

**MEMORANDUM
PERSONNEL DEPARTMENT
COUNTY OF PLACER**

To: Board of Supervisors
From: Nancy Nittler, Personnel Director *NN*
Date: March 24, 2009
Subject: County Code, Chapter 3 Layoff Provision Changes

Recommended Action:

1. Approve the attached Side Letter Agreement with the Placer Public Employee's Organization regarding County layoff rules.
2. Extend these provisions to classified management and confidential employees.
3. Introduce an Ordinance amending Chapter 3 to reflect the side letter changes.

Background:

The current Memorandum of Understanding (MOU) with PPEO, in effect through June 2010, contained a provision that the County and PPEO would work together to update and clarify the County's layoff rules and other labor practices in a Consolidated MOU.

As a step in this process, the County's negotiating team has worked closely with the PPEO team to develop modifications to the current layoff provisions contained within Chapter 3 of the County Code. These changes clarify current county practice and update layoff related language as appropriate. Topics covered included items such as; notice to probationary employees that they are being released vs. laid-off; the number of times an individual can be released during a probationary period without return to a reemployment list, clarification of "bumping rights" vs. transfer/demotion, definition of terms applicable to a layoff process, etc.

Fiscal Impact:

Approval of the requested actions will have no fiscal impact on the County as requested language changes clarify current, layoff practices within the Code, and simplify related processes.

cc: Tom Miller, County Executive Officer
Mike Boyle, Assistant County Executive Officer
Chuck Thiel, Business Representative PPEO

SIDE LETTER AGREEMENT

3.08.750 Re-employment lists.

A re-employment list for permanent employees who have been laid off and probationary employees noticed of release from employment (pursuant to 3.08.1090 C) shall be established to facilitate re-employment of employees laid off or released in accordance with these provisions. accommodate permanent employees laid off in accordance with these rules. Rank order shall be determined by total county service from longest to shortest and shall remain in existence for a period of a minimum of one year and a maximum of two years.

~~years of total continuous service. An employee on such re-employment list shall be entitled to a noncompetitive promotion to any position to which he or she could have elected demotion from his or her original classification. (Prior code § 14-1815)~~

3.08.890 Appointment from re-employment list.

A. ~~If~~ **When** there is a re-employment list for the class in which the vacancy exists, only the employee with the greatest total county service shall be certified and shall be appointed. ~~highest active eligible shall be certified and that person shall be appointed.~~

B. Employees on the a re-employment list may waive certification by written notification to the Personnel Director. Such notification shall state the period of time and/or department(s) to which the waiver shall apply. ~~in accordance with Section 3-08-820. (Prior code § 14.1910)~~

3.08.1050 Length of probation.

A. All permanent appointments from open eligible lists to positions in the classified service shall serve a probationary period of twelve calendar months or 2080 hours, whichever is more, with the exception of those classifications identified below. Where changes to the probationary period for a classification are made herein, employees will serve the probationary period in effect when they began their probation. Time spent on leave of absence will not count toward the completion of the probationary period.

Classified Management and Confidential Employees: If the classified manager previously completed a probationary period in a management position then the probationary period for the new position will be 6 months. If the confidential employee previously completed a probationary period in a confidential position then the probationary period for the new position will be 6 months.

| Classification | Period |
|-------------------------------------|---------------|
| Promotion to: | |
| Appraiser I | 12 months |
| Auditor appraiser I | 12 months |
| Recorder/Elections technician entry | 12 months |
| Equipment Operator | 12 months |

2. Probation Department. All permanent appointments from open or promotional eligible lists to positions in the classified service shall serve the probationary periods indicated:

Initial Hire into the Deputy Probation Officer Class Series:

| <u>Classification</u> | <u>Period</u> |
|--------------------------------------|---------------|
| Deputy Probation Officer I | 18 months |
| Deputy Probation Officer II | 18 months |
| Senior Deputy Probation Officer | 12 months |
| Supervising Deputy Probation Officer | 12 months |

Promotions to:

| <u>Classification</u> | <u>Period</u> |
|-----------------------|---------------|
|-----------------------|---------------|

| | |
|--------------------------------------|-----------|
| Deputy Probation Officer I | 18 months |
| Deputy Probation Officer II | 6 months |
| Senior Deputy Probation Officer | 12 months |
| Supervising Deputy Probation Officer | 12 months |

3. Sheriff's Office.

| | |
|---|---------------|
| a. Initial Hiring Classification | Period |
| Deputy sheriff I | 18 months |
| b. Promotion to | Period |
| Correctional officer 1 | 12 months |
| Deputy sheriff I | 18 months |
| Deputy sheriff II | 6 months |
| Public Safety Dispatcher 1 | 12 months |
| Sheriff's sergeant | 6 months |

c. Deputy Sheriff Trainee. Incumbency in this class is limited to a period not to exceed 12 (twelve) months and to individuals who have not yet completed the basic P.O.S.T. academy. Failure to satisfactorily complete and graduate from P.O.S.T. academy while in this class shall result in termination from this class.

Upon satisfactory completion of the basic P.O.S.T. academy, it will be permissive to appoint the incumbent to deputy sheriff I. Upon appointment to deputy sheriff I, the incumbent shall serve a probationary period of eighteen (18) months.

4. District Attorney's Office.

| | |
|---|---------------|
| a. Initial Hiring Classification | Period |
| Investigator | 12 months |
| b. Promotion to: | |
| Investigator | 6 months |

5. PPEO represented classifications. All appointments other than an initial hire will serve a 6 month probationary period unless specified separately under these Length of Probation provisions.

B 1. PPEO Represented classifications--Extension of Probation. If during the probationary period there have been changes in an employee's status, i.e., a transfer from one class to another, a transfer from one department to another, change in work location, major change in assignment, the installation of, new processes, technology, or other circumstances that warrant an extension of probation; or if the appointing authority has failed to complete interim performance appraisals and has been directed to request such an extension under Section 3.08.1060(B), the appointing authority may, with the consent of the personnel director, extend an employee's probationary period for up to ninety (90) days (five hundred twenty (520) hours) and with the consent of the civil service commission up to six months (one thousand forty (1,040) hours). Prior to expiration of the probationary period the appointing authority must present evidence to the civil service commission documenting the reason for requesting an extension of the probationary period. The personnel director may provisionally extend a probationary period until the next regularly scheduled civil service commission meeting at which a request can be heard.

2. Deputy Sheriff Unit Extension of Probation. If during the probationary period there have been changes in an employee's status, i.e., a change in work location, major change in assignment, the installation of new processes or technology, or in the event of

authorized light duty because of illness/injury where the assignment prevents the completion of field training and/or jail operations training (this field training and jail operations training requires successful completion prior to completing probation), the appointing authority may, with the consent of the civil service commission, extend an employee's probationary period for up to one year. The appointing authority must present evidence to the civil service commission documenting the reason for requesting an extension of the probationary period. The personnel director may provisionally extend a probationary period until the next regularly scheduled civil service commission meeting at which a request can be heard.

