

Guide to Administering Layoffs

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COUNTY OF SONOMA

HUMAN RESOURCES DEPARTMENT

A practical guide for managers, supervisors, and staff that administer the process, as well as general information for employees wanting to understand the process and their rights.

Includes: Overview, Civil Service Rules, Interpretations, Related Policies, How to Develop Seniority Lists, and Sample Notices

Recruitment and Classification Division
January 2009

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General Guidelines, Roles, and Timing

The following section is intended to be a general overview of the layoff process as well as a matrix that demonstrates roles, steps, and timelines associated with processing layoff. In general the Recruitment and Classification Division (R&C) of the Human Resources Department is the “subject matter expert” on layoff administration and interpretation and is always available for questions and guidance. If the subject matter is not within the expertise of your R&C Analyst, the analyst will inform departments on the best person/department to contact.

Departments are encouraged to contact their assigned R&C Analyst to discuss unique situations or ask any questions that are not addressed in this document.

Communication

Departments should be cognizant of their communication responsibilities with the key departments/divisions that have a role in layoffs: A number of areas need to be addressed during the communication process such as seniority list preparation, displacement impacts, interpretations of rules, discussions with employee organizations, etc. The layoff process can take up to several months and communication should begin as early as possible to ensure adequate time to prepare and address issues that arise prior to implementation of any layoffs. Additionally, Board authorization is required prior to any layoff action and formal noticing to affected employees. Missed communication could result in issues with the process and the effective dates of layoff. The general rule is the earlier the better when communicating those departments/divisions that are involved in the layoff process - Human Resources Recruitment and Classification, Employee Relations, Employee Benefits, Position Control, and the County Administrator's Office.

Communication Plans with affected employees is also sensitive and should be timed appropriately. The appropriate timing can be influenced by the circumstances of the reductions. The best time to communicate with affected staff is the department's discretion, but Human Resources recommends meeting with affected employees no later than the day Board agenda item is public, but not earlier than the finalization of seniority lists.

General Guidelines

One of the most important concepts to understand regarding lay-off (deletion of full or partial allocation) is that lay-off occurs in a job classification, and the employee with the least seniority in that, particular, classification is affected; however, displacement rights to another classification is based on total, continuous, county hours.

Department representatives also need to be familiar with the rules, processes, employee rights, etc. regarding layoff such as calculating seniority hours, preparing seniority lists, and writing and distributing layoff notices. The County of Sonoma Civil Service Rule 11 is the equivalent of the County's policy and procedure on layoff as well as provisions in applicable labor agreements or the Salary Resolution.

In budget years where a significant amount of layoffs are imminent, Human Resources (Recruitment and Classification) staff will schedule training for the appropriate staff at the department level to refresh or train new employees on the rules, interpretations and administration of layoff as well as provide session for those employees who are/may be affected to inform them of the process. If training sessions are not scheduled, then R&C Analysts will assist department staff with this information as needed.

Seniority Lists

The computation of seniority hours for purpose of layoff and displacement is the responsibility of each department and is a critical component of layoff. Information can generally be obtained from the employee's official personnel file and time sheets. In some cases, microfiche research may be needed. This process is very manual and time intensive. Depending on the severity of anticipated layoff and number of affected classes, and resources, developing seniority lists can take up to a few weeks.

At this point, developing seniority lists is a manual process, is time intensive, and must be verified in order to ensure accuracy. Typically, payroll staff or positions that act as "Human Resources Liaisons" develop the lists in departments and R&C Analysts audit the lists.

Each department is also responsible for preparing, updating and distributing seniority lists to the appropriate parties such as affected employees and union(s). Sample formats, training and technical assistance are available from R&C Analysts as well as the information and resources in this Guideline. Representatives of the Payroll Section in the Auditor-Controller's Office can assist department staff with using microfiche and payroll records. Seniority lists need to be reviewed by an analyst in the R&C Division before communication and distributing.

Implementation of layoff and displacement may be appealed to the County's Civil Service Commission. Affected employees and employee organizations need to have an opportunity to review layoff lists and resolve any discrepancies prior to effective dates. R&C staff can assist with these discussions.

Order of Layoff and Displacement

Civil Service Rule 11 details layoff order and displacement. In general, employees are subject to layoff when there are reductions within their department within their job classification. Layoff within the job classification shall follow the order detailed in Civil Service Rule 11 and affects the least senior employees in a job classification. Displacement is based on total continuous county service.

Layoff Notices

Departments are responsible for preparing layoff notices for affected employees but must have an analyst in the R&C Division review and approve the notices prior to distribution. (Samples are included in this Guideline.) The labor agreement with SEIU, ESC and the Salary Resolution require three weeks (21 days) advance notice. Human

Resources recommends and the past practice has been the same time period, 21 days, for employees in other bargaining groups and for employees of special agencies, provided special agencies personnel policies don't state otherwise. A copy of the layoff letter to the employee needs to be sent to the employee's union, Human Resources R&C, Employee Relations, and Employee Benefits Divisions.

Human Resources current recommendation is to release Notices of Layoff on the same day, 21 days in advance of the separation date, for all affected employees regardless of the number of "tiers" of displacement there may be. Although it's been an acceptable and common practice to release the Notices to Tier 1 first, then Tier 2, etc. to see if an employee is going to exercise their displacement rights before the next tier's Notice is given, this practice can and has caused problems in the past. The issue is that employee's have the right to change their mind regarding their displacement rights at a later date, and it also causes interpretation issues with severance periods when a Notice is released prior to 21 days before the actual separation date. Historically, departments have found that employees typically exercise displacement rights, and if for some reason, they don't, rescinding a layoff notice is the better alternative for employees and also ensures that employees are noticed in a timely manner to have the effective separation dates consistent with what has been communicated to the Board of Supervisors.

Support Services

As soon as it appears likely that a layoff will occur, the Department should contact R&C with information regarding affected employees. Staff are available to provide support services to these employees including: assessment of employment opportunities within the County (free name eligibility, transfer opportunities, possible promotional opportunities) career counseling, and referrals to other agencies and assistance programs. Early contact with R&C increases an employee's opportunities for transfer/placement prior to layoff. Once a layoff notice has been given, the Layoff Mitigation Policy (see pages X-X) applies and R&C staff will also assist the affected employees and make referrals as appropriate to departments.

Severance and Benefits Upon Layoff

The labor agreements with SEIU, ESC and the Salary Resolution provide that employees who have received formal written layoff notice, and who are unable to displace another County employee or secure other regular County employment, may separate from County service after the eighth work day of the three week layoff notice period and receive his or her normal base salary for the remainder of the three-week period.

Laid off employees have a right to continue medical and/or dental insurance coverage under COBRA. For employees covered by SEIU, ESC or the Salary Resolution, the Department continues regular premium contributions for six pay periods following layoff and pays one-half the usual contribution for an additional six pay periods.

Laid off employees should have the same outgoing/exit interview process with payroll staff or HR Liaison staff as regularly separating employees. COBRA rights info and

enrollment forms will be mailed to employees within 14 days of the layoff date. The Human Resources' Employee Benefits Division ensures delivery of COBRA information.

Restoration

Any full or part-time employee who is laid off has a right to be restored to his or her former department if any hiring occurs in the employee's former job class within two years of the date of layoff. R&C staff will establish restoration lists for laid off employees and notice the terminated employee of the offer. Department shall hire employees with restoration rights back before any kind of recruitment process. Order of restoration is the reverse order of layoff – first employee affected in class gets first restoration offer and so on.

Overview of Administration Process

Roles	General Process	Timing
Departments	<ol style="list-style-type: none"> 1. Identify their budget needs and identify the appropriate classifications/allocations to eliminate 2. Communicate with and involve appropriate Human Resources staff for guidance and approval 3. Communicate with their CAO Analyst on the reduction plans 4. Develop seniority lists and maintain the order of the lists until finalization 5. Draft the necessary related board reports in order to receive authorization to executive reductions and present to the Board of Supervisors 6. Distribute seniority lists 7. Participate in meet and confer process with unions as appropriate 8. Draft and distribute layoff notices 	<p>As budget information is available</p> <p>As soon as possible after confirming budget scenario</p> <p>As soon as possible after confirming budget scenario</p> <p>Begin drafting initial seniority lists as soon as possible after identifying affected classes and finalize the list a minimum of 6 week prior to implementation date in order to provide enough time to M&C with union and meet noticing requirements</p> <p>Must be a minimum of 4 weeks to implementation date and ideally 6 weeks or more prior to implementation date; affected employees and unions should be notified prior to agenda item being public; Employee Relations Division should be notified by this point</p> <p>As soon as Union is noticed and/or in coordination with the public notice date of BOS agenda item requesting authorization for reductions</p> <p>Typically Employee Relations schedules ASAP after BOS authorization</p> <p>21 calendar day noticing requirement plus factoring in multiple tier layoffs where displacement may occur & time for employees to process & return form with selected options (if applicable), therefore timing could range from 21 day minimum to approximately as many as 40 days</p>

	<p>9. For employees who are going to another position due to displacement rights or voluntary demotion in-lieu of layoff, new assignment notices should be provided in accordance with MOU if applicable</p> <p>10. Conduct exit process with affected employees</p> <p>11. Notify Human Resources when vacancy occurs in a class formerly affected by layoff</p>	<p>As needed and in accordance with timing in bargaining agreement</p> <p>Final day in office or a close as possible is recommended</p> <p>ASAP upon knowing of vacancy in prior affected class via job requisition</p>
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Roles	General Process	Timing
Human Resources – Recruitment & Classification	<ol style="list-style-type: none"> 1. Provides guidance and training to departments on layoff rules and/or any closely related policies, procedures, etc. 2. Provides guidance and training to departments on overall layoff process including seniority list development 3. Audits seniority lists 4. Reviews BOS reports and approves resolutions regarding allocation changes PRIOR to submittal to CAO's Office 5. Reviews and approves layoff notices 6. Meets with affected employees (those that are interested) on job search and other county career options 7. Maintains Restoration Employment Lists and notices terminated employees of restoration offers 	<p>As needed</p> <p>As needed</p> <p>As soon as provided by departments (departments should factor in time for R&C Analysts to perform audits in the planning/timeline process)</p> <p>As needed with at least 5 business days prior to due date to CAO's Office</p> <p>As needed with at least 3 business days prior to due date for noticing</p> <p>As requested by affected employees and as schedule permits; group sessions may be scheduled if necessary</p> <p>Ongoing maintenance of restoration list and ASAP notification to employees of restoration rights</p>
Human Resources – Employee Relations	<ol style="list-style-type: none"> 1. Notifies unions of layoff in affected classes and coordinates and conducts meet and confers as necessary 	<p>At some point before or coordinated with the public notice date of BOS agenda item requesting authorization for reductions; M&C will be scheduled ASAP depending on scheduling issues with participating parties</p>
Human Resources – Employee Benefits	<ol style="list-style-type: none"> 1. Provides the standard information to separating employees such as COBRA notification, benefit conversion options, etc. 	<p>In accordance with appropriate timing of separation materials</p>
County Administrator's Office	<ol style="list-style-type: none"> 1. CAO Analyst understands reduction plan 2. Provides feedback to department as appropriate 3. Provides information to CAO as necessary and reviews BOS information 	<p>Check with CAO Analyst on expected timing and expectations</p>

Civil Service Rule 11

LAYOFFS

SECTION 11.1 ORDER OF LAYOFF

- A. Employees shall be subject to layoff whenever their positions are abolished or whenever necessary because of lack of work or lack of funds.

