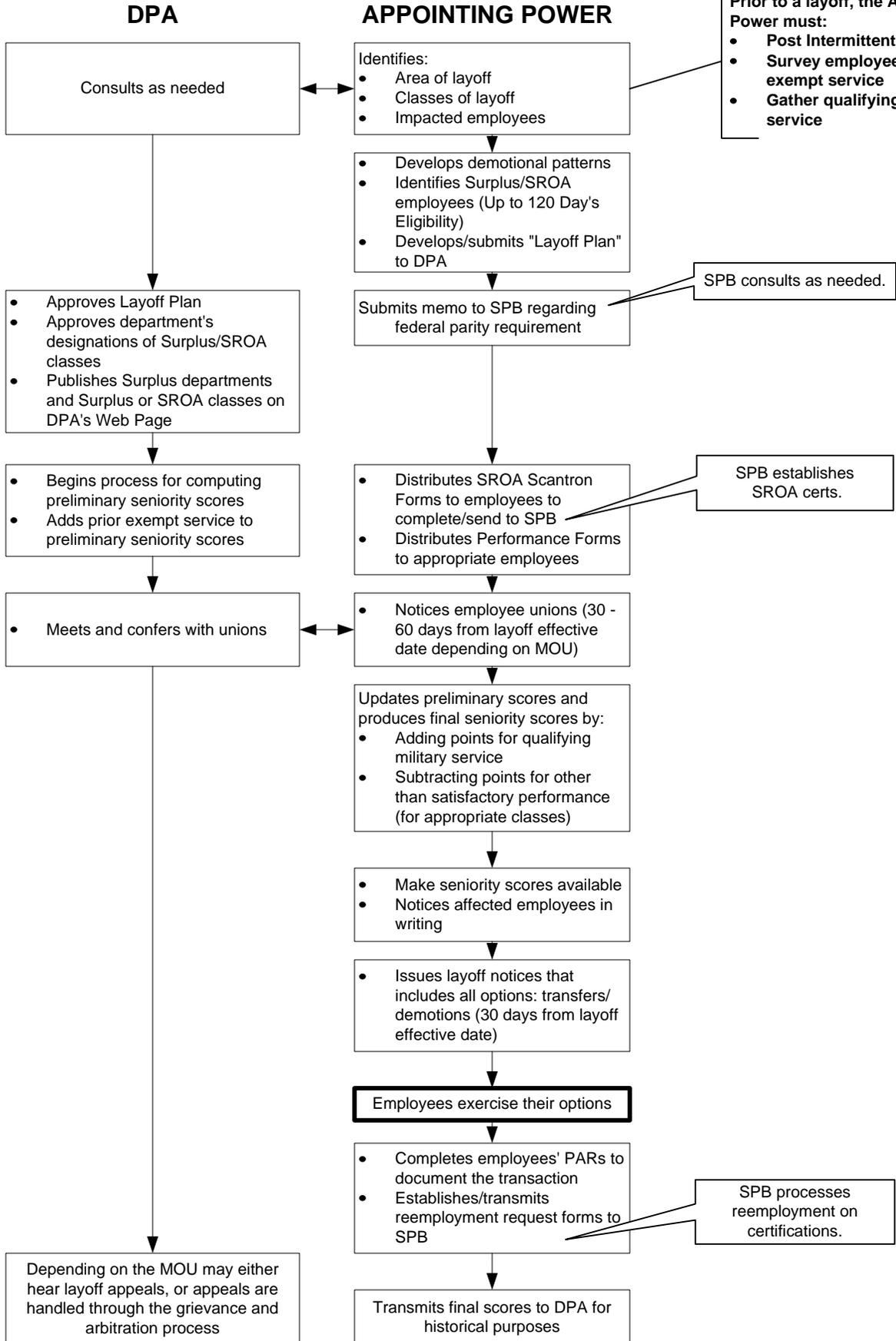
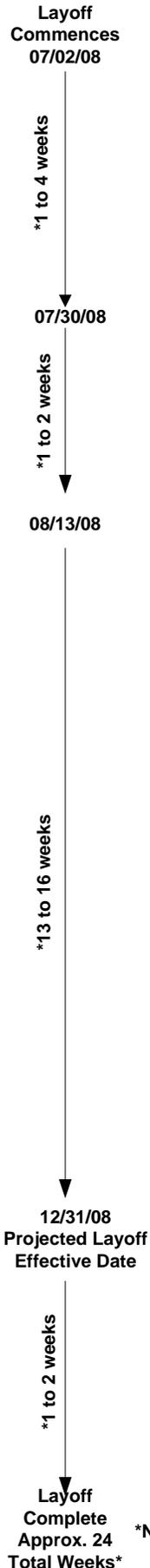


