

RULE XII
FURLOUGH AND LAYOFF

Section 1 Furlough (*Added 10/13/20*)

- 1.1 A furlough is period of absence from work without pay required of employees in order to avoid layoff.
- 1.2 An employee shall not be furloughed for more than a total of 240 work hours in any consecutive twelve (12) month period.
- 1.3 The Appointing Authority shall be responsible for ensuring a furlough is implemented and administered in full compliance with applicable employment law.
- 1.4 A furlough is not discipline and is appealable to the Board only when the basis of the appeal is that its use is not in compliance with Civil Service Rules.

Section 2 Layoff (*Revised 10/13/20*)

- 2.1 Layoff occurs upon loss of employment by an employee of the Classified Service for any reason that does not reflect on the employee. (*Revised 10/13/20*)
- 2.2 Layoffs shall be carried out in a way that avoids loss of employment by regular employees of the Classified Service where sound business reasons do not prevent it. (*Revised 10/13/20*)
 - A. Where possible, vacancies shall be created in positions subject to layoff by demotion, transfer, reassignment or promotion to other vacancies in the Classified Service. (*Revised 10/13/20*)
 - B. The Appointing Authority must identify the class and department to be affected by layoffs and provide adequate notice to the Director, unless genuine and compelling circumstances do not permit, to implement the provisions of this rule. (*Revised 10/13/20*)

Section 3 Order of separation of incumbents of positions in the Classified Service upon non-medical layoff is as follows: (*Revised 10/13/20*)

- 3.1 Temporary appointments to positions in the class affected as well as classes with lower pay range minimums, in the same department as an employee subject to layoff must end in order to make available employment to regular employees who elect to be transferred, reassigned or demoted to them to avoid layoff provided that employee is determined by the Director to be qualified. (*Revised 10/13/20*)

- 3.2 Probationary employees in positions in the class affected as well as classes with lower pay range minimums, in the same department as an employee subject to layoff must end in order to make available employment to regular employees who elect to be transferred, reassigned or demoted to them to avoid layoff provided that employee is determined by the Director to be qualified for the position. *(Revised 10/13/20)*
- 3.3 The regular employee(s) of the same department in positions in the class affected who have the least class service. *(Revised 10/13/20)*
- A. The Director shall compile, maintain, and update a list of class groupings wherein similar classes that historically form a career progression that have increasing qualification or responsibility of the same general nature and purpose are grouped together. All employees of the classified service shall be placed in a class grouping for comparison of skills, knowledge, and ability. *(Revised 8/28/02)*
- B. Continuous service in each class in a grouping shall be combined to compute class service of an employee of a class in the group. *(Revised 10/13/20)*
- C. A regular employee of a class listed higher in a class grouping may elect to displace the employee of the same department in a class listed lower in the grouping and having the least class service of all in the group. *(Revised 10/13/20)*

Section 4 Exception to layoff *(Added 10/13/20)*

- 4.1 The Appointing Authority may request that the Board approve an exception to the application of section 3 in order to retain an employee who possesses skills and abilities critical to the effective operation of the department and who would otherwise be laid off under section 3.
- 4.2 The request shall be in writing and must provide, in detail, explanations and/or descriptions of the specific skills and abilities upon which the exception is being requested, how the loss of the individual with those skills and abilities would negatively affect services to the public, how no other employee possesses those same skills and abilities in order to provide the service to the public, and why no other employee could be trained in the skills and abilities to provide the service to the public.
- 4.3 If the Board approves the request for exception, the employee shall be retained in the layoff plan and section 3 shall be applied to the remaining employees.

Section 5 Appeal of layoff: *(Added 10/13/20)*

- 5.1 Regular employees subject to layoff who feel they have been denied a right under the provisions of this Rule or under the Charter may appeal to the Board under the procedures of Civil Service Rule II.4.