Layoff procedures shall be applied on a departmental basis. Where appropriate, after meeting and conferring with the recognized employee organization which represents the affected employees, the Director of Personnel may authorize that layoff procedures be restricted to employees of one or more divisions or smaller units of a department.

- B. Whenever it is necessary to layoff one or more employees in a department, division or unit in which there is more than one employee in the class in which the layoff is necessary, employees shall be laid off in the following order:

- (1) Extra help employees as defined in Rule 1, and provisional employees.
- (2) Probationary employees.
- (3) Full-time and part-time employees with permanent status in the class.

- C. Continuous County service in the class in which the layoff occurs or in any other class having at the date lay off notice is served the same or higher salary allocation shall be counted as service in the affected class.

- D. Employees with less total continuous County service in the affected class shall be laid off before those with greater total continuous County service in the affected class. Continuous part-time service shall be prorated on an hour-for-hour basis in its relationship to full-time work.

- E. Social Service Workers III and Social Service Practitioners who have become Social Service Workers IV shall carry into that new classification, the seniority which they had in their former classification.

- F. A full-time or part-time employee appointed to a class with a Project or Limited Term designation by job classification (ex: Programmer Analyst - Project) may be exempted by the Director of Personnel from the order of layoff of the affected project or limited term class based on a continuing need for a specialized technical skill/skill mix combination. Such skill/skill mix shall have been determined by a written plan (project or recruitment/certification) prior to filling the position as an essential function inherent to the overall purpose of the job. The incumbent(s)

must have been appointed based on the required specialized technical skill/skill mix. (revised 3/5/97)

- G. After September 1, 1998, no extra help hours will be counted toward seniority for layoff, displacement or restoration. After September 1, 2002, no extra help hours, regardless of when accumulated, will be thereafter counted toward seniority for layoff, displacement or restoration. (revised 11/19/98)
- H. Employees placed (pursuant to Rule 3.3C) into a newly established series, which resulted in the abolition of a previously existing series, shall carry into the new classification, the seniority which they previously acquired in the equivalent level of the abolished class series for all purposes, including displacement rights within the new class series. (revised 8/21/03)

SECTION 11.2 ALTERNATE CLASSES

For purposes of layoff and/or displacement, alternate classes shall be treated as one class such that continuous County service in one alternate class shall be considered as service in each of the other alternate classes in the same class series and shall be counted cumulatively.

SECTION 11.3 DISPLACEMENT

- A. An employee who is laid off and who has greater total continuous County service than another employee in the same department in another class with the same or lower salary allocation in which class the employee previously had permanent or probationary or part-time status and for which the employee is qualified for certification, transfer or voluntary demotion, may elect to displace the junior employee with the lesser total continuous County service. An employee who is displaced shall be laid off and replaced by the employee who displaces him/her.
- B. An employee who is displaced because of layoff may in the same manner displace an employee who is junior to him/her.
- C. Should an employee have the right to displace in more than one class, the employee shall first displace in the class with the highest allocated salary.
- D. An employee who was transferred with a position reallocated from one department to another department may, upon layoff from the second department and if eligible under the conditions stated in subparagraph A. above, exercise displacement rights in the first department.
- E. A permanent full-time or part-time employee who is laid off and who has greater total continuous County service than another employee in the same department in the same job class with a project designation (ex: Programmer Analyst, Programmer Analyst - Project), may elect to displace the junior employee in the project designated class. Should the junior employee in the class possess a required specialized technical skill/skill mix not possessed by the laid off

employee, the next most junior employee in the project class shall be displaced.
(revised 3/5/97)

- F. For Information Systems Department employees, all current classification titles will be equated to classification titles previous to the implementation of the April 15, 1999 Information Systems Department Classification Study. This special rule will terminate 36 months after the study approval date of June 3, 1999. (Revised 9/16/99)

SECTION 11.4 RESTORATION

- A. Each person who has been laid off or displaced from, or who has in lieu of layoff been demoted voluntarily from position which the employee had permanent status shall, in writing by certified mail return receipt requested, be offered restoration to a vacant position in the classification and department from which the employee is laid off, which the County determines to fill within two years after the date the employee is laid off or displaced. The County shall make a reasonable attempt to notify an employee who is eligible for restoration. If an employee cannot be reached within 20 calendar days from the date of mailing of notice of offer of restoration, the right to restoration shall be forfeited. Should an employee not accept restoration within 5 regular County business days after the receipt of the offer or should the employee decline to begin work within 15 regular County business days after the receipt of the offer, the employee shall be declared unavailable and shall forfeit right to restoration unless further offer of restoration is granted by the Civil Service Commission.

Employees laid-off from a project or limited term position have restoration rights for the specific project for which they were hired. Restoration rights shall not exceed the duration of the project or 24 months immediately following layoff whichever is lessor. (revised 3/5/97)

Employees laid-off from a recurring defined term positions shall have restoration rights for the duration of the specific term to which they were appointed, as set forth within their job specifications. Restoration rights shall not exceed the duration of the specific term as set forth within the job specifications.(revised 7/7/05)

- B. An employee eligible for restoration has the right to waive a restoration offer to a vacant position in the classification out of which the employee was laid off or displaced under the circumstances described in (1), (2), and (3) below.
- (1) An employee is removed under this Rule 12, Section 12.1 from a part-time position. A full-time position in the classification becomes vacant and available for restoration. The County offers restoration to the employee. The employee may waive the restoration offer.

- (2) An employee is removed under this Rule 12, Section 12.1 from a full-time position. A part-time position in the classification becomes vacant and available for restoration. The County offers restoration to the employee. The employee may waive the restoration offer. If the employee, under either (1) or (2), above, waives the restoration offer, the County may fill the position. The employee who waives the restoration offer will remain on the restoration list for that classification for the balance of the two years restoration eligibility. The employee must exercise this waiver right under this subsection B.(2) within the same 5 regular County business days standard in subsection B.(1) above. The employee's waiver must be in writing in order to be valid.
 - (3) Two employees previously "job shared" a position and were both removed under this Rule 11, Section 11.1. If a vacant position in that classification becomes available for restoration and the County desires to restore that position, it shall either:
 - (a) Make a restoration offer based on the same job sharing allocation to both of the two employees who occupied it, or
 - (b) Determine that the position needs to be filled on a full-time basis and make a restoration offer to the most senior of the two eligible employees. Each of those employees may exercise the restoration waiver option in B. (1) above.
- C. Whenever more than one person has been laid off and/or displaced in the same class in the same department, the order of restoration shall be in the reverse of the order of layoff. An employee, who has restoration rights in more than one class because of layoff or displacement in more than one class shall have restoration rights in each of the classes from which the employee was laid off or displaced. Refusal to accept restoration in one class does not eliminate the right to restoration in the other class or classes.
- D. Whenever a person is unavailable for restoration in the same class in the same department, the next senior person who is eligible for restoration shall be offered restoration in the same manner and under the same conditions. Should there be no person eligible and available for restoration, the position shall be filled by the County.
- E. A person who has forfeited for restoration may, within 10 regular County business days after forfeiture, request in writing to the Civil Service Commission that the employee be considered for further offer of restoration, should such occur within one year after layoff or displacement. The employee's request shall contain a full explanation of the reason for the employee's unavailability. Within 30 calendar days after the request is filed, the Commission shall either grant or deny the offer for restoration. The Commission may specify conditions under which further offer of restoration may be granted.

SECTION 11.5 APPEALS

- A. The Civil Service Commission shall act as a separate and final hearing body for layoff appeals for all employees who have appeal rights.

Within the provisions of Rule 11, Section 11.1, Layoff, part-time and full-time employees have right of appeal to the Civil Service Commission; temporary and provisional employees affected by layoff or actually laid off do not have a right of appeal for any action taken under these layoff rules.

- B. Implementation of a layoff decision may be appealed by an employee laid off; however, the decision to layoff may not be appealed.

- C. Any formal written notice to a part-time or full-time employee stating that the employee is subject to layoff or layoff resulting from displacement may be appealed as follows:

- (1) Within ten (10) regular County business days from the date of the receipt of the notice, an employee may, within the provision of Section 11.5 B, appeal in writing, the action to the Director of Personnel.
- (2) Within seven (7) regular County business days after receiving the appeal, the Director of Personnel shall give a written decision to the employee.
- (3) If the employee is not satisfied with the decision in C.(2) above, the employee may, within seven (7) regular County business days after receiving the decision, appeal the decision in writing to the Civil Service Commission.
- (4) The Civil Service Commission shall review an appeal resulting from C.(3) above at its next scheduled meeting.

This review and appeal procedure which applies to layoff and displacement action in no way supersedes restoration appeal procedures set forth under Section Rule 11.4 E.