~~C. All appointments from a re-employment list assigned to a department different from that of their last county employment shall be for a probationary period of six calendar months. Employees rejected during such probationary period shall be reinstated to the status held prior to said appointment.~~

C. Any employee who is appointed from a re-employment list shall serve a probationary period of six (6) months or one thousand and forty (1040) hours, whichever is greater. The only exceptions to this are:

1. An employee who did not complete his/her full initial probationary period prior to being placed on the list will be required to repeat the full initial hire probationary period required of his/her classification.
2. An employee who is appointed into the same or lower classification (within the same classification series) and same department he/she was working in at the time of layoff shall not be required to complete a new probationary period.

D. For purposes of this section, a calendar month shall be from a given date in a month through the next preceding date in the following month (i.e., July 10th through August 9th). Prior code § 14.2010)

E. An employee who is released from a probationary status after being re-employed from a re-employment list pursuant to these provisions will be given fourteen (14) calendar days advance notice of the release and advised of his/her return to the re-employment list with the total county service he/she had obtained upon original placement on the list.

F. An employee who is released from probation after having been re-employed from a re-employment list shall NOT be certified again to the same department unless so requested by the appointing authority.

G. An employee who is released during his/her probationary period after having been re-employed from a re-employment list on two separate occasions will NOT be placed back on the reemployment list and shall be separated from county service.

H. An employee who elects to bump (in accordance with 3.08.1120) into a lower classification (within the same classification series) and same department he/she was working in at the time of layoff shall not be required to complete a new probationary period.

3.08.1060 Performance appraisal.

A. Report Required. The appointing authority shall prepare a performance appraisal for each employee at the end of three months and prior to the expiration of six months, except for those classifications requiring a twelve (12) month probationary period as designated in Section 3.08.1050, Length of probation. For those classifications so designated, the appointing authority shall prepare a

performance appraisal at the end of six months and prior to the expiration of twelve (12) months.

B. Failure to Prepare Report. Failure by an appointing authority to prepare an interim performance appraisal for a probationary employee shall result in a rebuttable presumption of "Standard" as to the missed evaluation. In addition, such failure shall require the appointing authority to obtain the review and approval of the county executive officer prior to rejection of any such employee during the probationary period. As an alternative to rejection, the county executive officer may direct that the appointing authority request extension of the employee's probation under Section 3.08.1050(B).

C. Status Following Evaluation. ~~If the service of the probationer has been satisfactory, the appointing authority shall recommend retention.~~ If release is not specifically recommended before the end of the probationary period, the probationer shall acquire permanent status. For PPEO represented employees, the remaining six months of probation shall be waived and the employee shall be deemed a regular employee if the employee receives an overall rating of "exceeds performance standards" or greater on his/her six month performance evaluation in accordance with 3.08.1060 (C)

D. Step Increase. An employee performance evaluation form shall be submitted prior to an employee's anniversary date with a recommendation for merit salary increase.

E. Annual Evaluation. Employees in Step 5 shall receive an evaluation annually.

F. More Than One Supervisor During Rating Period. In the event an employee has been under the direct supervision of more than one supervisor:

1. Rating shall be both by the last person to supervise the employee and by the person who supervised the employee for the longest period of time during the rating period in question.

2. If the person who supervised the employee for the longest period is no longer employed in county service:

a. Such person, if available, shall be provided the opportunity to confer with the rating supervisors.

b. If such person is not available, or declines to comment, the rating shall be by the last supervisor and such other supervisor as may be directed by the department head.

The rater or raters shall prepare and submit to the appointing authority a performance appraisal of the employee at the conclusion of the rating period. Failure by the supervisor to submit such report shall result in a rebuttable presumption of "Standard" as to the missed evaluation.

G. Right of Employee Review and Comment. No performance appraisal shall be placed in a departmental file, nor shall it be transmitted to the personnel department or civil service commission, until the employee has reviewed the evaluation personally with the rating supervisor and, if requested by the employee, such employee has reviewed the evaluation personally with such employee's appointing authority or designee.

H. Comments. The provisions of Section 3.04.170 shall also be applicable to performance appraisals.

1. Subject to the provisions of subsections A, B and E of this section the periodic computer printout "Performance Evaluation Due Report" (PPP 380-17) will be forwarded to the county executive officer for all employees whose performance evaluation is thirty (30) days or more overdue. The county executive officer will follow up with the department heads involved. Failure by the appointing authority to prepare an annual evaluation within ninety (90) days of the due date shall result in a rebuttable presumption of "standard" as to the missed evaluation. (Prior code § 14 2015)

3.08.1090 Layoff.

A. Layoffs shall be made solely under the direction of the board of supervisors. ~~Under board direction, an appointing authority may lay off employees in accordance with the provisions of this chapter for any of the following reasons:~~ **The County Executive Officer, following board approval, may direct the department's appointing authority to lay off employees for any of the following reasons:**

1. Necessity based on lack of funds or work; or
2. Advisable in the interest of economy to reduce the departmental staff; or
3. ~~Due Administration of~~ to a violation of Section 3.04.080 relating to nepotism.

~~B. Permanent and probationary employees laid off shall be placed on a re-employment list for the class in which they were employed. (Prior code § 14.2100)~~

B. Notwithstanding the provisions of subsection A of this section, the department's appointing authority may lay off an employee, without the direction of the board of supervisors, for the following reasons:

1. Return of another employee with greater seniority from leave of absence;
2. Return of another employee, with greater seniority, as a result of release from probation.

C. Permanent employees laid off and probationary employees noticed of release from county service pursuant to these provisions shall be placed on a re-employment list for the class or classes from which they were laid off or released ranked by total county service in order from longest to shortest.

3.08.1100 Notice.

A. Deputy Sheriffs Unit. Ten (10) days before the effective date of a layoff, the appointing authority or county executive shall file notice with the personnel director of the intended action with reason therefore. A copy of such notice shall be personally served the employee affected.

B. ~~General Unit, Professional Unit and Management, PPEO, Confidential and Classified Management Employees:~~ At least ten (10) ~~working~~ fourteen (14) calendar days, excluding holidays, before the effective date of a layoff, the appointing authority shall cause each employee affected to be personally served a notice of layoff. The notice shall include a copy of the layoff rules provisions (Section 3.08.1090, et seq.). A copy of such notice shall be sent to the personnel director. (Prior code § 14.2105)

3.08.1105 Definition of Terms Pursuant to Layoff Provisions

Bumping Rights: The right for a permanent employee to revert to a position in which he/she previously attained permanent status if the employee has been notified that they are subject to layoff, formally elects to move to the previously held position or to the classification performing the same or similar duties in the case of subsequent reclassification, re-titling or merge of classifications, and has sufficient seniority or total county service in order to 'bump' another employee from the position.

Class: The categorization of work duties and responsibilities sufficiently similar so that the same minimum qualifications; education, experience, knowledge, skills and abilities (KSA's) may be required of incumbents and so that the same schedule of compensation is applied with equity.

