

COBEA Negotiations  
7.28.2016  
City Counterproposal

TA<sup>id</sup>  
7/28/16

## ARTICLE 16 – LAYOFF

*A* Section 1. -Layoff Procedure. In the event a layoff or furlough is necessary, City management shall determine the Department / Division and the classifications in which staff reductions are required. Layoffs will be determined by seniority as defined in Article 17, Section 1.

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

*Based on time of hire*  
Layoffs will be identified by classification within the affected Department / Division. In the event a layoff or furlough is necessary, City management shall determine the department/divisions and the classifications in which staff reductions are required. 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.

Employees shall be laid off in inverse order of their City seniority, as defined in Article 17, in the identified department/ division(s) and classifications(s). In the case that two (2) or more employees subject to layoff share the same City seniority date, the employee with the least classification seniority shall be laid off first.

Section 2. Definitions used in this article:

- (a) Department/division shall be identified by the numeric codes and descriptions used in the City of Bend financial records system, for example, 3040 is the Current Planning Division of the Community Development Department.
- (b) Classification shall mean position as listed on the COBEA Pay Schedule and as used in the City's Payroll/Personnel system.
- (c) The department/division an employee is assigned to shall be the department/ division to which the classification held by the employee is listed in the Authorized Position List of the adopted City of Bend budget.

~~Section 3. Employees shall be laid off in the inverse order of their City of Bend seniority. Seniority shall be determined according to Article 17. Competition for retention based upon City seniority shall be limited to other employees holding positions in the same classification within the affected department/division. A layoff out of inverse order to seniority may be made if in the City's judgment, retention of special job skills, knowledge or abilities are needed to perform the operations of the City. The City will provide a written explanation upon request.~~

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

~~Employees to be laid off may bump an employee with lower classification seniority in a position the employee to be laid off has previously held.~~

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

~~Section 24. Recall Procedure. Any employee who is laid off shall be considered first for positions, which are open in a classification within the bargaining unit. Employees shall be qualified to fill the opening.~~

~~Section 5. Employees shall be called back from layoff in the reverse order from which they were laid off in the classification from which the employees were laid off within the department/division 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. In the event that the notice of delivery is not returned within ten (10) calendar days of mailing, the City may proceed to fill the position.

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 a twelve (12) month lapse has occurred since an employee was originally laid off.

~~Section 6. Employees who are recalled/rehired from layoff status must shall be qualified to fill the opening. Employees whose certifications have lapsed while on layoff will be given~~

*Recalled -  
Probation on -  
Same as of or  
something already  
had - no  
probation*

*Possible  
changes  
to  
18 months  
check  
other  
in City*

*12*

*meet  
M/M  
qual. for job*

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 3. Special provisions to save employees 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 47. 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.

~~Section 8. The City shall be subject to the call back provisions according to seniority until a twelve (12) month lapse has occurred since an employee was originally laid off.~~

**ARTICLE 16 – LAYOFF**

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Section 2. Recall Procedure. Employees shall be called back from layoff in order of their seniority as defined in Article 17, Section 1.

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

*Contingent  
workforce  
goes first*

*mutual-hire*

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