END OF RULE 11

CIVIL SERVICE RULE 11 INTERPRETATIONS

QUESTIONS AND ANSWERS RELATED TO LAYOFF, DISPLACEMENT, RESTORATION AND SENIORITY

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COUNTY OF SONOMA
Human Resources Department

GENERAL LAYOFF GUIDELINES

1. Q. Is a layoff confined to a department?
A. Yes, layoffs are confined to the affected department.
2. Q. Is a reduction in hours considered to be a layoff? Must a reduction in hours be accomplished in accordance with the order of layoff as defined by Section 11?
A. Any reduction of hours that is involuntary and is a result of budgetary limitations or lack of work, then it is a form of layoff and must be done in accordance with rules governing the order of layoffs and displacement.
3. Q. Is the employee whose position is abolished the person actually laid off; or is the person in the class with the least seniority the one to be laid off?
A. The person to be laid off is the employee in the class with the least seniority, based on the order of layoff in Section 11.1. In the case where a program is cancelled and therefore the position no longer needed, the order of layoff is still by seniority and not the program.
4. Q. Does a bilingual designation of a position have any effect of differentiating that position in the order of layoff?
A. No. Section 11.1 speaks to layoff by class. Any designation of the bilingual status of a position does not affect or alter the order of layoff.
5. Q. Does overtime count in computing seniority?
A. No.
6. Q. Do extra-help service hours count for purpose of layoff, displacement or restoration?
A. No. Since September 1, 2002, no extra-help hours, regardless of when accumulated, will be counted toward seniority for layoff, displacement or restoration (see CSR 11.1G.).
7. Q. Does provisional service (appointment of an outside candidate to a vacant position pending completion of competitive exam process) count as continuous County service?

- A. Yes, if it is in the same class or in another class with the same or higher salary allocation.
8. Q. If regular part-time service counts, how is it to be calculated?
- A. Yes, regular part-time service counts. Rule 11.1D. states that it shall be prorated on an hour-for-hour basis in its relationship to full time work. Count all hours actually worked exclusive of overtime. Any leave without pay is to be based on the employee's allocated hours or full-time equivalent (FTE) position. For example, a .5 part-time employee would receive 20 hours per week toward seniority while on leave without pay.
9. Q. In the case of layoff, what criteria determine who is to be laid off?
- A. Section 11.1 specifies the order of layoff. Within that order, the hours in the class in which the layoff is to occur includes all hours the employee has in the affected class as long as there was no break in service. Hours in class include time spent as a CETA employee or provisional employee in any department. *For the purpose of seniority, hours in class also include time in another class with the same or higher salary allocation on the date notice of layoff is served.*
10. Q. In the case of two employees having the same seniority hours in a class, what criteria should be used in breaking the tie?
- A. The agreed upon criteria to break a tie in seniority are to first consider continuous County service irrespective of class; second, prior total County service; and third, chance. (Ex. Employees draw a number. Low number remains)
11. Q. Does a leave of absence constitute a break in service?
- A. No. The Civil Service Rules define continuous County service as meaning continuous employment by the County, with or without pay status.
12. Q. Should time on leave without pay be deducted from continuous County service?
- A. No. Continuous service is with or without pay status.
13. Q. Does an employee on leave without pay accumulate seniority hours for purposes of layoff and displacement.
- A. Yes.
14. Q. How are seniority hours to be calculated for an employee on a leave without pay?

- A. The employee would accumulate seniority hours based on his or her allocated position's normal work schedule (i.e. full-time (80 hrs/pay period), .75 (60 hr/pp), .5 (40 hrs/pp), etc).
15. Q. Does resigning and then returning to County employment in the same position constitute a break in continuous service?
- A. Yes. Once an employee separates, seniority status terminates. An employee who is reemployed is treated for this purpose as a new employee.
16. Q. An employee resigns from County employment and is later reappointed. Does continuous employment begin with the date an employee is reappointed, or the date payroll uses for purpose of vacation accrual?
- A. The date the employee was reappointed.
17. Q. Does a layoff constitute a break in continuous County service?
- A. Yes, except for permanent and probationary employees who have been restored in accordance with Sections 11.4 A. and 9.4. Restoration nullifies separation. Continuous employment prior to layoff and after restoration are added together. Time not employed is not counted.
18. Q. An employee held status in two different classes that were assigned the same salary range at one point in time (e.g., Assessment Clerk Trainee and Clerk Typist II). They are no longer tied due to subsequent negotiations. What date is used to determine if service in one class counts towards service in the class affected by layoff?
- A. If both classes still exist, seniority is to be determined based on each class's salary allocation (salary range Step "A") as of "the date lay off notice is served".
19. Q. Years ago a number of employees were reclassified from an existing class to a new class of equal pay, and the former class was abolished (ex.-Clerk Typist II to Office Assistant II). Given continuous County service, should time worked in the class that was abolished, count towards seniority in the new class?
- A. Yes, when limited to a change in title. Time in a class which has the same or higher salary allocation as the new class counts towards seniority. If the prior class had a lower salary allocation than the new class, seniority for purpose of layoff is the date of appointment into the newly created class.
20. Q. What happens if an employee with probationary status has more seniority hours than an employee with permanent status?

- A. Section 11.1 B. states that Probationary employees are to be laid off before those with permanent status. An employee who has attained permanent status at any level of an alternate class (i.e. LVN I/II) has permanent status for purpose of layoff, even if serving a probationary period at the higher level.
21. Q. Can an appointing authority release a probationary employee who was promoted from another department so that the employee can be restored to his or her former department and class, rather than being laid off from County employment?
- A. Yes, but inter-department transfer or voluntary demotion in lieu of layoff is strongly advised.
22. Q. Is a probationary period required when an employee with permanent status *transfers* from one class to a closely related class with the same salary range? If yes, does the employee have return rights to his or her former class in the event of layoff?
- A. No, a probationary period is not required when an employee transfers to a closely related class. No, the employee does not have return rights to the former class in the event of layoff in this situation.
23. Q. A person has been continuously employed by the County with work experience in a higher paying class which is interrupted by experience in a lower paying class (e.g. SOA, OAI, SOA). What time period(s) are to be included in calculating seniority hours for the higher class? (Note OAI and SOA are not alternate classes.)
- A. A break in County employment does not exist, so all service in the higher class is added together. Time in the lower class is excluded unless displacement rights are being calculated.
24. Q. Does time worked in another department in a totally unrelated class of equal or higher pay count towards seniority hours for a class in which layoff is to occur?
- A. Yes. Section 11.1 C. states continuous service in any other class that has the same or higher salary shall be counted a service in the affected class provided that it has the same or higher salary as the affected class at the date layoff notice is served.
25. Q. Does employment in a regularly allocated position interrupted by a "contract" service arrangement constitute a break in County service?
- A. Yes. Employment as a County employee would have been voluntarily terminated.

26. Q. Does employment in a regularly allocated position interrupted by extra-help employment constitute a break in County service?
- A. Not unless separated from County employment; even a day of separation would constitute a break in service. The transition between regular/extra-help employment status must be consecutive
27. Q. When implementing layoff, should the COS for Extra-Help Employees read "laid off"?
- A. No, "Separated". Extra-Help employees have no right to continued employment.
28. Q. One form of layoff is an involuntary reduction in regularly scheduled work hours. An incumbent has routinely been scheduled to work 64 hours per pay period, although the annual budget has approved funds for 80 hours. Does a reduction in hours occur if funding for the position is reduced to 64 hours?
- A. No. The incumbent's allocated FTE/regularly scheduled hours have not been reduced, therefore there is no reduction of hours/layoff for this employee.
29. Q. What determines if an employee's employment is terminated?
- A. The primary resource for determining if a break in continuous County employment has occurred is the payroll "Change of Status" Form.
30. Q. Are different payroll class codes separate classes?
- A. No. A class is defined by the class specification formally adopted by the County's Civil Service Commission as part of the Classification Plan; not reference to differences in employment status, compensation, payroll code, department, or work assignment.
31. Q. A position is reclassified and the incumbent promoted without examination in accordance with Section 3.3 B. based on having "...satisfactorily performed the duties of the position for a continuous period of not less than one year." Does seniority in the affected class start when the employee is promoted or one year prior to promotion?
- A. Upon promotion following reclassification by the Civil Service Commission and adoption of the Civil Service Commission's action by the Board of Supervisors.
32. Q. If someone is transferred into County service from another county or city, does the employee's time in the other county or city count for seniority purposes?
- A. No. Civil Service Rule 1 states, "COUNTY" means County of Sonoma.

33. Q. Is "total continuous County service" to include non-civil service agency employment such as in the Sonoma County Water Agency, or the Sonoma County Superior Court?
- A. Civil Service Ordinance Section 12-B. states "Whenever such employees (employees holding permanently allocated positions with the Sonoma County Water Agency, Community Development Commission, the Sonoma County Library, or the Sonoma County Fair) transfer to the County service without a break in pay status with the other agency or organization greater than two working days, service with the agency or organization, shall be deemed to be service with the County for purpose of...seniority credit...and other such benefits to which the employees would be entitled to had the employees been continuously employed by the County of Sonoma." Similar language is not known to exist for Superior Court employees. However, AB 2011 grants Court employees the same rights as County employees until January 1, 2005.
34. Q. An employee with permanent status in the County's classified service transfers to a position in the same class in the Water Agency (non-civil service) and then transfers back to a position in the classified service. Does a break in service exist, or does "total continuous County service" include service prior to transfer to the Water Agency and after return to the classified service?
- A. No break in continuous County service would exist unless there was a break in pay status with the Agency of greater than two working days. See Civil Service Ordinance Section 12-B.
35. Q. Is layoff or voluntary demotion restricted to employees who have received a written notice of layoff?
- A. An employee is not to be laid-off or voluntarily demoted in lieu of layoff until a written notice of layoff has been issued. This formal notice of layoff distinguishes layoff/displacement from dismissal or voluntary resignation, and is required by Section 11.5 C. (Note: notice period requirements are outlined in employee MOUs and the Salary Resolution.)
36. Q. After formal notices have been received, may an employee not scheduled to be laid off, choose layoff in place of another employee?
- A. Although Section 11.1 D. requires employees with "less" seniority in the affected class to be laid off first, past practice has enabled an employee with greater seniority to volunteer for layoff in lieu of a less senior employee in the affected class who has been formally notified of layoff. Acceptance of the employee's offer would need to be conditioned on the employee being separated in place of the most senior employee in the affected class formally notified of layoff, at the time of layoff, and the employee being separated

forfeiting any right of displacement pursuant to Section 11.3. However, the employee may request voluntary demotion to a vacancy in a lower class in accordance with Section 8.8.

