL EXAMINATIONS:

In an effort to re-employ laid off employees, the City shall temporarily suspend (for a period of twenty-four (24) 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 shall be eligible for promotional examinations, except for those classifications from which a layoff has occurred, within the City service. Further, during the temporary suspension of this rule, if only one (1) qualified employee submits an application for the promotional exam, such exam shall remain in-house. If the one (1) promotional applicant fails the examination, the exam may then be posted as an open recruitment and outside applications invited.

The City shall mail notices by U.S. Mail for all promotional examination opportunities to employees in a laid off status for a period of twenty-four (24) months. This provision shall be satisfied by the City depositing in U.S. Mail copies of the promotional examination announcement no less than twenty-one (21) 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, that employee shall be hired as a promotional probationary employee and shall 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 in the classification held 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

### APPEAL PROCEDURE:

An employee directly affected by the operation of this policy may, within ten (10) 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.

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/her 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 shall be requested within five (5) 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) Determination as to whether a classification is in a series.
- 4) Other decisions directly affecting an employee's layoff status under this policy.

### DEFINITIONS

Position	A group of duties and responsibilities assigned to one (1) employee. As defined by the job description in Human Resources.
Classification	A group of positions with the same job title having similar duties, responsibilities, and qualifications.

Re-Employment List	A list for a specific position or classification series containing the names of laid off employees who have reinstatement rights to that classification series or position. This list shall be maintained and updated by Human Resources and an updated copy shall be given to the Union and the SEIU - BLUE COLLAR President within five (5) workdays of any changes.
Laid-Off Employment List	One (1) master list containing the names of all employees who are in a layoff status. This list shall be maintained and updated by Human Resources and an updated copy shall be given to the Union and SEIU - BLUE COLLAR President.
Regular Employee	An employee either full-time or part-time who occupies an authorized budgeted position.
Date of Separation	The last day of work with the City that the laid off employee is in paid status.
City	City of Salinas
Classification Series	A set of classifications within a job family which are closely related in terms of work performed and distinguished primarily by the level of responsibility and scope of duties assumed.

AMENDMENTS TO THE MEMORANDUM OF UNDERSTANDING  
DATED JUNE 11, 2004  
BETWEEN THE CITY AND  
THE SEIU LOCAL 817 – BLUE COLLAR

For the City:

For the Salinas Municipal Employee  
Association:



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Dave Mora  
City Manager



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John Vellardita, SEIU  
Executive Director

6/12/04  
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Date

6/14/04  
\_\_\_\_\_  
Date



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Ray Montemayor  
President

6-14-04  
\_\_\_\_\_  
Date



## CLASSIFICATION SERIES SEIU/SEIU SUPERVISORS

A classification series is a set of classifications within a job family which are closely related in terms of work performed and distinguished primarily by the level of responsibility and scope of duties assumed. Class series generally include classifications at the entry level through advanced journey level. Classification series, for purposes of this policy, may also include those positions, which have similar knowledge, skills or abilities, which easily transfer across functional lines. Classifications listed below are listed within series grouping from the most advanced or senior level to entry level.

The SEIU – Blue Collard layoff policy contains the language that applies to the layoff procedures in a classification series. This series will be used for the implementation of the policy.

### CLASSIFICATION SERIES

### SALARY RANGE

#### **GOLF AND PARKS**

Golf Course Maintenance Crew Supv.	39.2
Park Maintenance Crew Supv.	39.2
Senior Park Maintenance Worker	33.5
Power Mower Operator	31.2
Golf Course Worker	29.3
Park Maintenance Worker	29.3

#### **URBAN FORESTRY**

Urban Forestry Crew Supv.	39.2
Sr. Urban Forestry Worker	33.2
Urban Forestry Worker II	31.2
Urban Forestry Worker I	30.0

#### **BUILDING MAINTENANCE**

Facilities Maintenance Mech. Crew Supv.	39.2
Senior Airport Technician	33.0
Senior Facilities Maintenance Mech.	33.0
Facilities Maintenance Mechanic	30.6
Facilities Maintenance Worker	29.3
Senior Community Facilities Svc. Wkr.	29.0
Community Facilities Service Worker	27.6
Public Safety Facilities Worker	27.6

(Police Background Required)

## **MECHANICAL**

Equipment Mechanic Crew Supv.	39.2
Equipment Mechanic II	33.0
Equipment Mechanic I	31.0
Senior Vehicle Maintenance Asst.	29.2
Vehicle Maintenance Assistant	26.4

## **INVENTORY**

Fleet Operations Assistant	33.0
Equipment Inventory Technician	32.2

## **PUBLIC SERVICE**

Public Service Maint. Crew Supv	39.2
Inmate Crew Coordinator	33.9
Public Service Maintenance Wkr. IV	33.9
Motor Sweeper Operator	31.9
Public Service Maintenance Wkr. III	31.9
Public Service Maintenance Technician	29.7
Public Service Maintenance Worker II	29.7
Neighborhood Service Worker	27.7
Public Service Maintenance Worker I	27.7

## **SPECIALIZED SINGLE POSITION**

Pump Maintenance Mechanic	33.0
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