Class Series: A set of two or more classes that are closely related in terms of work performed and distinguished primarily by the level of responsibility and scope of duties assumed. Common titling designations are generally used to clearly define the applicable class level, such as Building Crafts Mechanic, Building Crafts Mechanic Senior, Building Crafts Mechanic Supervising, and Building Crafts Mechanic Senior Supervising.

Demotion: A change between classifications where the difference between the maximum salaries of one classification to the other is a decrease of five percent (5%) or more.

FTE: Full-time equivalent; a 40-hour per week position = 1.0 FTE.

Full-time Position: A position established on a year-round basis, required to work a regular work schedule of forty (40) hours per week.

Layoff: The involuntary termination pursuant to 3.08.1090 of a permanent employee from a classification without fault on the part of the employee.

Part-time Position: A position established on a year-round basis to work a regular work schedule of less than forty (40) hours per week.

Permanent Status: Acquired by an employee who has been retained in his/her position after the completion of an initial or reinstatement county probationary period.

Probationary Status: Acquired by an employee who has been certified and appointed, but who has not completed an initial or reinstatement county probationary period.

Seniority: Total county-paid hours in a specific classification and specific department, excluding overtime and any extra help or temporary assignments.

- i. An employee, who works in a temporary assignment, receiving work-out-of-classification compensation, will continue to accrue seniority in his/her regular position/classification.
- ii. Any hours spent on a Board of Supervisors approved work furlough program will be included in the employee's seniority and total county service hours.
- iii. An employee, who is transferred to another department as a result of the transfer of a business unit or function, shall have all county-paid hours in the prior department moved forward into the new department if he/she remains in the same classification.
- iv. An employee whose position is reclassified shall have all hours moved forward to the newly reclassified position. This

provision does not apply to any employee who receives a promotion as defined in Chapter 3.08.1070 as follows:

Promotion: advancement to a position of higher rank or grade where the salary grade difference between the current classification and the new classification involves an increase in pay of at least five percent or more. A change in salary grade resulting from a reclassification of an occupational group without regard to departmental lines and involving no substantial change in duties and qualifications is not considered a promotion.

Total County Service: Total county-paid hours in any department from the date of hire to present, excluding overtime and extra help or temporary assignments.

- i. An employee, who works in a temporary assignment, receiving work-out-of-classification compensation, will continue to accrue total county service.
- ii. Employees who reinstate within a two-year period shall maintain their original date of hire. However he/she will not have any county paid hours added to his/her seniority or county service during the period of separation.
- iii. Any hours spent on a Board of Supervisors approved work furlough program will be included in the employee's seniority and total county service hours.
- iv. An employee, who is transferred to another department as a result of the transfer of a business unit or function, shall have all county-paid hours in the prior department moved forward into the new department if he/she remains in the same classification.
- v. An employee whose position is reclassified shall have all hours moved forward to the newly reclassified position. This provision does not apply to any employee who receives a promotion as defined in Chapter 3.08.1070 as follows:

Promotion: advancement to a position of higher rank or grade where the salary grade difference between the current classification and the new classification involves an increase in pay of at least five percent or more. A change in salary grade resulting from a reclassification of an occupational group without regard to departmental lines and involving no substantial change in duties and qualifications is not considered a promotion.

3.08.1110 Order of layoff- Departmental.

A. In the event a layoff is necessary, the appointing authority, with the approval of the county executive, shall determine which class or classes will be affected. Flexibly

staffed positions in classifications which include entry/journey, assistant/associate or III in the job title will be treated as one class for purposes of this provision. Prior to laying off probationary or lay off of permanent employees, notice of release of employment shall first be given to employees in the following order by class or classes: extra help, provisional and probationary employees in the targeted department.

~~the following will be laid off in this sequence.~~ The following sequence will be used to determine the order in which permanent employees in the department target class or classes will be laid off:

- ~~1. Extra help employees.~~
- ~~2. Provisional employees.~~
- ~~A.3. Probationary and~~
 1. Permanent employees whose last recorded overall performance rating ~~are~~ was "Unacceptable" in the performance evaluation done ninety (90) days or more prior to the notice of layoff.
 - ~~4. Probationary and permanent employees with acceptable or better ratings.~~
 - ~~4. Probationary employees shall be laid off, by class, in the inverse order of seniority within a classification within a department.~~
 2. Permanent employees shall be laid off, by class, in the inverse order of seniority within a classification within a department. Permanent part-time employees' seniority will be prorated based on hours worked as per the definitions contained in 3.08.1105.
3. The least senior employee may choose to 'bump' (as per 3.08.1120) to any class with the same or lower maximum salary in which the employee had previously served in a permanent status in the same department or in another county department of county service.

a. Ties. In the event of a tie in seniority (above), the tie will be broken by ranking (1) in inverse order of seniority within the department, then (2) inverse order of seniority within the total county service. In the event the above methods do not break the tie, then the final decision will be made by lot.

B Notwithstanding the provisions of subsection A of this section, an appointing authority may lay off an employee, without the direction of the board of supervisors, for the following reasons:

1. Return of another employee with greater seniority from leave of absence.
2. Return of another employee, with greater seniority, as a result of failure of probation as provided for in Section 3.08.1080 of these rules. (Prior code § 14.2110)

3.08.1120 Bumping, Transfer or demotion in lieu of layoff.

A. ~~Employees Hired Prior to July 1, 1983.~~ In lieu of being laid off an employee may elect to:

~~1. Transfer or demote to any class with the same or lower maximum salary in which the employee had served under permanent or probationary status in the same department or in another department of county service; or, subject to the approval of the personnel director, to any vacant class, within the same department, which has the same or lower maximum salary in the same or similar class series.~~

~~2.a. Deputy Sheriffs Unit. An employee so transferring or demoting may not displace any employee whose total county service exceeds that of the employee so transferring or demoting.~~

~~b. General Unit, Professional Unit and Management. To determine which employee(s) will be displaced by an employee voluntarily transferring or demoting, the demoting or transferring employee's total continuous county service will be compared to~~

~~the time in class of each person in that class; however, an employee may not be displaced by an employee with less total continuous county service, if such displacement results in separation from county service of the senior employee.~~

~~3. To be considered for demotion in lieu of layoff, an employee must notify his or her appointing authority in writing of such election not later than five working days after receiving notice of layoff. Any employee replaced by such demotion shall have the same rights afforded by this section. The salary of the demoted employee shall be determined in accordance with Section 3.04.700 of these rules.~~

~~4. An employee who exercises the option to demote shall be placed on the re-employment list for the class from which the employee was last employed in accordance with Section 3.08.750.~~

~~5. An employee who previously exercised the option to demote or transfer in lieu of layoff shall, at the employee's discretion, have the right thereafter to set aside such exercise of option and accept layoff. Benefits attributable to an employee on layoff shall accrue only from and after the date of such setting aside and shall not be retroactive to the date of the original acceptance of demotion in lieu of layoff.~~

~~B. General Unit Employees Hired July 1, 1983, or Later. In lieu of being laid off, an employee may elect to:~~