37. Q. Given multiple layoffs within the affected class at the same time or within a short duration of time, what is the order of restoration for an employee who volunteers to be laid off in place of an employee with less seniority in the affected class?
- A. Section 11.4 C. requires that restoration be in the reverse order of layoff. The last employee in the class to be separated based on seniority would be the first employee to return.
38. Q. How do we count seniority for an employee who has worked both full-time and part-time during his or her most recent period of continuous County service?
- A. The employee is to receive credit for each hour worked, less overtime. Any leave without pay is to be based on the employee's allocated full-time equivalent position. (Ex. f/t = 80 hrs; .75 = 60 hrs; .5 = 40 hrs.)
39. Q. A time limited position exists in a job class that is not specifically classified as a "limited term" or "project" class (Ex: Programmer Analyst – Project). The term expires. Absent a vacancy in same job class, who would be laid off – the person in the time limited position or the least senior employee of the job class?
- A. The least senior employee of a represented job class would be laid off, unless layoff were further restricted pursuant to CSR 11.1 A. after meeting and conferring in good faith with the position's recognized employee organization.
40. Q. A "limited term" or "project" position is in a job class that has been specifically established by the County's Civil Service Commission and adopted by the Board of Supervisors as a project class (ex: Programmer Analyst - Project). The term expires. Who would be laid off - the least senior person in the job class or the least senior person in the job class within the same project?
- A. For "limited term" or "project" designated classes, layoff is contained to that job class. If there were more than one person in this job class then it would depend on what has been communicated in writing in advance of appointment to the position, the department's established procedures/practice regarding reassignments from project to project, differences in any specialized skill/skill mix, and if different project positions are grouped into organizational or budgetary subdivisions. When set up properly it would be by project. When not set up properly, the default is the job class.

41. Q. Is there any exemption to layoff/displacement based on a specialized technical skill or skill mix above and beyond that required of the job class in general?
- A. Yes. Civil Service Rule 11.1 F. authorizes such an exemption by the Director of Human Resources for job classes with a project or limited term designation. To qualify for an exemption there must be a continuing need for a specialized skill/skill mix identified by a written plan as an essential function of the job prior to filling it, and the incumbent(s) must have been appointed to the job based on that skill/skill mix.
42. Q. If an employee is temporarily promoted to a higher job classification, does Service time in the higher job class count towards that class?
- A. This question is answered by Civil Service Rule 9.3 F. Service time in a temporary promotion would only count if the employee is appointed to an allocated position in the same class as the temporary promotion and there is no break in service between the temporary promotion and the permanent appointment.

ALTERNATE AND SUBSTITUTE CLASSES

1. Q. How do we deal with alternate classes?
- A. Alternate classes are treated as one class. The duties of alternate classes are essentially the same and only the degree of supervision or independent judgment varies. Generally, when a position is abolished, it is abolished as an alternate, e.g., Office Assistant I/II
2. Q. An employee worked as a Correctional Officer I/II (alternate) prior to becoming a Probation Officer II/I (alternate). If layoff were to occur in the Probation Officer I/II series, what hours should be applied towards the affected class?
- A. The salary allocation attached to the "highest alternate level" of the alternate class series should be compared. (Ex. CO II to PO II) Service as a CO I/II (alternate) should not be counted towards the affected class, if the salary allocation ("A" Step) of the PO II is greater than the A step of CO II.) See definition of "Alternate Position."
3. Q. Is a "substitute or underfilled position" to be treated the same as an alternate position or class?
- A. No. Substituting or underfilling an allocation does not equate to status in the allocated class. However, since Civil Service Rule 11 provides that hours worked in any class with the same or higher salary range as the affected class

be counted towards seniority, the hours worked in the substitute assignment (Senior Office Assistant) would count towards seniority hours in the employee's allocated class (Receptionist) if the salary range for both classes is the same. This still does not grant "status" in the Senior Office Assistant class as the employee was never appointed to the class.

4. Q. A department does not have an allocated Receptionist position. It is granted permission to substitute a Receptionist for an allocated Senior Office Assistant position. A year later the Senior Office Assistant position is reallocated as a Receptionist. Does the incumbent have probationary/permanent status as a Receptionist and a Senior Office Assistant?
 - A. No, only as a Receptionist. Status in a "substitute position" (class) does not equate to status in the class being substituted.

5. Q. A Legal Processor I/II (alternate) is used to under fill a Senior Legal Processor. If a Senior Legal Processor position is abolished, would an employee in the "substitute position" (class) or the least senior Senior Legal Processor be laid-off?
 - A. An employee in a "substitute position" (class) should be removed from the substituted class allocation (Sr. LP) and returned to a position in the class in which they hold permanent or probationary status (LP I/II). If removing the employee from the allocation which they are substituting/underfilling (Sr. LP) and returning the employee to an assignment in their allocated class (LP I/II), necessitates a reduction in that class (LP I/II), a layoff would occur in the employee's allocated class (LP I/II). As this reassignment creates a layoff, not a displacement, implementation would occur based on order and seniority as defined in Civil Service Rule 11.

6. Q. May an employee in a substitute position (class) which is not contained in the department allocation list be laid off if the department abolishes a position in the class being substituted? (Ex. Appraiser Aide substituting for Appraiser I/II/III)
 - A. Yes. However, the appropriate class would need to be referenced. In this case, the Appraiser Aide.

DISPLACEMENT

1. Q. Can an employee displace outside the department?
 - A. Displacement is confined to the same department, except when a position and the incumbent have been transferred together from one department to another department pursuant to Civil Service rule 11.3 D.
2. Q. How is displacement exercised under Section 11.3D (allocation transferred from one department to another) if an employee has displacement rights to job class(es) allocated in both the current and former department?
 - A. Displacement rights are exercised in the current department first. If an employee is not eligible for displacement in the current department in accordance with Section 11.3A, then the employee will seek displacement in the former department.
3. Q. What criteria determines which class(es) an employee may displace in?
 - A. Displacement may be to any and all other classes with the same or lower salary allocation in which a laid-off or displaced employee previously had permanent, probationary, or part-time status, and for which the employee is qualified for certification, transfer, or voluntary demotion. Section 11.3 C. requires the employee to first displace in the class with the highest allocated salary.
4. Q. Is the formula for counting seniority for displacement different than for layoff?
 - A. Yes. Layoff: total continuous County service in the affected class, based on order of layoff defined in Civil Service Rule 11.1B. Displacement: total continuous County service for all job classifications held in a permanent or probationary status since hire, regardless of current status (probationary or permanent). The same displacement date (total continuous service) is applicable for any and all classes into which the employee can displace.
5. Q. Does an employee have a right to displace to a class held prior to break in service resulting from resignation or dismissal?
 - A. No. It is not the intent of Section 11.3 A. to extend a right of displacement to a class in which the employee has no status or seniority during his or her most recent period of continuous County employment.
6. Q. When an employee exercises displacement rights to a class, is the employee's displacement date compared with other employee's date of hire into the class or with other employee's date of hire into the County?
 - A. In cases of displacement, both employees total continuous County service irrespective of class is compared.

7. Q. "What does "the junior employee" mean in Section 11.3 A.?
A. The least senior employee in the affected class and department. (Ex. the least senior OAll in the same department as a laid-off SOA who has a prior permanent, probationary, or part-time status as a OAll.)
8. Q. May the displacing employee elect to displace anyone with less seniority?
A. No. The employee displaces the least senior employee in the class.
9. Q. Does the department have the right to tell an employee trying to displace that the employee must accept a vacant position rather than displacing someone less senior who has a more desirable job?
A. Yes, the department has the right.
10. Q. Does the next person displaced need a formal written notice of layoff?
A. Yes. It should be personally presented to the employee or mailed to the employee's last known address. Certified mail is preferred. The notice of layoff needs to indicate that the employee has been displaced pursuant to Section 11.3 and accordingly informed of layoff effective (date) pursuant to such rule.
11. Q. Does the displacement rule in Section 11.3 A. equally apply to the displaced employee in determining his/her displacement right?
A. Yes. A laid-off Office Support Supervisor may be able to displace a SOA within the same department; who in turn may be able to displace a Receptionist or OAll within the same department.
12. Q. Must the department follow this displacement scenario exactly, or may consideration be given towards the needs of the department?
A. Displacement needs to be conducted in accordance with the County's Civil Service Rules and past practice. Questions or concerns related to service needs that appear to be in conflict with existing interpretations should be discussed with the Human Resources Department, and the Civil Service Commission having final authority.
13. Q. Does time in grade in the class from which the employee is being displaced count as time in grade in the class to which the employee is displacing?
A. Yes. Displacement is based on total continuous County service.
14. Q. Is displacement by department, division, unit, or class regardless of location?

- A. An employee's seniority is based on his or her total continuous County employment irrespective of department. Displacement is applied on a departmental basis unless further restricted in accordance with Section 11.1 A. or 11.3 D.
15. Q. What happens if an employee has a displacement right to more than one class with the same salary allocation?
- A. The employee shall exercise his or her displacement right against the junior most employee in all such classes, absent a vacancy which is equal in allocation to that held by the employee immediately prior to layoff. If such a vacancy exists, the employee shall be appointed to the class with the vacancy, unless not qualified.
16. Q. May a laid off employee elect to displace the junior employee of a class when a vacancy exists within that same class and department?
- A. No.

RESTORATION

1. Q. If an employee voluntarily demotes in lieu of layoff, does the employee have restoration rights to the class from which he or she voluntarily demotes?
- A. Yes.
2. Q. An employee goes on long-term medical leave and returns to work. All positions have been filled. What Civil Service restoration rights does the employee have?
- A. The Civil Service Rules give an employee on a medical leave of absence the same rights to his or her job as any other employee. Additional rights are provided by Federal and State laws such as family leave, pregnancy and disability laws.
3. Q. Who is eligible for restoration?
- A. Sections 11 and 9.4 (A) limit restoration to probationary and permanent employees who have been laid off, displaced from, or demoted voluntarily in lieu of layoff.
4. Q. Is restoration the same thing as reappointment?
- A. No. Reappointment does not confer the same benefits and rights as restoration.

