

State of California

MEMORANDUM

To: PERSONNEL MANAGEMENT LIAISONS

Date: June 12, 1991
Reference Code: 91-35

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Personnel Officers
Labor Relations Officers

From: Department of Personnel Administration
Office of the Director

Subject: Department of Personnel Administration Layoff Manual

The attached manual has been prepared to provide basic information on the State's layoff and other staff reduction processes. While no manual could cover all possible situations, we hope that this one will provide a good common frame of reference for departmental and Department of Personnel Administration (DPA) staff who are involved in layoffs. As questions arise that are not covered in the manual, they should be referred to the appropriate Classification and Compensation Division staff.

One important aspect of the layoff process may change in the near future. Presently, State Personnel Board (SPB) Rules 470-472 provide a process under which the Board reviews and, as warranted, adjusts the seniority based layoff and reemployment order to offset the effects of past hiring discrimination. This is known as the Process to Adjust Seniority Layoffs (PASL).

Under the present rules, this review and adjustment occurs before layoff notices are issued. In response to the current fiscal crisis, which may require large numbers of layoffs as quickly as possible, the Board is considering an emergency regulation that would allow the SPB Executive Officer to authorize layoffs to proceed prior to the completion of the PASL. This special provision would be used in cases where delaying layoffs until after the PASL procedures were completed would further aggravate the department's fiscal problems and require more layoffs. The Executive Officer could issue temporary orders to preserve the Board's ability to implement any final remedies called for under its Rule 472.

The Board hearing on this proposed rule is scheduled for June 17. This manual will be revised or supplemented as appropriate, to reflect the Board's action on this item.



Lillian Rowett
Chief Deputy Director

Attachment

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**THE CALIFORNIA
STATE CIVIL SERVICE
LAYOFF PROCESS**

**A
Manual
For
Agency
Personnel
Officers**

Department of Personnel Administration

NOTE

This manual applies specifically to excluded employees in the California State Civil Service System. An excluded employee is an employee who is excluded from collective bargaining as defined in Section 3527(b) of the Government Code.

Layoff rights of employees in the State civil service who are covered by the Ralph C. Dills Act (Section 3512 et. seq. of the Government Code) are set forth in the various Memoranda of Understanding (MOU) as agreed upon between the State employer and the employee's exclusive representative. In most cases, the sections on layoff found in the MOU incorporate the provisions of this manual. Also, where the MOU does not address a specific issue, the guidelines and procedures contained herein shall apply to all employees.

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Layoff in the California State Civil Service

- PART I - INTRODUCTION

OVERVIEW OF LAYOFF

Layoffs in the California State Civil Service System are governed by Sections 19997 through 19997.14 of the Government Code and the applicable Department of Personnel Administration (DPA) and State Personnel Board (SPB) rules. Layoffs may occur "...whenever it is necessary, because of lack of work or funds or whenever it is advisable in the interest of economy, to reduce the staff of any state agency...".

When an appointing power has determined that a reduction in staff will be required to meet budgetary demands, a number of State programs may be implemented to relieve the surplus staffing. The first step is for the affected appointing power to meet with representatives of the DPA and the SPB. At this meeting, the appointing power will outline the magnitude of the staff reduction (potential layoff) and their plan to deal with it. This plan may include layoff, but it should also concentrate on alternatives to layoff. These include but are not limited to:

- o An agency hiring freeze on all surplus classes and those classes that would provide alternative placement opportunities within the agency.
- o Contacting other appointing powers with similar positions to seek voluntary placement of surplus employees.
- o Contacting employers outside of State Government to seek voluntary placement of surplus employees.
- o Requesting that DPA approve the use of the State Restriction of Appointments Program (SROA) to assist in placing surplus employees in other agencies on a preferred placement basis. The SROA Program allows the DPA to temporarily restrict all employment lists and other methods of appointment (except reemployment lists) to aid in the placement of surplus employees.
- o Requesting the Governor's Office (through their Agency Secretary) to approve use of the Early Retirement Program (Section 20816 of the Government Code). If approved, the Early Retirement Program authorizes an additional two years of service credit to qualifying employees who wish to retire.
- o Voluntary reduced worktime for employees who may be interested in job sharing or working less than full time (Section 19996.19 et seq. of the Government Code).