OVERVIEW OF THE LAYOFF PROCESS

ATTACHMENT I

*Approximate Timeframes



*Note: Projected timeframes are based on approximately 250 positions cut in 12 classes statewide. Timeframes may vary substantially dependent upon increased number of incumbents in each class and the area(s) of layoff.

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The following are the steps to be performed in the layoff process and next to each subject title indicates the responsible stakeholder that will perform the process:

IDENTIFY THE AREA OF LAYOFF

Appointing Power

The majority of layoffs are conducted on a statewide basis within an appointing power; however, there are times when subdivisional layoffs within an appointing power are more appropriate. The most common subdivisional layoff is by geographic location, though on rare occasions other subdivisional layoffs, such as organizational or functional may be appropriate. Specific criteria must be applied to determine if a statewide or subdivisional layoff is appropriate. In arriving at a final decision, an appointing power must weigh the disruptiveness and cost of a statewide layoff against the employees' opportunities to exercise their seniority rights in a layoff of lesser scope. A statewide layoff can be disruptive and expensive, because employees in one geographic location could "bump" employees in different geographic areas, who, in turn, might "bump" employees in other geographic areas.

Statewide

Statewide layoffs are appropriate for classes in which recruitment, testing, and hiring are done on a statewide basis; for which persons typically accept list appointments that require them to change their residences and in which movement between geographic areas routinely occurs.

Note: when the examination plan is statewide, but certifications and choices of appointment are limited to certain geographical or organizational areas, consideration should be given to a narrower area of layoff. The first decision is whether or not a north-south breakdown is logical. If such a breakdown is neither logical nor feasible, then an even narrower geographical or organizational area should be considered.

Geographic Subdivisional

Geographic layoffs may be by a particular facility, by county, or by region. A geographic layoff is appropriate if recruitment and hiring are done locally (persons do not change residences to accept appointments), and if employees typically spend their entire careers in the one location. Consideration may also be given to whether past practice has been to restrict layoffs to geographic subdivisions in the class or classes of layoff. Restricting a layoff to a geographic or other subdivision can result in an employee in that subdivision being laid off while a less senior employee in another area is not laid off.

Organizational or Function Subdivisional Layoff

These are very rare. They are appropriate if the subdivision is a function or project that is clearly distinct from other department operations; and/or the employee in the function or project were hired with the clear understanding that they would be employed only for the duration of the function or project.

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**IDENTIFY THE CLASSES AND EMPLOYEES OF LAYOFF
(GC SECTION 19997.6)**

Appointing Power

To identify the classes of layoff, determine the classes in which positions are to be abolished, and the classes that are to be included in the primary (including personal) and secondary demotional patterns for employees in these classes. Refer to Section 500 of this manual for sample demotional scenarios and demotional charts. The significance of designation as a primary or secondary pattern is that different reemployment list eligibility accrues. An employee may receive general, departmental and subdivisional reemployment list eligibility for a primary class and only departmental and subdivisional reemployment list eligibility for a secondary class.

- Classes established to meet goals of special employment and training programs are included in demotional patterns unless precluded by funding sources.
- A class whose minimum qualifications require a license, certificate, or special education requirement not required for the class of layoff should be included only in the demotional patterns of employees who possess the license, certificate, or special education.
- Employees in higher-salaried classes do not have automatic rights to demote to classes just because they have lower salaries. For example, an employee in a professional class would not have an automatic right to demote to a clerical class.
- An employee who demotes through several levels of classes in a demotional pattern, because his/her seniority score is too low to remain in them, receives reemployment list eligibility for each class he/she demotes through.
- An employee being laid off may select either the primary or secondary demotional pattern, regardless of whether or not vacancies exist in either pattern.