5. Q. Does an employee have a right to be restored to exactly the same job (assignment, premiums, location, program, shift work, department, job class, allocation (ex. 1.0, .9, .75, .5), etc.) from which separated?
- A. No, the County's Civil Service Rules only authorize restoration to the same department, job class, and allocation from which laid off or displaced.
6. Q. Is restoration restricted to a vacant position?
- A. Yes.
7. Q. Can a restoration letter be handed to an employee as opposed to sent "certified mail return receipt requested"?
- A. As a matter of past practice yes. Written notification shall be receipted or witnessed to minimize problems related to a waiver or forfeiture of the offer.
8. Q. An employee is "laid-off" based on a reduction in hours from a f/t to a p/t allocated position. The employee subsequently resigns, or requests and is granted a voluntary demotion or further reduction in hours. Does the employee maintain a right of restoration to a full-time allocation?
- A. No. Separation is no longer involuntary.
9. Q. How is restoration to be offered, given the interpretation that different methods are to be used to determine seniority for purposes of layoff based on total continuous County service in the affected class, and displacement based on total continuous County service irrespective of class?
- A. Section 11.4 C. requires that restoration be in the reverse order of layoff. The last employee in the class to be separated based on seniority would be the first employee to return.

For example: Assume Employees "A" and "B" are the two least senior OALLs in a department. On 10-1-93, Employee "A" has more seniority than Employee "B" in the affected class (10,000 hrs. vs. 3,000 hrs.) for purpose of layoff, but less overall seniority irrespective of class (14,500 hrs. vs 13, 000 hrs.) for purpose of displacement..

If both Employee "A" and "B" were laid-off on 10-1-93 pursuant to Section 11.1,
"A" would be restored first as the more senior employee in the affected class.

If both Employee "A" and "B" were displaced on 10-1-93 pursuant to Section 11.3, "B" would be restored first as the more senior employee irrespective of class.

If Employee "A" were to be displaced on 10-1-93 as the class's junior employee pursuant to Section 11.3, and Employee "B" were to be subsequently laid-off on 1-24-94 pursuant to Section 11.1; Employee "B" would be restored first, having been entitled to remain in the class on 10-1-93.

10. Q. A Secretary is laid-off. Based on total continuous county service, she cannot displace the junior SOA in the department, however, she can displace the junior OAll and does. A SOA position in the department becomes vacant. Does a right of restoration exist to the SOA vacancy?
 - A. No. However, the employee may request and be granted reappointment if done in accordance with Section 6.8 B.

11. Q. An allocated position is reduced from full-time to part-time (.7). Two months later a .5 allocated position becomes vacant in the same department and class. Does the employee who was "laid off" have an absolute right to have his or her regular work hours restored up to f/t, before the department can fill the vacancy by some other means?
 - A. No. An employee only has a right to be restored to a vacancy with the same allocation in the department and class from which laid-off or displaced. However, the .5 allocation may be split and the employee restored to a higher allocation, or employee's hours increased above the present allocation based on the needs of the service.

12. Q. Can an offer of restoration be contingent on an employee possessing a certain skill (ex. licensure or certificate, bilingual) based on the needs of the service or reimbursement requirements of a funding source. If so, if the most senior employee on the restoration list does not possess what is required, may the department offer restoration to the next most senior employee who does, or if none qualify fill the position from an open recruitment?
 - A. Section 11.4 presently does not authorize an exception based on a skill.

13. Q. If layoff is restricted to one or more divisions or smaller units of a department in accordance with Section 11.1 A., is restoration to the divisions or smaller units in addition to the department?
 - A. Section 11.4 authorizes restoration to a vacant position in the classification and department which the employee was laid-off.

SENIORITY LISTS

1. Q. Does the County's Civil Service Rules require that a seniority list be established?
A. No. Seniority lists are a tool for implementing layoff.
2. Q. What date should a seniority list reflect in the context of anticipated layoffs?
A. The list should be based on the last payroll closest to the anticipated date of layoff as possible.
3. Q. Given limited time, how important is it to update seniority lists to reflect changes in employee status and/or seniority hours?
A. The more accurate a list, the better it is. The order of layoff can easily change with a change in employment status (temp/prob/perm) or seniority hours between the date a list is published and layoff.
4. Q. Should a layoff list have a particular format?
A. The list should identify the job class; date (usually the end of a particular payroll period); each employee's name, employment status, and seniority (usually in terms of hours) for the affected class and displacement. Employees should be listed in descending order based on employment status and/or continuous County service. A comment section is recommended.
5. Q. When positions are allocated on an alternate basis eg. Eligibility Worker I or Eligibility Worker II (alternate) are separate seniority lists to be prepared for each class?
A. No. A single consolidated seniority list is to be prepared whenever all persons employed in the lower alternate class (eg. Eligibility Worker I) may be promoted to the higher alternate class (eg. Eligibility Worker II), and all could be employed in the higher class at the same time.
6. Q. Who is responsible for preparing and maintaining seniority lists?
A. The department head or designee.

Preparing Seniority Lists

The best way to calculate seniority hours is to sit down with the employee file and list each position held, effective date for each change, leave periods, status (permanent, probationary, extra-help), FTE, etc., for all employees in a classification. This information is based on Change of Status Forms, which are the official records for seniority calculation purposes. The Seniority Calculation Worksheet should be used to capture the details of each employee's employment history and a method to calculate the hours needs to be established by the departments. The worksheets may also be used to review/verify information with employees or union representatives prior to implementation of layoffs.

Once you have captured the employee's history on the worksheet, you can use payroll calendars to calculate hours worked for each period, based on the employee's FTE.

RULES:

- Time in class is all continuous hours in the affected class and any hours worked in any class with the same or higher salary level. Look for voluntary demotions, previous layoff situations, transfers, temp promotes with no break between temp. promote and permanent appointment.
- Time served in alternate classes in a series count as time in one class
- Total county continuous hours are all seniority hours in any class (no breaks in service)
- If someone has been laid off and then restored, the hours prior to layoff will count toward seniority, but the time off between layoff and restoration will not count.
- Overtime does not count towards seniority
- Extra help hours are not counted towards seniority
- Part-time hours are calculated according to FTE. For example: A .5 part-time employee would receive 40 hours per pay period in seniority hours. Any time worked by a part-time employee over their allocation (up to 80 hours in a pay period) must be included in seniority hours.
- Temporary promotion status only counts towards higher level seniority hours if the employee is promoted to that class with no break between the temp. promotion and permanent appointment. The time served in a temporary promotion will count towards the employee's permanent job class seniority, since it is time served in a higher level class.

- A regular allocated position interrupted by extra help employment may not constitute a break in County service, unless the employee is separated by County employment. Please contact HR if you have this situation.

PART TIME EMPLOYEES

If you have part-time employees who have worked regular hours over their FTE, you will need to include these hours in your seniority calculation. To determine additional hours worked, you will have to use employee timesheets, or you can go to the Auditor-Controller's Payroll Office to look at microfiche for part-time staff employed before 1/1/2004. If you need to use microfiche, print a copy for backup. HR will require a copy of your back-up material to review seniority lists.

HELPFUL INFORMATION FOR RESEARCH USING MICROFICHE:

- Years 1986 to 2006 have 26 pay periods EXCEPT 1991 and 2002 which have 27 pay periods
- You will need to use Auditor-Payroll microfiche for part time staff employed before 1/1/2004
- Pay periods are set up in the file drawer by Warrant Date (Pay Date). The pay period ending date is shown on the microfiche
- Each year of the microfiche ends with a set dated 12/31. Do not use as this is an end-of-year report. (Exception: 12/31/91 was an actual warrant date)
- There are different packets of microfiche in each pay period. From 1986 to 1988 use "P/R Master". The employees are in Social Security number order. From 1989-1999 use the "P/R Time Report". The employees are by Dept/Division number. Get employees Dept/Div. number changes before going to Auditor Payroll.

WHY PAYROLL SYSTEM "HOURS" BUCKETS CANNOT BE USED TO DETERMINE SENIORITY:

In the PF5 screen in the payroll system there is an hours bucket called "Total Service Hours". There are a couple of reasons you can't use this number for purposes of determining seniority in class or total continuous service hours:

- 1) This bucket does not include leave without pay, and leave without pay must be counted toward seniority hours.
- 2) The hours in this bucket could have been adjusted. In the "Re-appointment" sections of the MOU's there are provisions that if you worked for the County for more than 5 years, leave County employment and come back within 2 years, you

can accrue vacation at a higher rate. To make this happen, this hours bucket is adjusted and it looks like the individual has 2 more years of service than they really should have.

- 3) There is also an issue with extra-help service time. Extra-help hours used to count toward seniority. This practice and the Civil Service Rules that define seniority for layoff purposes changed in 1998. At that time, extra-help hours stopped accruing in this bucket, but any extra-help hours worked before 1998 still remain.
- 4) Depending on how overtime hours are captured, this bucket may include overtime worked, which is not counted for purposes of seniority.

There are some other hours “buckets” on the PF3 screen related to merit hours. One of these is the one that counts time in class. The reason you cannot use this bucket for calculating “time in affected position” hours is because this bucket may not have been maintained consistent with Civil Service provisions for seniority, may not include hours worked after the employee reaches I-Step, and would not include hours worked in an equal or higher job class.