~~1. Subject to the provisions of subsection (B)(6) of this section, transfer or demote to any class with the same or lower maximum salary in which the employee had served under permanent or probationary status in the same department or in another department of county service or, subject to the approval of the personnel director, to any vacant class, within the same department, which has the same or lower maximum salary in the same or similar class series. 3.08.420~~

~~2.a. Deputy Sheriff's Unit. An employee so transferring or demoting may not displace any employee whose total county service exceeds that of the employee so transferring or demoting.~~

~~b. General Unit, Professional Unit and Management. To determine which employee(s) will be displaced by an employee voluntarily transferring or demoting, the demoting or transferring employee's total continuous county service will be compared to the time in class of each person in that class; however, an employee may not be displaced by an employee with less total continuous county service, if such displacement results in separation from county service of the senior employee.~~

~~3. To be considered for demotion in lieu of layoff, an employee must notify his or her appointing authority in writing of such election not later than five working days after receiving notice of layoff. Any employee replaced by such demotion shall have the same rights afforded by this section. The salary of the demoted employee shall be determined in accordance with Section 3.04.700 of these rules.~~

~~4. An employee who exercises the option to demote shall be placed on the re-employment list for the class from which the employee was last employed in accordance with Section 3.08.750.~~

~~5. An employee who previously exercised the option to demote or transfer in lieu of layoff shall, at the employee's discretion, have the right thereafter to set aside such exercise of option and accept layoff. Benefits attributable to an employee on layoff shall accrue only from and after the date of such setting aside and shall not be retroactive to the date of the original acceptance of demotion in lieu of layoff.~~

~~B. General Unit Employees Hired July 1, 1983, or Later:~~

~~A. PPEO, Confidential and Classified Management Employees Subject to the provisions of subsection (B)(6) of this section. In lieu of being laid off, an employee may elect request to:~~

~~1. Transfer or demote to any vacant class that is approved to be filled with the same or lower maximum salary for which the employee meets minimum qualifications as~~

provided in Chapter 3.08.370 and 3.08.380 in which the employee had served under permanent or probationary status in the same department or in another department of county service or, subject to the approval of the personnel director, to any vacant class, within the same department, which has the same or lower maximum salary in the same or similar class series. An employee who voluntarily exercises the option contained in this section to demote to another position shall be eligible to be placed on a re-employment eligible list.

2.a. Deputy Sheriffs Unit. An employee so transferring or demoting may not displace any employee whose total county service exceeds that of the employee so transferring or demoting.

b. General Unit, Professional Unit and Management PPEO, Confidential and Classified Management Employees: To determine which employee(s) will be displaced by an employee voluntarily transferring or demoting, the demoting or transferring who chooses to bump, the employee's total continuous county service will be compared to the time in class of each person in that class; however, an employee may not be displaced by an employee with less total continuous county service, if such displacement results in separation from county service of the senior employee.

3. PPEO, Confidential and Classified Management Employees : To be considered for demotion in lieu of layoff, submit an election to bump, an employee must notify his or her appointing authority in writing of such election not later than five working days after receiving the notice of layoff. Any employee replaced - displaced by such demotion bumping shall have the same rights afforded by this section. The salary of the demoted employee who elected to bump shall be determined in accordance with Section 3.04.700 of these rules.

4. PPEO, Confidential and Classified Management Employees: An employee who exercises the right to demote bump shall be placed on the re-employment list for the classification of the position(s) from which they were laid off class from which the employee was last employed in accordance with Section 3.08.750.

5. PPEO, Confidential and Classified Management Employees An employee who previously exercised the option to elect bumping rights, shall, at the employee's discretion, have the right thereafter to set aside such exercise of the bumping option within 30 calendar days and accept layoff. Benefits attributable to an employee on layoff shall accrue only from and after the date of such setting aside and shall not be retroactive to the date of the original acceptance of demotion in lieu of layoff.

6. No employee permanently assigned to a classification within a geographical sphere, as defined in Section 3.08.1110(A)(4), shall be permitted to displace any other employee within a different geographical sphere unless his/her total continuous county service within such different geographical sphere is greater than such other employee's total continuous county service within such different geographical sphere. County service within one geographical sphere shall not be counted in determining displacement rights in another geographical sphere under this subdivision.

7. 6. In the event that an employee is laid off as a result of privatization of a county function, the county will continue to pay the employee's current salary and benefits at the time of layoff, for two pay periods, without reducing accrued leave balances, to be considered severance pay. The severance pay will not apply if the employee chooses not to exercise bumping rights or is hired by the private contractor. Employees subject to

layoff will be allowed to use accumulated leave time to conduct a job search. (Ord.-5058-B (Attach-23); 2000; prior code § 14-2115)

**LETTER OF AGREEMENT
PLACER COUNTY PUBLIC EMPLOYEE'S ORGANIZATION**

This is a letter of agreement intended to implement revisions to the County's policies and practices with regard to layoff provisions as negotiated in the current Memorandum of Understanding between the Negotiating Committee of the Board of Supervisors of Placer County and the Placer Public Employee's Organization for the period July 1, 2006 through June 30, 2010.

The parties mutually agree to recommend the changes to the Placer County Code that are indicated on the attached document. This agreement is a result of meeting and conferring between the parties and is a full understanding on the above matter.

It is further understood that the changes agreed to herein shall be effective upon the Board of Supervisor's adoption of an ordinance amending Chapter 3 of the Placer County Code in accordance with the document that is attached to this agreement.

COUNTY OF PLACER BOARD OF SUPERVISORS NEGOTIATING COMMITTEE:

Chairman, Board of Supervisors

Thomas Miller, County Executive Officer

Nancy Nittler, Personnel Director

PLACER PUBLIC EMPLOYEE ORGANIZATION

Jerry Kalmar, Business Manager

Joan Bryant, Director of Public Employees

Madison Bland, President

Jake Mitchen, President

Chuck Thiel, Stationary Engineers Local 39 Business Representative

Before the Board Of Supervisors County of Placer, State of California

In the matter of: An ordinance amending Placer County Code,
Chapter 3, relating to layoff and re-employment procedures

Ordinance No : _____

First Reading: _____

The following Ordinance was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

Chairman, Board of Supervisors

Attest:
Clerk of said Board

THE BOARD OF SUPERVISORS OF THE COUNTY OF PLACER, STATE OF CALIFORNIA, DOES
HEREBY ORDAIN AS FOLLOWS:

That Placer County Code Chapter 3, Part 8. Re-employment lists - Section 3.08.750; Part 9. Appointment from re-employment list - Section 3.08.890; Part 10. Length of probation – Section 3.08.1050, Performance appraisal – Section 3.08.1060; and Part 11. Layoff – Section 3.08.1090, Notice – Section 3.08.1100, Definition of Terms Pursuant to layoff Provisions – Section 3.08.1105, Order of layoff - Departmental – Section 3.08.1110, Transfer or demotion in lieu of layoff – Section 3.08.1120 are hereby amended as follows: (Additions to ordinance shown in bold and underline, deletions shown with strike-through.)