IDENTIFY THE IMPACTED EMPLOYEES

Appointing Power

This would be every employee who MAY be laid off or demoted in lieu of layoff so that all impacted classes or those that could be impacted are included from the area of layoff. This must be done so that personal patterns can be developed and employees can be identified and designated as having surplus status and State Restrictions of Appointments (SROA) status.

If an employee is given surplus status, the employee will be seeking his/her own job opportunities. After DPA's approval of the classes to be designated surplus, the SROA Unit will place the surplus classes on DPA's Web Page. Departments can use the site to determine if a class has surplus status. An entire department may be designated surplus when the layoff will be extensive and complex enough to warrant it. Since seniority scores have not been computed as yet, the layoff department may use the years of service which are used to determine their employees' vacation accrual rates as rough seniority scores. These scores can then be used to identify the employees who are actually in jeopardy of layoff/demotion in each class/area of layoff and to identify classes that should be given SROA status. The State Restriction of Appointments Policy and Procedure Manual describes the SROA Program in detail. This manual is located on DPA's web site.

REVIEW MOUs

Appointing Power

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The MOUs pertaining to the classes of layoff must be reviewed to ensure that all provisions pertaining to layoff are complied with.

ESTABLISH PRIMARY DEMOTIONAL PATTERNS

Appointing Power

These include lower level classes in the same series as the class of layoff. They also include personal demotional rights to classes at a lower level than, the same level as, or a higher level within transfer range of the class of layoff in which an employee previously served under permanent or probationary status. The first type of primary class (lower level class in the same series) applies to all incumbents of the class of layoff, but the second type (personal demotional rights) only applies to specific individuals (if any) in the layoff class (see Section 500 of this Manual).

- Only those classes that are used by the layoff department in the area of layoff may be included in demotional patterns.
- An employee receives general, departmental, and, if appropriate, subdivisional reemployment list eligibility for every class in the primary pattern (including personal demotional classes, if any) through which he/she demotes.

ESTABLISH SECONDARY DEMOTIONAL PATTERNS

Appointing Power

These include lower level classes whose primary duties and minimum qualifications are similar enough to those of the layoff class to give reasonable expectation of success by any of the employees within the layoff class, within a reasonable period of time.

- Include any class which requires the same license, certificate, or education as the layoff class; or is a normal source of recruitment for the layoff class; or shares a common source of recruitment with the layoff class.
- The selection of classes is not dependent on whether or not vacancies exist.
- Classes selected must be used in the area of layoff by the appointing power.

Refer to Section 500 of this Manual.

DEVELOP THE LAYOFF PLAN AND SUBMIT IT TO DPA

Appointing Power

The appointing power develops a “layoff plan” and submits the plan to DPA’s CCD analyst and a copy to DPA Labor Relations Division (LRD). Once the appointing power has completed the steps outlined above, these steps should be summarized on Form DPA 009 titled “Layoff Plan and Request for Preliminary Seniority Scores” (Attachment 1). This DPA 009 is the Layoff Plan that is submitted to DPA.

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DPA 009:

Section I – Background/Justification

- Describe the background/ justification for their request of a layoff, i.e., budget cut, legislation driven, elimination of functions, reorganizations, etc.
- Describe the justification for determining the Area of Layoff and the impact on the classes, i.e., statewide, geographical, organizational or functional.
- Indicate the projected layoff effective date.
- Describe any measures used to mitigate the layoff, i.e., elimination of vacant positions, hiring freeze, reduction of nonpermanent workforce, job sharing, transfers with the appointing power or transfers within the appointing power’s agency; voluntary reduced work time, job sharing, partial service retirement, etc.

Section II – Preliminary Seniority Scores Request

This section requests preliminary seniority scores for impacted employees. Enter the class code and class title of each impacted class; the bargaining unit for each class; the total number of incumbents and the number designated surplus; and the area of layoff by county code and county.

Section III – Certifications by Requesting Department

- The requesting department must certify on the DPA 009 form that dates and hours of permanent intermittent employment have been posted to employees' work histories; prior exempt service data has been gathered and submitted to DPA; demotional charts are attached; and a list of classes with the total number of positions in the class and the total number of positions designated surplus/SROA is attached.

PROVIDE CONSULTATION/APPROVE LAYOFF PLAN

DPA

The DPA CCD analyst provides staffing reduction consultation to the department and approves the “Layoff Plan” just described.