Department Sample Seniority List

As of Payperiod Ending -----

Department Analyst	Empl. ID#	Status	Division	Hours in Affected Class	Total County Service	Comments/Allocations
NAME						2 FTE, 1 underfill with Admin Aide
Employee 1		Permanent		3,504	11,064	Displacement to Admin. Aide, Account Clerk II
Admin. Aide						
		Status		Hours in Affected Class	Total County Service	Comments
NAME						0 FTE (underfilling Dept. Analyst allocation)
Employee 2		Permanent		15,000	30,288	Displacement to Account Clerk III
Account Clerk III						
		Status		Hours in Affected Class	Total County Service	Comments
NAME						2 FTE, no vacancies
Employee 4		Permanent		17,608	17,608	No displacement rights
Employee 5		Probation		1,000	6,464	Displacement to Account Clerk II
Account Clerk II						
		Status		Hours in Affected Class	Total County Service	Comments
NAME						1 FTE, no vacancies
Employee 6		Probation		1,000	1,000	No displacement rights

SENIORITY CALCULATION WORKSHEET

Name: _____
 Empl. ID# _____

Date _____
 Prepared: _____ Initials: _____

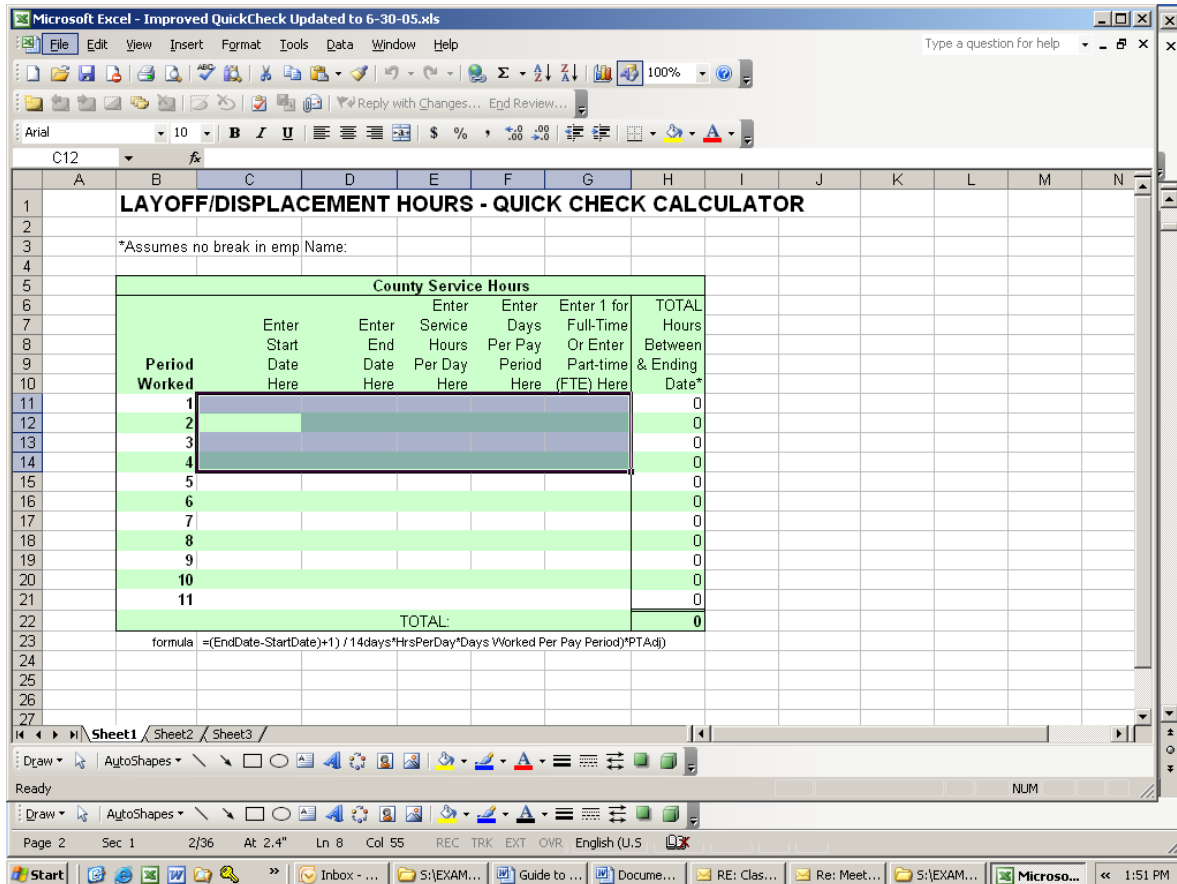
SC Hire Date: _____

Job Class	Notes	From	To	Affected Job Class			Total County Service		
				FTE	Hours in Job Class	Total hours in Job Class	County Regular Hours	Total Cont. County Service Hours	Extra-Help Hours (do not count)

Notes should include all relevant COSs = status changes, LOAs, temp promos, etc.

SENIORITY “QUICKCHECK” CALCULATOR

Located on the InTRanet, http://sc-intranet/hr/layoff_index.htm, is this tool. It can be used by departments to audit the totals calculated on the Seniority Calculation Worksheet. It IS NOT 100% accurate and will only give staff the “sense” that their Worksheet totals are accurate. **DO NOT** use this spreadsheet as the only tool when calculating seniority hours.



HUMAN RESOURCES LAYOFF MITIGATION POLICY

Priority Transfer Employment Lists

Preamble

County employees under the Civil Service Rules may at any time request consideration to transfer or voluntarily demote to another department and/or another classification provided the request is pursuant to the Civil Service Rules and follows the procedures identified by the Human Resources Department. This policy on Priority Transfer does not impact or supercede the County's Civil Service Rules or procedures on transfer and voluntary demotion.

When employees have been identified as being impacted by a reduction in force, the County Department Heads have agreed that for those individuals impacted and who wish to be considered for transfer or voluntary demotion, that the departmental appointing authority will give them special consideration by committing to interviewing all names on the Priority Transfer List.

Purpose

When County Departments have a need to eliminate permanent, regular allocations, Priority Transfer Employment Lists will be established for the classifications of employees who have received formal notice of impending layoff to mitigate the impacts of layoff to the degree possible.

Policy

Regular employees who have been noticed of impending layoff by receiving an official notice of layoff may work with Human Resources staff to determine classifications for which they are eligible for consideration for a transfer or a voluntary demotion. Those employees will be placed on a Priority Transfer Employment List for those classifications which have been identified.

When departments submit a request for certification and a Priority Transfer Employment List is available, Human Resources will certify the Priority Transfer list along with freename, regular, and the standard transfer employment lists where applicable. Department hiring authorities shall conduct interviews with those candidates on the Priority Transfer, freename, and regular employment lists.

In accordance with the Civil Service Rules, employees must meet the criteria for transferring or voluntarily demoting in order to be placed on a priority transfer list.

Upon termination of employment from the County, employees no longer qualify for Priority Transfer and their names will be removed from the respective transfer lists. Employees who have been terminated due to a layoff have re-employment rights

pursuant to Civil Service Rules and should work with Human Resources staff to determine their re-employment options such as restoration and freename.

Process

1. Employees will contact Human Resources staff to determine transfer eligibility
2. The normal transfer request form will need to be completed; the notice of layoff must be attached in addition to the employee's job application and most current performance review
3. Where qualified, employees will be placed on Priority Transfer Employment Lists
4. The normal requisition and certification process between departments and Human Resources will take place, and when there is a Priority Transfer Employment List for a class, the Priority Transfer Employment List will be certified to the department along with any other applicable employment list the department is eligible to receive for their vacancy(ies)
5. Human Resources will follow the normal process of noticing candidates on Priority Transfer Employment Lists of their certification to a department and further instructions to schedule selection interviews
6. Hiring authorities shall interview all candidates on Priority Transfer Employment Lists for consideration
7. Candidates may be removed from Priority Transfer Employment Lists in the same manner as regular employment lists if they submit three waivers
8. If an appointment is made from a Priority Transfer Employment List, normal transfer documentation and processes should be followed
9. Once employees are terminated, they no longer qualify to be on a Priority Transfer Employment List; they must then work with Human Resources staff to be placed on either restoration or freename lists where eligible and applicable

Interpretation

This policy does not supersede Civil Service Rules on transfer, freename, layoff, restoration or any other Civil Service Rules that may apply. Questions on the interpretation of this policy should be directed to the Human Resources Director or designee.

BENEFIT INFORMATION UPON TERMINATION OF EMPLOYMENT

Medical, Dental and Vision Insurance: Contact Benefits Customer Service, 565-2900

Your medical, dental, and vision coverage expire after you have a pay period with less than half your normal biweekly in-service hours. The first date without coverage is the pay date when you no longer pay a premium payment. You have the option of continuing coverage under a federal program called Consolidated Omnibus Budget Reconciliation Act (COBRA). COBRA allows you to continue your medical, dental, and vision coverage for up to 18 months from your termination date by paying the full cost of the coverage plus a 2% administration fee. You will receive information and the COBRA Notification regarding COBRA eligibility and your option to continue coverage approximately two to three weeks after your last day of coverage.

Important note: You only have 60 days from the date you receive the COBRA Notification to make your elections for COBRA health coverage.

You will receive the COBRA offer at your home address from a third party administrator, Conexis. If you have questions after you receive your COBRA offer, please contact Conexis at 1-877-722-2667 or www.conexis.org. Be sure to keep your payroll clerk informed of any address changes for you and your eligible dependents.

The American Recovery and Reinvestment Act of 2009 (ARRA) provides a COBRA premium reduction for Assistance Eligible Individuals (AEI's). The premium reduction is available to certain individuals who experience a qualifying event that is an involuntary termination of employment during the period beginning with September 1, 2008 and ending with December 31, 2009. These individuals may be eligible for the temporary premium reduction for up to nine months.

However, if a qualified beneficiary is eligible for other group health coverage (such as through a new employer's plan or a spouse's plan) or Medicare, he or she is not eligible for the premium reduction.

If you qualify for the premium reduction, you need only pay 35 percent of the COBRA premium otherwise due to the plan. The premium reduction is not available for periods of coverage prior to March 2009. Complete details will be included in the COBRA notice sent to each terminating employee.

At the end of the 18-month COBRA continuation period, you may be able to convert your medical coverage to an individual insurance policy. Contact the medical plan directly if interested.

For employees covered by SEIU, Salary Resolution, and ESC in bargaining units 00, 01, 05, 10, 25, 45, 49, 50, 51, 52, 60, 75, 80, and 95:

If you are presently receiving medical insurance coverage provided by the County and are laid off, the SEIU MOU (19.3.6), the ESC MOU (19.5e), and the Salary Resolution (32.4) provide for a County contribution toward your medical insurance (for your plan and for the dependents as enrolled at the time of layoff). You have the option to drop dependents at the time of layoff, however, no dependents may be added except for newly acquired dependents and only within 30 days of the event (e.g., newborns).

The County will make its usual *medical* insurance contribution for the first six pay periods

following layoff and one half (50%) of its normal contribution for the next six pay periods following layoff. This only applies to medical, not dental and vision, and is coordinated with COBRA.

Life Insurance: Contact Benefits Customer Service, 565-2900

Eligibility for life insurance ceases upon termination from County employment. You may convert to an individual policy through the Hartford Life Insurance Company. Your application must be submitted and the first premium paid to Hartford Life and Accident within 31 days after termination of insurance under the County's group policy. The conversion application is provided to you by your Payroll Clerk. More detailed plan information may be obtained from Human Resources Benefits Unit or The Hartford Life Insurance Company, (888) 563-1124.