Section 1. That Placer County Code Chapter 3, Article 3.08, Part 8. Eligible Lists, Section 3.08.750 is hereby amended to read as follows:

3.08.750 Re-employment lists.

A re-employment list for permanent employees who have been laid off and probationary employees noticed of release from employment (pursuant to 3.08.1090 C) shall be established to facilitate re-employment of employees laid off or released in accordance with these provisions. ~~accommodate permanent employees laid off in accordance with these rules.~~ Rank order shall be determined by total county service from longest to shortest and shall remain in existence for a period of a minimum of one year and a maximum of two years. ~~years of total continuous service. An employee on such re-employment list shall be entitled to a noncompetitive promotion to any position to which he or she could have elected demotion from his or her original classification. (Prior code § 14.1815)~~

Section 2 That the Placer County Code Chapter 3, Article 3.08, Part 9 Appointments, Section 3.08.890 is hereby amended to read as follows:

3.08.890 Appointment from re-employment list.

A. ~~If~~ When there is a re-employment list for the class in which the vacancy exists, only the employee with the greatest total county service shall be certified and shall be appointed. ~~highest active eligible shall be certified and that person shall be appointed.~~

B. Employees on the a re-employment list may waive certification by written notification to the Personnel Director. Such notification shall state the period of time and/or department(s) to which the waiver shall apply. ~~in accordance with Section 3.08.820. (Prior code § 14.1910)~~

Section 3. That the Placer County Code Chapter 3, Article 3.08, Part 10. Probationary Period, Section 3.08.1050 is hereby amended to read as follows:

3.08.1050 Length of Probation

A. All permanent appointments from open eligible lists to positions in the classified service shall serve a probationary period of twelve calendar months or 2080 hours, whichever is more, with the exception of those classifications identified below. Where changes to the probationary period for a classification are made herein, employees will serve the probationary period in effect when they began their probation. Time spent on leave of absence will not count toward the completion of the probationary period.

Classified Management and Confidential Employees: If the classified manager previously completed a probationary period in a management position then the probationary period for the new position will be 6 months. If the confidential employee previously completed a probationary period in a confidential position then the probationary period for the new position will be 6 months.

| Classification | Period |
|-------------------------------------|-----------|
| Promotion to: | |
| Appraiser I | 12 months |
| Auditor appraiser I | 12 months |
| Recorder/Elections technician entry | 12 months |
| Equipment Operator | 12 months |

2. Probation Department. All permanent appointments from open or promotional eligible lists to positions in the classified service shall serve the probationary periods indicated:

Initial Hire into the Deputy Probation Officer Class Series:

| <u>Classification</u> | <u>Period</u> |
|--------------------------------------|---------------|
| Deputy Probation Officer I | 18 months |
| Deputy Probation Officer II | 18 months |
| Senior Deputy Probation Officer | 12 months |
| Supervising Deputy Probation Officer | 12 months |

Promotions to:

| <u>Classification</u> | <u>Period</u> |
|--------------------------------------|---------------|
| Deputy Probation Officer I | 18 months |
| Deputy Probation Officer II | 6 months |
| Senior Deputy Probation Officer | 12 months |
| Supervising Deputy Probation Officer | 12 months |

3. Sheriff's Office.

| | |
|--------------------------|---------------|
| a. Initial Hiring | Period |
| Classification | |
| Deputy sheriff I | 18 months |
| b. Promotion to | Period |
| Correctional officer I | 12 months |
| Deputy sheriff I | 18 months |
| Deputy sheriff II | 6 months |
| Public Safety Dispatcher | 12 months |
| I | |
| Sheriff's sergeant | 6 months |

c. Deputy Sheriff—Trainee. Incumbency in this class is limited to a period not to exceed 12 (twelve) months and to individuals who have not yet completed the basic P.O.S.T. academy. Failure to satisfactorily complete and graduate from P.O.S.T. academy while in this class shall result in termination from this class.

Upon satisfactory completion of the basic P.O.S.T. academy, it will be permissive to appoint the incumbent to deputy sheriff I. Upon appointment to deputy sheriff I, the incumbent shall serve a probationary period of eighteen (18) months.

4. District Attorney's Office.

| | |
|---|---------------|
| a. Initial Hiring Classification | Period |
| Investigator | 12 months |
| b. Promotion to: | |
| Investigator | 6 months |

5. PPEO represented classifications. All appointments other than an initial hire will serve a 6 month probationary period unless specified separately under these Length of Probation provisions.

B. 1. PPEO Represented classifications—Extension of Probation. If during the probationary period there have been changes in an employee's status, i.e., a transfer from one class to another, a transfer from one department to another, change in work location, major change in assignment,

the installation of, new processes, technology, or other circumstances that warrant an extension of probation; or if the appointing authority has failed to complete interim performance appraisals and has been directed to request such an extension under Section 3.08.1060(B), the appointing authority may, with the consent of the personnel director, extend an employee's probationary period for up to ninety (90) days (five hundred twenty (520) hours) and with the consent of the civil service commission up to six months (one thousand forty (1,040) hours). Prior to expiration of the probationary period the appointing authority must present evidence to the civil service commission documenting the reason for requesting an extension of the probationary period. The personnel director may provisionally extend a probationary period until the next regularly scheduled civil service commission meeting at which a request can be heard.

2. Deputy Sheriff Unit--Extension of Probation. If during the probationary period there have been changes in an employee's status, i.e., a change in work location, major change in assignment, the installation of new processes or technology, or in the event of authorized light duty because of illness/injury where the assignment prevents the completion of field training and/or jail operations training (this field training and jail operations training requires successful completion prior to completing probation), the appointing authority may, with the consent of the civil service commission, extend an employee's probationary period for up to one year. The appointing authority must present evidence to the civil service commission documenting the reason for requesting an extension of the probationary period. The personnel director may provisionally extend a probationary period until the next regularly scheduled civil service commission meeting at which a request can be heard.

~~C.—All appointments from a re-employment list assigned to a department different from that of their last county employment shall be for a probationary period of six calendar months. Employees rejected during such probationary period shall be reinstated to the status held prior to said appointment.~~

C. Any employee who is appointed from a re-employment list shall serve a probationary period of six (6) months or one thousand and forty (1040) hours, whichever is greater. The only exceptions to this are:

- 1. An employee who did not complete his/her full initial probationary period prior to being placed on the list will be required to repeat the full initial hire probationary period required of his/her classification.**
- 2. An employee who is appointed into the same or lower classification (within the same classification series) and same department he/she was working in at the time of layoff shall not be required to complete a new probationary period.**

D. For purposes of this section, a calendar month shall be from a given date in a month through the next preceding date in the following month (i.e., July 10th through August 9th). Prior code § 14.2010)

E. An employee who is released from a probationary status after being re-employed from a re-employment list pursuant to these provisions will be given fourteen (14) calendar days advance notice of the release and advised of his/her return to the re-employment list with the total county service he/she had obtained upon original placement on the list.