REQUEST FOR PRELIMINARY SENIORITY SCORES

Appointing Power

When the Layoff Plan is approved by the DPA CCD analyst, the CCD analyst will then route one copy of the approved DPA 009 form and demotional charts to DPA's Service and Seniority Unit, which will request the preliminary seniority scores from SCO.

See Section 600 of this Manual for information on Service and Seniority.

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**APPROVE DESIGNATION OF CLASSES AS SURPLUS
AND/OR SROA AND PLACE SURPLUS CLASSES ON DPA'S
WEB PAGE**

DPA

The CCD analyst will route the approved Layoff Plan for SROA/surplus designation to DPA's SROA Unit. The SROA Unit will provide the designated surplus/SROA classes on DPA's web page

Placement on SROA Lists is limited by DPA Rule 599.854.1 to those employees who are actually subject to layoff or demotion in lieu of layoff. Normally three names per position to be abolished may be placed on a SROA list. The purpose for this limitation is to restrict placement on SROA lists to those employees who are truly in jeopardy of being laid off. This should eliminate senior employees from using the SROA process as a personal job searching tool in attempts to find the "perfect" jobs. This has occurred in the past and serves to frustrate hiring departments which offer employment to these senior employees and are turned down. In the event that one or more of the classes of layoff is a department-specific class, the CCD analyst should assist the layoff department in selecting a SROA list for an "appropriate" class on which to place the names. The State Restriction of Appointments Policy and Procedure Manual describes the SROA Program in detail. This manual is located on DPA's web page.

**DISTRIBUTE SROA SCANTRON FORM TO ELIGIBLE
EMPLOYEES**

Appointing Power

The Appointing Power requests SROA Scantron forms (Attachment 2) from DPA. In turn, they should be delivered to affected employees. Participation is voluntary upon the employee, and list placement is for 120 days.

**NOTICE EMPLOYEE ORGANIZATIONS OF IMPENDING
LAYOFF**

Appointing Power

Notifies Employee Organizations of Impending Layoff

- Notice Employee Organizations 30 to 60 days from layoff effective date, depending on the MOU. The notice (Attachment 3) should include at a minimum the reason for the layoff, the area of layoff, the anticipated classes affected, the total number of employees in each affected class, the estimated number of surplus employees in each affected class, the proposed effective date of the layoff, and a statement that the employee organization may request, within three weeks of the date the notice was mailed, to meet and confer regarding the impact of the layoff. The meet and confer session should not include any issues that were negotiated and/or included in the MOU. For example, if the MOU defers the determination of areas of layoff to GC Section 19997.2, the issue should not be readdressed.
- If a department meets and confers with an employee organization and signs an agreement in regard to the impact of the layoff, include a statement that the provisions of the agreement

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remain in effect until all actions caused by the layoff are permanently resolved, including the completion of probationary periods by employees who transfer to avoid layoff or lessen the impact of layoff. The statement should further provide that should such an employee be rejected on probation and subsequent layoffs become necessary as a direct result, the rejected employee would be reinstated and the employee to be laid off and the union would receive 30-day notices.

- Following are some special circumstances in which the appropriate employee organization or organizations should be noticed.

Demotion of a represented employee to a nonrepresented position.

Demotion of a nonrepresented employee to a represented position.

Demotion of an employee from a class in one bargaining unit to a class in a different bargaining unit.

MEETS AND CONFERS WITH UNIONS

DPA

The DPA Labor Relations Officer and the affected employee organizations begin the meet and confer process.

DISTRIBUTE REPORTS OF PERFORMANCE TO SUPERVISORS/MANAGERS FOR COMPLETION FOR PROFESSIONAL, SCIENTIFIC, ADMINISTRATIVE, MANAGEMENT, AND EXECUTIVE EMPLOYEES

Appointing Power

Reports of Performance must be completed for employees in these categories in all classes of layoff. The reports should normally be consistent with the most recent performance appraisals, and should reflect performance since the last performance appraisal or during the last 12-month period. If the reports are not consistent with the most recent performance appraisals, supporting documentation, that has been shared with the employees, must exist. Employees must receive copies of the reports prior to the issuance of seniority lists. The reports should be made on DPA Form 040 "Report of Current Performance" Attachment 4.