Retirement: Contact Elizabeth Anderson or Helen Olson, Sonoma County Employees' Retirement Association (SCERA), 565-8100.

SCERA Members – if you currently participate in the County's Retirement System, you have various options with regard to the money in your retirement account (your own contributions plus interest) when you terminate employment with the County. Please contact the Retirement Office to determine your specific options. Some options include:

- 1) withdrawing your retirement contributions plus accumulated interest (or rolling them directly into an IRA or other eligible plan)
- 2) leaving your contributions in the plan if you have five years service credit in Retirement, and deferring your retirement to a later date or until you wish to rescind the deferment and withdraw your funds
- 3) leaving your contributions in the plan if you have less than five years service credit in Retirement
- 4) applying for reciprocal benefits if employed within six months by another 1937 Act County or other public employer participating in California PERS
- 5) if permanently disabled from your County job, applying for a disability retirement benefit
- 6) if eligible to retire (must have ten years of service credit in Retirement and be at least 50 years of age), applying for a service retirement.

If you withdraw your retirement contributions plus interest, the refund process can take from four to six weeks. A more detailed explanation of each option is provided on the SCERA website at www.scretire.com or on pages 9, 10, and 11 of the Sonoma County Employees' Retirement System Plan Summary.

If you are laid off and then re-employed by the County of Sonoma within one year of termination as a result of layoff, it will not be considered as a break in the continuity of service as it relates to entry age in the Retirement System.

Deferred Compensation: Contact Karen Davis, Deferred Compensation, 565-3221

457 Retirement Plan. Contributions cease at the time of termination. You may take your account balance as a withdrawal and applicable taxes will be withheld. If your account exceeds a specific amount (\$1,000), you may leave the funds in the account until such time as you wish to take a withdrawal; maximum age is 70½. To take any action on your account, you will need to complete a Payment Option Form available through the Auditor-Controller-Treasurer-Tax Collector's Office. If your balance is less than \$1,000 and no action is taken within 30 days from your termination date, the amount will be automatically distributed less applicable taxes. There are no early withdrawal penalties for 457 plans.

401(a). Contributions cease at the time of termination. You may leave the funds in the account until such time as you wish to take a withdrawal and applicable taxes will be withheld. If you are under the minimum age is 59½ at the time of withdrawal, there is an early withdrawal penalty (10%). There is no minimum dollar amount for maintaining a balance in your account. To take any action on your account, you will need to complete a Payment Option Form available through the Auditor-Controller-Treasurer-Tax Collector's Office. A copy of the IRS Rules will be provided when the Payment Option Form is requested. For 401(a) accounts, there will be no automatic lump sum payment if no action is taken on your behalf.

With both types of accounts, should you wish to maintain a balance, you can still change your investment options.

You can contact the above number to discuss related questions.

Vacation, Compensatory Time Off, and Sick Leave Payoffs: Contact your department Payroll Clerk

Employees, who terminate employment, are entitled to payment for all unused vacation and compensatory time off accrued at the time of separation, and 25% of all unused sick leave accrued at the time of separation. Payment is at the employee's base hourly rate. Payoff is normally received one to two pay periods following termination of County employment. If you are eligible to retire or to defer your retirement, please contact the Retirement Office (565-8100) regarding vacation buy-back before retirement/layoff.

Flexible Spending Accounts – DCAP/HCAP: Contact the Auditor-Controller-Treasurer-Tax Collector's Office, Payroll Division, 565-6024

Dependent Care Assistance Plan (DCAP)

No additional deposits can be made to your DCAP account after your termination date and this program is not eligible for continuation through COBRA. However, you can continue to submit eligible expenses until your account is exhausted. Expenses must meet the eligibility requirements defined in the Highlights brochure (e.g., only expenses incurred while you are gainfully employed are eligible).

Health Care Flexible Spending Account (FSA)

Claims for valid Health FSA expenses incurred during the portion of the plan year in which you were covered prior to the termination date of your coverage can be submitted for reimbursement. The deadline for submission of these claims is the end of the plan's runoff

period (March 31st). **However services must have been incurred on or before the termination date of your coverage, unless you continue your coverage through COBRA, see below.** You will not receive reimbursement for expenses incurred after the termination date of your coverage unless you apply for and are eligible for COBRA. If you wish to continue to make deposits to your account or submit eligible expenses incurred after your coverage termination date you may do so by applying for COBRA continuation coverage as explained below.

COBRA continuation is available until the end of the plan year's grace period, which is March 15th in the year following your termination. If you have a positive unreimbursed account balance, COBRA enables you to continue participation by making after-tax contributions to your account. To receive reimbursement for eligible medical expenses incurred after your termination date, a COBRA election must be made within 30 days of your receipt of the COBRA Notification and premiums made by the due date specified in the notice. Consult the FSA Highlights brochure for complete details. Your Health FSA coverage end date is the same as your medical insurance end date.

Severance Period (only for employees who are terminated due to lay-off): Contact your designated department contact.

All employees generally receive at least three weeks notice in advance of being laid off. If you are covered by SEIU, ESC, or the Salary Resolution, and are laid off and cannot displace another employee or secure other regular County employment, you may also separate from county service after the eighth work day of the three-week notice period and receive your normal base salary for the hours you would normally be scheduled to work during the remainder of the three-week period.

Housing Advisory Committee (HAC): Contact Valerie Johnson, Community Development Specialist at the Community Development Commission, 565-7514

The Housing Assistance Committee has adopted a deferral policy for employees that are laid off and may have a Rental/Mortgage Assistance Loan, a First-Time Home Buyer Loan, or a Housing Rehabilitation Loan from the Housing Assistance Fund. At an employee's request, loan payments can be deferred for up to six months from the date of termination from County employment.

Use for layoff without displacement

█

█

Subject: NOTICE OF LAYOFF

Dear █:

I regret to inform you that your employment as a **Select One** █ with this department is hereby terminated at the end of your work shift on █. This action is necessary due to **Select One**.

You are to be laid-off as the least senior employee in the class of █ in accordance with the Civil Service Rules. You may review a copy of this department's seniority list for your job classification. Attached is a copy of Civil Service Rule 11. If you feel there is any discrepancy in seniority hours or status which affects the order of layoff, please contact █ at █ by █.

Civil Service Rule 11 outlines your rights and obligations related to layoff and restoration. Please note that you may appeal the implementation of this layoff to the County's Civil Service Commission within ten regular County business days from the date of the receipt of this notice; however, the actual decision to layoff may not be appealed.

Since you have no previous work experience in any other classification found in this department, you have no displacement rights to any other position.

I also wish to advise you that your name will be placed on a Restoration List for the class of █ in █. Should a █ vacancy occur in our department which we decide to fill within two years from the date of layoff, you will be offered restoration in accordance with Civil Service Rules 11.4.

(If employee is covered by the Salary Resolution, ESC, or SEIU add the following paragraph about severance period)

Under the provisions of your employee organization, you have the right to a severance period. This allows you to separate from County service after the eighth workday of the three-week notice (21 days) period and receive your normal base salary for the hours you would normally be scheduled to work during the remainder of the three-week period.

You may be eligible for various benefits as a result of layoff. Attached is a general description of employment benefits and payoffs for which you may be eligible. On or before your last day of employment, staff from your department will meet with you and provide you additional information regarding separation of employment with the County. If you have questions prior to this meeting, you may contact the subject matter experts shown on the benefit summary for more detailed information.


You may contact Human Resources, Recruitment and Classification Division, at 565-2331 to make an appointment to discuss County employment opportunities. Your appointment with Human Resources must be prior to the date you are to be laid-off if you wish to discuss other employment options with the County. Human Resources will also share information with you on other job search resources.

You may be eligible for unemployment benefits as a result of layoff. The determination will be made by the State. You may receive information and apply for benefits by calling the Employment Development Department at 1-800-300-5616 or by visiting their website at www.edd.ca.gov.

Again, I would like to express my regret in taking this painful but necessary action.

Sincerely,



cc: Personnel File
Human Resources – Recruitment & Classification
Auditor-Controller
Risk Management – Employee Benefits


Enclosures: Civil Service Rule 11
Summary of Benefits Upon Termination/Layoff
Layoff Mitigation Policy

Use for layoff with displacement

██████████

██████████

Subject: NOTICE OF LAYOFF AND RIGHT OF DISPLACEMENT

Dear ██████████:

I regret to inform you that your employment as a Select One ██████████ with this department is hereby terminated at the end of your work shift on ██████████. This action is necessary due to Select One.

You may elect to be laid-off as the least senior employee in the class of ██████████, or to remain employed by displacing the junior employee in the class of ██████████ in accordance with the County's Civil Service Rules. Regardless of which option you choose, your name will be placed on a Restoration List for the class of ██████████ in ██████████. Should a vacancy occur in the class of ██████████ in our department which we decide to fill within two years from the date of layoff, you will be offered restoration in accordance with Civil Service Rule 11.4.

You may review a copy of this department's seniority list for your job classification. Attached is a copy of Civil Service Rules 11. If you feel there is any discrepancy in seniority hours or status which affects the order of layoff, please contact ██████████ at ██████████ by ██████████.

Civil Service Rule 11 outlines your rights and obligations related to layoff, displacement, and restoration. You may appeal the implementation of this layoff to the County's Civil Service Commission within ten regular County business days from the date of the receipt of this notice; however, the decision to layoff cannot not be appealed.

If you elect displacement, please return the attached response form *no later than* ██████████. If I do not hear from you by that time, I will assume that you have chosen to be laid off, and will proceed accordingly. If you decide to displace into the class of ██████████, the effective date will be ██████████. Salary will be based on the job class you displace to and the Article: Select One of your employee organization's labor agreement with the County.

If you elect separation from employment, you may be eligible for various benefits as a result of layoff. Attached is a general description of employment benefits and payoffs for which you may be eligible. On or before your last day of employment, staff from your department will meet with

you and provide you additional information regarding separation of employment with the County. If you have questions prior to this meeting, you may contact the subject matter experts shown on the benefit summary for more detailed information.


You may contact Human Resources, Recruitment and Classification Division, at 565-2331 to make an appointment to discuss County employment opportunities. Your appointment with Human Resources must be prior to the date you are to be laid-off if you wish to discuss other employment options with the County. Human Resources will also share information with you on other job search resources.

