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EM
Red Martinen

COBEA Proposal to City

April 3, 2019

Time: _____

ARTICLE 16 – LAYOFF

Section 16.1 Layoff Procedure. Layoffs will be determined by seniority as defined in Article 17, Section 1.

Within an affected Department/Division, temporary, initial probationary, intermittent, retiree rehire, and apprentices who occupy budgeted positions will be terminated before regular employees of identical classification.

Section 16.2 Computation of Seniority. Layoffs will be identified by classification within the affected Department/ Division. In the event a layoff or furlough is necessary, employees holding positions to be eliminated will be subject to the following in order of seniority:

- (a) Reassignment to a position in the same classification in the Division, or if the employee does not have enough seniority, then
- (b) Reassignment to a position in the same classification in the Department, or if the employee does not have enough seniority, then
- (c) Reassignment or Demotion to a position in a classification previously held in the Department, or if the employee does not have enough seniority, then
- (d) Layoff.

The City will attempt to give the Association and employees affected by a layoff at least thirty (30) days' notice prior to the effective date, however, in no event shall the City give less than fifteen (15) days' notice. The City will meet and discuss the layoff with COBEA upon request, and bargain upon demand to the extent required by law.

Section 16.3 Recall Procedure. Employees shall be called back from layoff in order of their seniority as defined in Article 17, Section 1.

Employees shall be notified of recall to employment by certified mail, return receipt requested, at their last known address and must respond within fifteen (15) calendar days of the postmark date on the certified mail receipt that they are accepting the offer of employment under the terms specified in the offer. Such response shall be in writing. Employees who do not respond in the prescribed manner shall be deemed to have refused the offer of re-employment and shall forfeit all seniority and/or rehire rights and privileges.

Acceptance or rejection of an offer of temporary employment during layoff will not affect an employee's status on the layoff list.

The City shall be subject to the recall provisions until an eighteen (18) month lapse has occurred since an employee was originally laid off.

Employees who are recalled/rehired from layoff status must be qualified to fill the opening. Employees whose certifications have lapsed while on layoff will be given thirty (30) days to renew their required certifications, unless extended by mutual agreement. In the event the

work of the position cannot be performed without certification(s), the City reserves the right to fill the position immediately with a certified individual on a temporary basis until the laid off employee can obtain certification. Employees who do not renew the required certification(s) within six (6) months of notice shall no longer be eligible for recall.

Section 16.4 Special provisions to save an employee from layoff. It is recognized by the parties that employees who are to be laid off or involuntarily demoted face difficult circumstances. Any employee who is laid off shall be considered first for positions in bargaining unit classifications that are open for recruitment. Employees must be qualified to fill the opening.

Section 16.5 Return to Employment. Employees recalled or rehired from layoff shall be entitled to credit for service prior to layoff for purposes of seniority, sick leave, vacation leave and other seniority-related benefits. Recalled employees will start securing benefits at the same rate as when they left City employment in layoff.

Employees recalled from layoff shall:

- (a) Immediately begin to accrue vacation at the appropriate rate.
- (b) Have the sick leave balance at layoff date reinstated, and immediately begin to accrue sick leave as if there had been no break in service.
- (c) Receive holiday pay from date of re-employment, as they occur. The floating/personal holiday will be pro-rated from date of rehire.
- (d) If laid off without completing a probationary period, shall be credited with the amount of probationary time served and will be required to satisfy only the portion that remained at the time of layoff.