- Changes to Seniority Scores

If the Report of Performance is a "Satisfactory" rating, no change is made to the employee's seniority score. If the rating is "Improvement Needed," 12 points are deducted from the seniority score. If the rating is "Unsatisfactory," 36 points are deducted.

- Demotion to Lower Classes

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The 12 or 36 points are only deducted from an employee's seniority score in his/her current class. The points are added back to the employee's score to determine his/her seniority in lower classes once he/she has been demoted from the current class.

- Appeals

An employee who has had points deducted may appeal the rating to DPA on the basis that the rating was not made in good faith, or was otherwise improper. The appeal must be filed within 10 days of receipt of the rating. Filing an appeal does not delay the effective date of the layoff.

COMPUTE AND PROVIDE PRELIMINARY SCORES TO DEPARTMENT

DPA

The Service and Seniority Unit will order Preliminary Seniority Scores from SCO and, in turn, compute data manually, such as intermittent hours, changes in time base, etc. The Service and Seniority unit will then provide the department with Preliminary Seniority Scores.

UPDATE PRELIMINARY SENIORITY SCORES RECEIVED FROM DPA TO PRODUCE FINAL SCORES

Appointing Power

The appointing power updates preliminary seniority scores by adding points for qualifying prior military service and subtracting points for performance ratings of less than satisfactory. They then prepare final seniority scores to determine which employees are subject to layoff or demotion in lieu of layoff. These scores are also used to determine order of placement on reemployment lists. The department shall provide employees their seniority information using Attachment 5 "Seniority Information."

MAKE FINAL SENIORITY SCORES AVAILABLE TO AFFECTED EMPLOYEES IN CENTRAL LOCATIONS

Appointing Power

It is not necessary to provide each employee with a list, but copies should be reasonably available so that all affected employees may have an opportunity to review the list.

NOTICE AFFECTED EMPLOYEES IN WRITING

Appointing Power

For Layoff; Demotion in Lieu of Layoff; or Transfer, Without a Change of Residence, in Lieu of Layoff

An employee to be laid off; demoted in lieu of layoff; or transferred in lieu of layoff, where no change of residence is required, should be notified in writing at least 30 days prior to the effective date of the action (Attachments 6, 7, and 8). The notice should contain the reason for the layoff; the

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employee's final seniority score; the area of layoff; the right to appeal within 30 days of receipt of the layoff notice, based on improper process, bad faith, or other alleged impropriety; a copy of DPA Form 015 "Notice of Involuntary Transfer, Demotion, or Termination" Attachment 9 and alternatives to layoff (if any). Additional information may be included if appropriate. This includes entitlement to relocation expenses; sick leave and vacation balances; compensating time off balance; probationary status; and rescinding of a leave.

For Transfer in Lieu of Layoff When a Change of Residence is Required

An employee to be transferred in lieu of layoff to a position in the same or different class when a change of residence is required must be notified at least 60 days in advance of the transfer. The notice should contain the same data as described above.

Relocation Expenses

An employee being involuntarily transferred to a different geographic location is entitled to relocation expenses provided certain criteria are met. An employee who voluntarily transfers to avoid the necessity of involuntary transfers may receive relocation expenses based on certain criteria and at the discretion of the appointing powers.

EMPLOYEES EXERCISE THEIR OPTIONS

Appointing Power

An employee is actually laid off when all voluntary and involuntary measures have been exhausted.

COMPLETE EMPLOYEE PERSONAL ACTION REQUESTS (PARs)

Appointing Power

The appointing power updates employees' PARs documenting the transaction of layoff, demotion, or transfer.

COMPLETE AND SUBMIT DPA FORM 016 (ESTABLISHING REEMPLOYMENT LISTS) TO SPB

Appointing Power

The appointing power submits DPA Form 016 "Establishing Reemployment Lists" directly to Tate Personnel Board's Certification Unit. Refer to Section 900 of this manual for information regarding reemployment and DPA Form 016.

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PROCESSES REEMPLOYMENT ELIGIBILITY

SPB

SPB processes and maintains reemployment certifications.

TRANSMIT FINAL SENIORITY SCORES TO DPA

Appointing Power

The appointing power transmits the final seniority scores to DPA for historical files.

HEAR LAYOFF APPEALS

DPA

Refer to MOUs to determine if an appeal is heard by DPA Legal Division or handled through the grievance arbitration process.