You may not be eligible for unemployment benefits if you choose to be laid off instead of remaining employed by displacing another. The determination will be made by the State. You may receive information and apply for benefits by calling the Employment Development Department at 1-800-300-5616 or by visiting their website at www.edd.ca.gov.

Again, I would like to express my regret in taking this painful but necessary action.

Sincerely,



cc: Personnel File
County Human Resources
Auditor-Controller
Risk Management – Employee Benefits


Enclosures: Civil Service Rule 11
Summary of Benefits Upon Separation/Layoff
Layoff Mitigation Policy
Response Memo

Employee Response – Layoff and Option to Displace

MEMORANDUM

DATE: [REDACTED]

TO: [REDACTED]

FROM: [REDACTED]

RE: Displacement/Lay-off Employee Response

This is to inform you that I choose the following:

I elect to exercise my displacement rights to the class of [REDACTED] effective [REDACTED], per Civil Service Rule 11, as indicated in your letter of [REDACTED].

I elect to be laid-off as the least senior employee in the class of [REDACTED].

Signature

Use for layoff when employee has no displacement rights, but does have an opportunity to demote

██████████

██████████

Subject: NOTICE OF LAYOFF AND OFFER OF DEMOTION IN LIEU OF LAYOFF

Dear ██████████:

The purpose of this letter is twofold:

First, to notify you that your employment as a **Select One** ██████████ with this department is hereby terminated at the end of your work shift on ██████████. This action is necessary due to **Select One** ██████████

You are to be laid-off as the least senior employee in the classification of ██████████ in accordance with Civil Service Rule 11. You may review a copy of this department's seniority list for your job classification. Attached is a copy of Civil Service Rule 11. We are also sorry to inform you that you do not have any displacement rights to another classification. If you feel there is any discrepancy in seniority hours or status which affects the order of layoff, please contact ██████████ at ██████████ by ██████████.

Civil Service Rule 11 outlines your rights and obligations related to layoff and restoration. Please note that you may appeal the implementation of this layoff to the County's Civil Service Commission within ten regular County business days from the date of the receipt of this notice, however, the decision to layoff may not be appealed.

Second, I would like to extend you an offer of voluntary demotion to a ██████████ vacancy effective ██████████. You may elect to accept this offer of voluntary demotion in lieu of being laid off according to Civil Service Rules 8.8 A. and 11.4, or you may choose layoff. If you elect demotion, please notify me in writing no later than ██████████. If I do not hear from you by that time, I will assume that you have chosen to be laid off.

A decision to demote into the class of ██████████ will result in that action being implemented the beginning of the workday on ██████████. Salary will be based on the job class you displace to and your employee organization's labor agreement with the County (see your MOU, Salary Upon Voluntary Demotion, Salary Upon Transfer).

Whether you choose layoff or voluntary demotion, your name will be placed on a Restoration List for the class of ██████████ in ██████████. Should a regular **Select One** ██████████ vacancy occur in our

department which we decide to fill within two years from the date of layoff, you will be offered restoration in accordance with Civil Service Rule 11.4.

If you elect separation from employment, you may qualify for various benefits. Attached is a general description of employment benefits and payoffs for which you may be eligible. You are strongly encouraged to contact the subject matter experts shown as soon as possible for more detailed information.


You may contact Human Resources, Recruitment and Classification Division, at 565-2331 to make an appointment to discuss County employment opportunities. Your appointment with Human Resources must be prior to the date you are to be laid-off if you wish to discuss other employment options with the County. Human Resources will also share information with you on other job search resources.

You may not be eligible for unemployment benefits if you choose to be laid off instead of accepting a voluntary demotion. The determination will be made by the State. You may receive information and apply for benefits by calling the Employment Development Department at 1-800-300-5616 or by visiting their website at www.edd.ca.gov.

Again, I would like to express my regret in taking this painful but necessary action.

Sincerely,



cc: Personnel File
County Human Resources
Auditor-Controller
Risk Management


Enclosures: Civil Service Rules 8.8, 11
Benefits Upon Separation/Layoff

Employee Response – Layoff and Option to Demote

MEMORANDUM

DATE: [REDACTED]

TO: [REDACTED]

FROM: [REDACTED]

RE: Employee Response to Layoff Notice

This is to inform you that I choose the following:

I elect to voluntarily demote to a [REDACTED] effective [REDACTED], per Civil Service Rules 8.8A and 11.4, as indicated in your letter dated [REDACTED].

I elect to be laid-off as the least senior employee in the class of [REDACTED].

Signature

Date

Use when employee is being laid off due to a displacement and also has displacement rights

██████████

██████████

Subject: NOTICE OF DISPLACEMENT AND RIGHT TO DISPLACEMENT

Dear ██████████:

I regret to inform you that your employment as a **Select One** ██████████ with this department is hereby terminated at the end of your work shift on ██████████. This action is necessary because you will be displaced by another employee as a result of layoff.

As the least senior employee in the class of ██████████, you are to be displaced pursuant to Sonoma County Civil Service Rule 11.3 A. and are accordingly informed of layoff pursuant to this rule. Attached is a copy of Civil Service Rules 11. You may review a copy of this department's seniority list for your job classification if you wish. If you feel there is any discrepancy in seniority hours or status which affects the order of layoff, please contact ██████████ at ██████████ by ██████████.

You may elect to be laid-off as the least senior employee in the Class of ██████████. However, you have displacement rights yourself and you can chose to remain employed by displacing the junior employee in the class of ██████████ in accordance with the County's Civil Service Rules. Regardless of which option you choose, your name will be placed on a Restoration List for the class of ██████████ in ██████████. Should a regular ██████████ vacancy occur in our department which we decide to fill within two years from the date of layoff, you will be offered restoration in accordance with Civil Service Rule 11.4.

Civil Service Rule 11 outlines your rights and obligations related to layoff, displacement, and restoration. You may appeal the implementation of this layoff to the County's Civil Service Commission within ten regular County business days from the date of the receipt of this notice. However, the decision to layoff may not be appealed.

If you elect separation from employment, you may be eligible for various benefits as a result of layoff. Attached is a general description of employment benefits and payoffs for which you may be eligible. On or before your last day of employment, staff from your department will meet with you and provide you additional information regarding separation of employment with the County. If you have questions prior to this meeting, you may contact the subject matter experts shown on the benefit summary for more detailed information. You may contact Human Resources, Recruitment and Classification Division, at 565-2331 to make an appointment to discuss County employment opportunities. Your appointment with Human Resources must be


prior to the date you are to be laid-off if you wish to discuss other employment options with the County. Human Resources will also share information with you on other job search resources.

You may not be eligible for unemployment benefits if you choose to be laid off instead of remaining employed by exercising your displacement rights. The determination will be made by the State. You may receive information and apply for benefits by calling the Employment Development Department at 1-800-300-5616 or by visiting their website at www.edd.ca.gov.

Again, I would like to express my regret in taking this painful but necessary action.

Sincerely,



cc: Personnel File
County Human Resources
Auditor-Controller
Risk Management


Enclosures: Civil Service Rule 11
Summary of Benefits Upon Separation/Layoff
Layoff Mitigation Policy

Employee Response – Layoff and Option to Displace

MEMORANDUM

DATE: [REDACTED]

TO: [REDACTED]

FROM: [REDACTED]

RE: Displacement/Lay-off Employee Response

This is to inform you that I choose the following:

I elect to exercise my displacement rights to the class of [REDACTED] effective [REDACTED], per Civil Service Rule 11, as indicated in your letter of [REDACTED].

I elect to be laid-off as the least senior employee in the class of [REDACTED].

Signature

Use when employee is being laid off due to a displacement and has NO displacement rights

██████████

██████████

Subject: NOTICE OF DISPLACEMENT

I regret to inform you that your employment as a Select One ██████████ with this department is hereby terminated at the end of your work shift on ██████████, ██████████. This action is necessary because you will be displaced by another employee as a result of layoff.

As the least senior employee in the class of ██████████, you are to be displaced pursuant to Sonoma County Civil Service Rule 11.3 A. and are accordingly informed of layoff pursuant to such rule. You may review a copy of this department's seniority list for your job classification. Attached is a copy of Civil Service Rule 11. If you feel there is any discrepancy in seniority hours, or status which affects the order of layoff, please contact ██████████ at ██████████ by ██████████.

Civil Service Rules 11 outlines your rights and obligations related to layoff, displacement and restoration. Please note that you may appeal the implementation of this layoff to the County's Civil Service Commission within ten regular County business days from the date of the receipt of this notice. The decision to layoff may not be appealed.

Since you have no previous work experience in any other classification found in this department, you have no displacement rights to any other position. However your name will be placed on a Restoration List for the class of ██████████ in ██████████. Should a **Select One** vacancy occur in our department which we decide to fill within two years from the date of layoff, you will be offered restoration in accordance with Civil Service Rule 11.4.

(If employee is covered by the Salary Resolution, ESC, or SEIU add the following paragraph about severance period)

Under the provisions of your employee organization, you have the right to a severance period. This allows you to separate from County service after the eighth work day of the three-week notice period and receive your normal base salary for the hours you would normally be scheduled to work during the remainder of the three-week period.

If you elect separation from employment, you may be eligible for various benefits as a result of layoff. Attached is a general description of employment benefits and payoffs for which you may be eligible. On or before your last day of employment, staff from your department will meet with you and provide you additional information regarding separation of employment with the

County. If you have questions prior to this meeting, you may contact the subject matter experts shown on the benefit summary for more detailed information.


You may contact Human Resources, Recruitment and Classification Division, at 565-2331 to make an appointment to discuss County employment opportunities. Your appointment with Human Resources must be prior to the date you are to be laid-off if you wish to discuss other employment options with the County. Human Resources will also share information with you on other job search resources.

You may be eligible for unemployment benefits as a result of layoff. The determination will be made by the State. You may receive information and apply for benefits by calling the Employment Development Department at 1-800-300-5616 or by visiting their website at www.edd.ca.gov.

Again, I would like to express my regret in taking this painful but necessary action.

Sincerely,



cc: Personnel File
County Human Resources
Auditor-Controller
Risk Management


Enclosures: Civil Service Rule 11
Summary of Benefits Upon Separation/Layoff
Layoff Mitigation Policy