F. An employee who is released from probation after having been re-employed from a re-employment list shall NOT be certified again to the same department unless so requested by the appointing authority.

G. An employee who is released during his/her probationary period after having been re-employed from a re-employment list on two separate occasions will NOT be placed back on the reemployment list and shall be separated from county service.

H. An employee who elects to bump (in accordance with 3.08.1120) into a lower classification (within the same classification series) and same department he/she was working in at the time of layoff shall not be required to complete a new probationary period.

Section 4. That the Placer County Code Chapter 3, Article 3.08, Part 10, Probationary Period, Section 3.08.1060 is hereby amended to read as follows:

3.08.1060 Performance Appraisal

A. Report Required. The appointing authority shall prepare a performance appraisal for each employee at the end of three months and prior to the expiration of six months, except for those classifications requiring a twelve (12) month probationary period as designated in Section 3.08.1050, Length of probation. For those classifications so designated, the appointing authority shall prepare a performance appraisal at the end of six months and prior to the expiration of twelve (12) months.

B. Failure to Prepare Report. Failure by an appointing authority to prepare an interim performance appraisal for a probationary employee shall result in a rebuttable presumption of "Standard" as to the missed evaluation. In addition, such failure shall require the appointing authority to obtain the review and approval of the county executive officer prior to rejection of any such employee during the probationary period. As an alternative to rejection, the county executive officer may direct that the appointing authority request extension of the employee's probation under Section 3.08.1050(B).

C. Status Following Evaluation. ~~If the service of the probationer has been satisfactory, the appointing authority shall recommend retention.~~ If release is not specifically recommended before the end of the probationary period, the probationer shall acquire permanent status. For PPEO represented employees, the remaining six months of probation shall be waived and the employee shall be deemed a regular employee if the employee receives an overall rating of "exceeds performance standards" or greater on his/her six month performance evaluation.

D. Step Increase. An employee performance evaluation form shall be submitted prior to an employee's anniversary date with a recommendation for merit salary increase.

E. Annual Evaluation. Employees in Step 5 shall receive an evaluation annually.

F. More Than One Supervisor During Rating Period. In the event an employee has been under the direct supervision of more than one supervisor:

1. Rating shall be both by the last person to supervise the employee and by the person who supervised the employee for the longest period of time during the rating period in question.

2. If the person who supervised the employee for the longest period is no longer employed in county service:

a. Such person, if available, shall be provided the opportunity to confer with the rating supervisors.

b. If such person is not available, or declines to comment, the rating shall be by the last supervisor and such other supervisor as may be directed by the department head.

The rater or raters shall prepare and submit to the appointing authority a performance appraisal of the employee at the conclusion of the rating period. Failure by the supervisor to submit such report shall result in a rebuttable presumption of "Standard" as to the missed evaluation.

G. Right of Employee Review and Comment. No performance appraisal shall be placed in a departmental file, nor shall it be transmitted to the personnel department or civil service commission, until the employee has reviewed the evaluation personally with the rating supervisor

and, if requested by the employee, such employee has reviewed the evaluation personally with such employee's appointing authority or designee.

II. Comments. The provisions of Section 3.04.170 shall also be applicable to performance appraisals.

I. Subject to the provisions of subsections A, B and E of this section the periodic computer printout "Performance Evaluation Due Report" (PPP 380-17) will be forwarded to the county executive officer for all employees whose performance evaluation is thirty (30) days or more overdue. The county executive officer will follow up with the department heads involved. Failure by the appointing authority to prepare an annual evaluation within ninety (90) days of the due date shall result in a rebuttable presumption of "standard" as to the missed evaluation. (Prior code § 14.2015)

Section 5. That the Placer County Code Chapter 3, Article 3.08, Part 11, Separation and Reinstatement, Section 3.08.1090 is hereby amended to read as follows:

3.08.1090 Layoff.

A. ~~Layoffs shall be made solely under the direction of the board of supervisors. Under board direction, an appointing authority may lay off employees in accordance with the provisions of this chapter for any of the following reasons:~~ **The County Executive Officer, following board approval, may direct the department's appointing authority to lay off employees for any of the following reasons:**

1. Necessity based on lack of funds or work; or
2. Advisable in the interest of economy to reduce the departmental staff; or
3. ~~Due~~ **Administration** of to a violation of Section 3.04.080 relating to nepotism.

~~B. Permanent and probationary employees laid off shall be placed on a re-employment list for the class in which they were employed. (Prior code § 14.2100)~~

B. Notwithstanding the provisions of subsection A of this section, the department's appointing authority may lay off an employee, without the direction of the board of supervisors, for the following reasons:

1. **Return of another employee with greater seniority from leave of absence;**
2. **Return of another employee, with greater seniority, as a result of release from probation.**

C. Permanent employees laid off and probationary employees noticed of release from county service pursuant to these provisions shall be placed on a re-employment list for the class or classes from which they were laid off or released ranked by total county service in order from longest to shortest.

Section 6. That the Placer County Code Chapter 3, Article 3.08, Part 11, Separation and Reinstatement, Section 3.08.1100 is hereby amended to read as follows.

3.08.1100 Notice.

A. Deputy Sheriffs Unit. Ten (10) days before the effective date of a layoff, the appointing authority or county executive shall file notice with the personnel director of the intended action with reason therefore. A copy of such notice shall be personally served the employee affected.

B. General Unit, Professional Unit and Management. PPEO, Confidential and Classified Management Employees: At least ten (10) working fourteen (14) calendar days, excluding holidays, before the effective date of a layoff, the appointing authority shall cause each employee affected to be personally served a notice of layoff. The notice shall include a copy of the layoff rules provisions (Section 3.08.1090, et seq.). A copy of such notice shall be sent to the personnel director. (~~Prior code § 14.2105~~)

Section 7. That the Placer County Code Chapter 3, Article 3.08, Part 11. Separation and Reinstatement, Section 3.08.1105 is hereby added to read as follows:

3.08.1105 Definition of Terms Pursuant to Layoff Provisions

Bumping Rights: The right for a permanent employee to revert to a position in which he/she previously attained permanent status if the employee has been notified that they are subject to layoff, formally elects to move to the previously held position or to the classification performing the same or similar duties in the case of subsequent reclassification, re-titling or merge of classifications, and has sufficient seniority or total county service in order to 'bump' another employee from the position.

Class: The categorization of work duties and responsibilities sufficiently similar so that the same minimum qualifications; education, experience, knowledge, skills and abilities (KSA's) may be required of incumbents and so that the same schedule of compensation is applied with equity.

Class Series: A set of two or more classes that are closely related in terms of work performed and distinguished primarily by the level of responsibility and scope of duties assumed. Common titling designations are generally used to clearly define the applicable class level, such as Building Crafts Mechanic, Building Crafts Mechanic Senior, Building Crafts Mechanic Supervising, and Building Crafts Mechanic Senior Supervising.

Demotion: A change between classifications where the difference between the maximum salaries of one classification to the other is a decrease of five percent (5%) or more.

FTE: Full-time equivalent; a 40-hour per week position = 1.0 FTE.

Full-time Position: A position established on a year-round basis required to work a regular work schedule of forty (40) hours per week.

Layoff: The involuntary termination pursuant to 3.08.1090 of a permanent employee from a classification without fault on the part of the employee.

Part-time Position: A position established on a year-round basis to work a regular work schedule of less than forty (40) hours per week.

Permanent Status: Acquired by an employee who has been retained in his/her position after the completion of an initial or reinstatement county probationary period.

Probationary Status: Acquired by an employee who has been certified and appointed, but who has not completed an initial or reinstatement county probationary period.

Seniority: Total county-paid hours in a specific classification and specific department, excluding overtime and any extra help or temporary assignments.

- i. An employee, who works in a temporary assignment, receiving work-out-of-classification compensation, will continue to accrue seniority in his/her regular position/classification.

- ii. Any hours spent on a Board of Supervisors approved work furlough program will be included in the employee's seniority and total county service hours.
- iii. An employee, who is transferred to another department as a result of the transfer of a business unit or function, shall have all county-paid hours in the prior department moved forward into the new department if he/she remains in the same classification.
- iv. An employee whose position is reclassified shall have all hours moved forward to the newly reclassified position. This provision does not apply to any employee who receives a promotion as defined in Chapter 3.08.1070 as follows:

Promotion: advancement to a position of higher rank or grade where the salary grade difference between the current classification and the new classification involves an increase in pay of at least five percent or more. A change in salary grade resulting from a reclassification of an occupational group without regard to departmental lines and involving no substantial change in duties and qualifications is not considered a promotion.

Total County Service: Total county-paid hours in any department from the date of hire to present, excluding overtime and extra help or temporary assignments.

- i. An employee, who works in a temporary assignment, receiving work-out-of-classification compensation, will continue to accrue total county service.
- ii. Employees who reinstate within a two-year period shall maintain their original date of hire. However he/she will not have any county paid hours added to his/her seniority or county service during the period of separation.
- iii. Any hours spent on a Board of Supervisors approved work furlough program will be included in the employee's seniority and total county service hours.
- iv. An employee, who is transferred to another department as a result of the transfer of a business unit or function, shall have all county-paid hours in the prior department moved forward into the new department if he/she remains in the same classification.
- v. An employee whose position is reclassified shall have all hours moved forward to the newly reclassified position. This provision does not apply to any employee who receives a promotion as defined in Chapter 3.08.1070 as follows:

Promotion: advancement to a position of higher rank or grade where the salary grade difference between the current classification and the new classification involves an increase in pay of at least five percent or more. A change in salary grade resulting from a reclassification of an occupational

group without regard to departmental lines and involving no substantial change in duties and qualifications is not considered a promotion.

Section 8. That the Placer County Code Chapter 3, Article 3.08, Part 11, Separation and Reinstatement, Section 3.08.1110 is hereby amended to read as follows:

3.08.1110 Order of layoff— Departmental

A. In the event a layoff is necessary, the appointing authority, with the approval of the county executive, shall determine which class or classes will be affected. Flexibly staffed positions in classifications which include entry/journey, assistant/associate or I/II in the job title will be treated as one class for purposes of this provision. Prior to ~~laying off~~ lay off of permanent employees, notice of release of employment shall first be given to employees in the following order by class or classes: extra help, provisional and probationary employees in the targeted department.

~~the following will be laid off in this sequence:~~ The following sequence will be used to determine the order in which permanent employees in the department target class or classes will be laid off:

- ~~—1.— Extra-help employees.~~
- ~~—2.— Provisional employees.~~

1. 3- Probationary and Permanent employees whose last recorded overall performance rating are was "Unacceptable" in the performance evaluation done ninety (90) days or more prior to the notice of layoff.

~~—4.— Probationary and permanent employees with acceptable or better ratings.~~

~~a.— Probationary employees shall be laid off, by class, in the inverse order of seniority within a classification within a department.~~

2. b- Permanent employees shall be laid off, by class, in the inverse order of seniority within a classification within a department. Permanent part-time employees' seniority will be pro-rated based on hours worked as per the definitions contained in 3.08.1105.

3. The least senior employee may choose to 'bump' (as per 3.08.1120) to any class with the same or lower maximum salary in which the employee had previously served in a permanent status in the same department or in another county department of county service.

4. a- Ties. In the event of a tie in seniority (above), the tie will be broken by ranking (i) in inverse order of seniority within the department, then (ii) inverse order of seniority within the total county service. In the event the above methods do not break the tie, then the final decision will be made by lot.

~~—B.— Notwithstanding the provisions of subsection A of this section, an appointing authority may lay off an employee, without the direction of the board of supervisors, for the following reasons:~~

~~—1.— Return of another employee with greater seniority from leave of absence.~~

~~—2.— Return of another employee, with greater seniority, as a result of failure of probation as provided for in Section 3.08.1080 of these rules. (Ord. 5478-B (Attach. A), 2007: prior code § 14.2110)~~

Section 9. That the Placer County Code Chapter 3, Article 3.08, Part 11, Separation and Reinstatement, Section 3.08.1120 is hereby amended to read as follows:

3.08.1120 Bumping, Transfer or demotion in lieu of layoff.

~~A. Employees Hired Prior to July 1, 1983. In lieu of being laid off an employee may elect to:~~

~~— 1. — Transfer or demote to any class with the same or lower maximum salary in which the employee had served under permanent or probationary status in the same department or in another department of county service, or, subject to the approval of the personnel director, to any vacant class, within the same department, which has the same or lower maximum salary in the same or similar class series.~~

~~— 2.a. Deputy Sheriffs Unit. An employee so transferring or demoting may not displace any employee whose total county service exceeds that of the employee so transferring or demoting.~~

~~— b. — General Unit, Professional Unit and Management. To determine which employee(s) will be displaced by an employee voluntarily transferring or demoting, the demoting or transferring employee's total continuous county service will be compared to the time in class of each person in that class; however, an employee may not be displaced by an employee with less total continuous county service, if such displacement results in separation from county service of the senior employee.~~

~~— 3. — To be considered for demotion in lieu of layoff, an employee must notify his or her appointing authority in writing of such election not later than five working days after receiving notice of layoff. Any employee replaced by such demotion shall have the same rights afforded by this section. The salary of the demoted employee shall be determined in accordance with Section 3.04.700 of these rules.~~

~~— 4. — An employee who exercises the option to demote shall be placed on the re-employment list for the class from which the employee was last employed in accordance with Section 3.08.750.~~

~~— 5. — An employee who previously exercised the option to demote or transfer in lieu of layoff shall, at the employee's discretion, have the right thereafter to set aside such exercise of option and accept layoff. Benefits attributable to an employee on layoff shall accrue only from and after the date of such setting aside and shall not be retroactive to the date of the original acceptance of demotion in lieu of layoff.~~

~~B. General Unit Employees Hired July 1, 1983, or Later. In lieu of being laid off, an employee may elect to:~~

~~— 1. — Subject to the provisions of subsection (B)(6) of this section, transfer or demote to any class with the same or lower maximum salary in which the employee had served under permanent or probationary status in the same department or in another department of county service or, subject to the approval of the personnel director, to any vacant class, within the same department, which has the same or lower maximum salary in the same or similar class series. 3.08.1120~~

~~2.a. Deputy Sheriffs Unit. An employee so transferring or demoting may not displace any employee whose total county service exceeds that of the employee so transferring or demoting.~~

~~— b. — General Unit, Professional Unit and Management. To determine which employee(s) will be displaced by an employee voluntarily transferring or demoting, the demoting or transferring employee's total continuous county service will be compared to the time in class of each person in that class; however, an employee may not be displaced by an employee with less total continuous county service, if such displacement results in separation from county service of the senior employee.~~

~~— 3. — To be considered for demotion in lieu of layoff, an employee must notify his or her appointing authority in writing of such election not later than five working days after receiving notice of layoff. Any employee replaced by such demotion shall have the same rights afforded by~~

~~this section. The salary of the demoted employee shall be determined in accordance with Section 3.04.700 of these rules.~~

~~—4.— An employee who exercises the option to demote shall be placed on the re-employment list for the class from which the employee was last employed in accordance with Section 3.08.750.~~

~~—5.— An employee who previously exercised the option to demote or transfer in lieu of layoff shall, at the employee's discretion, have the right thereafter to set aside such exercise of option and accept layoff. Benefits attributable to an employee on layoff shall accrue only from and after the date of such setting aside and shall not be retroactive to the date of the original acceptance of demotion in lieu of layoff.~~

~~—6.— No employee permanently assigned to a classification within a geographical sphere, as defined in Section 3.08.1110(A)(4), shall be permitted to displace any other employee within a different geographical sphere unless his or her total continuous county service within such different geographical sphere is greater than such other employee's total continuous county service within such different geographical sphere. County service within one geographical sphere shall not be counted in determining displacement rights in another geographical sphere under this subdivision.~~

~~—7.— In the event that an employee is laid off as a result of privatization of a county function, the county will continue to pay the employee's current salary and benefits at the time of layoff, for two pay periods, without reducing accrued leave balances, to be considered severance pay. The severance pay will not apply if the employee chooses not to exercise bumping rights or is hired by the private contractor. Employees subject to layoff will be allowed to use accumulated leave time to conduct a job search. (Ord. 5478 B (Attach. A), 2007; Ord. 5058 B (Attach. 23), 2000; prior code § 14.2115)~~

~~—B.— General Unit Employees Hired July 1, 1983, or Later. In lieu of being laid off, an employee may elect to:~~

~~—1.— Subject to the provisions of subsection (B)(6) of this section, transfer or demote to any class with the same or lower maximum salary in which the employee had served under permanent or probationary status in the same department or in another department of county service or, subject to the approval of the personnel director, to any vacant class, within the same department, which has the same or lower maximum salary in the same or similar class series.~~

~~—2.a Deputy Sheriffs Unit. An employee so transferring or demoting may not displace any employee whose total county service exceeds that of the employee so transferring or demoting.~~

~~—b.— General Unit, Professional Unit and Management. To determine which employee(s) will be displaced by an employee voluntarily transferring or demoting, the demoting or transferring employee's total continuous county service will be compared to the time in class of each person in that class; however, an employee may not be displaced by an employee with less total continuous county service, if such displacement results in separation from county service of the senior employee.~~

~~—3.— To be considered for demotion in lieu of layoff, an employee must notify his or her appointing authority in writing of such election not later than five working days after receiving notice of layoff. Any employee replaced by such demotion shall have the same rights afforded by this section. The salary of the demoted employee shall be determined in accordance with Section 3.04.700 of these rules.~~

~~—4.— An employee who exercises the option to demote shall be placed on the re-employment list for the class from which the employee was last employed in accordance with Section 3.08.750.~~

~~—5.— An employee who previously exercised the option to demote or transfer in lieu of layoff shall, at the employee's discretion, have the right thereafter to set aside such exercise of option~~

and accept layoff. Benefits attributable to an employee on layoff shall accrue only from and after the date of such setting aside and shall not be retroactive to the date of the original acceptance of demotion in lieu of layoff.

— 6. — No employee permanently assigned to a classification within a geographical sphere, as defined in Section 3.08.1110(A)(4), shall be permitted to displace any other employee within a different geographical sphere unless his or her total continuous county service within such different geographical sphere is greater than such other employee's total continuous county service within such different geographical sphere. County service within one geographical sphere shall not be counted in determining displacement rights in another geographical sphere under this subdivision.

— 7. — In the event that an employee is laid off as a result of privatization of a county function, the county will continue to pay the employee's current salary and benefits at the time of layoff, for two pay periods, without reducing accrued leave balances, to be considered severance pay. The severance pay will not apply if the employee chooses not to exercise bumping rights or is hired by the private contractor. Employees subject to layoff will be allowed to use accumulated leave time to conduct a job search. (Ord. 5478-B (Attach. A), 2007; Ord. 5058-B (Attach. 23), 2000; prior code § 14.2115)

A. Deputy Sheriffs Unit. An employee so transferring or demoting may not displace any employee whose total county service exceeds that of the employee so transferring or demoting.

B. PPEO, Confidential and Classified Management Employees: In lieu of being laid off, an employee may request to transfer or demote to any vacant class that is approved to be filled with the same or lower maximum salary for which the employee meets minimum qualifications as provided in Chapter 3.08.370 and 3.08.380 subject to the approval of the personnel director. An employee who voluntarily exercises the option contained in this section to demote to another position shall be eligible to be placed on a re-employment eligible list.

1. To determine which employee(s) will be displaced by an who chooses to bump, the employee's total county service will be compared to the time in class of each person in that class; however, an employee may not be displaced by an employee with less total county service, if such displacement results in separation from county service of the senior employee.

2. To submit an election to bump, an employee must notify his or her appointing authority in writing of such election not later than five working days after receiving the notice of layoff. Any employee displaced by bumping shall have the same rights afforded by this section. The salary of the employee who elected to bump shall be determined in accordance with Section 3.04.700 of these rules.

3. An employee who exercises the right to bump shall be placed on the re-employment list for the classification of the position(s) from which they were laid off.

4. An employee who previously exercised the option to elect bumping rights, shall, at the employee's discretion, have the right thereafter to set aside such exercise of the bumping option within 30 calendar days and accept layoff.

5. In the event that an employee is laid off as a result of privatization of a county function, the county will continue to pay the employee's current salary and benefits at the time of layoff, for two pay periods, without reducing accrued leave balances, to be considered severance pay. The severance pay will not apply if the employee chooses not to exercise bumping rights or is hired by the private contractor. Employees subject to layoff will be allowed to use accumulated leave time to conduct a job search.

Section 10. That this ordinance shall be effective upon final adoption by the Board of Supervisors on April 7, 2009, 5:01 p.m