- o Reduced Worktime for Partial Service Retirement (Section 19996.30 et seq. of the Government Code) under which an employee may, if approved, reduce his/her full-time employment by twenty to sixty percent and accept the corresponding portion of his/her retirement benefits, e.g., one-half time active service and one-half time regular service retirement.

Again, the purpose in offering these programs is to minimize or prevent the layoff of employees.

If the voluntary alternative programs cannot place all of the surplus employees, the appointing power will have to proceed with the layoff process which may include involuntary transfer, demotion-in-lieu of layoff and/or layoff (separation). Each of these programs is based on the individual employees seniority score which is earned at the rate of one point per qualifying pay period of full-time State service (this is prorated for part-time service). Other key features of the layoff process are outlined below:

- o Involuntary transfers, demotion-in-lieu of layoff and layoffs are confined to each department. There is no mandatory interdepartment movement of this type during a personnel reduction.
- o The Director, DPA, may confine layoffs to department subdivisions (geographical, organizational or functional) at the request of an appointing power.
- o Employees in positions that are being eliminated may have options-in-lieu of layoff such as:
 - Involuntary transfer to another position in the same class that is vacant or held by an employee who is being laid off (with or without a change in location).
 - Involuntary demotion to classes in which the employee previously served or to other classes (specified on demotion charts) that are closely related to the class of layoff.
- o Employees must be given a 60 calendar day notice of any involuntary transfer which reasonably requires an employee to change his or her place of residence.
- o Except when prevented by operational necessity, it is recommended that employees be given 30 calendar days notice of any other involuntary transfer, even though the transfer does not reasonably require the employee to change his or her residence.
- o Employees must be given a minimum of 30 calendar days notice of their layoff date.

- o If an employee wishes to appeal his or her notice of layoff, demotion-in-lieu of layoff or involuntary transfer, he or she must appeal to the DPA within 30 calendar days of receiving such notice. Such appeal does not delay the employee's layoff.
- o Employees who are laid off or demoted-in-lieu of layoff shall receive reemployment list eligibility as follows:
 - General (servicewide), Departmental¹ and Subdivisional eligibility for employees demoting from their current class into their "primary class series" (constitutes basic or "core" layoff pattern).
 - Departmental and Subdivisional eligibility for employees demoting into the "secondary classes" (not in the same series, but similar enough that demotion should be granted as a matter of right).
- o The SPB staff will conduct an investigation to determine if there is any evidence of past discriminatory hiring practices. If they make such a finding, the seniority based layoff and demotion-in-lieu of layoff may be altered to provide that the composition of the affected work force will be the same after the completion of a layoff as it was before the layoff (Section 19798 of the Government Code).

Depending on the magnitude of the proposed personnel reduction, the "layoff process" could consume at least three to six months, from the initial meeting until layoff notices are issued (if required). This period could be considerably longer if the SPB determines that there is evidence of past discriminatory hiring practices and elects to hold hearings to review their findings.

The remainder of this manual provides more detailed information on the layoff process. Part II describes the layoff process. Part III covers seniority for layoff calculations and potential adjustments to the employees final seniority score. Part IV outlines the alternatives to layoff.

¹ The use of the word "department" in identifying reemployment lists means the same as "agency" (DPA Rule Section 599.602).

- PART II -
THE LAYOFF PROCESS

INITIATION OF
LAYOFF REQUEST

State appointing powers may initiate a layoff because of lack of work or funds, or in the interests of economy. Layoffs may also be triggered by mandatory reinstatements, reclassifications, program changes or reorganizations. Layoffs may not be used to deal with "problem employees", since layoff is not a vehicle for employee discipline.

Appointing powers should always attempt to resolve their staffing surpluses in ways that are less severe than layoff. When it is necessary to initiate the layoff process, the appointing power should send a memorandum to the appropriate DPA Compensation and Classification Division (CCD) analyst containing the following information:

- . The reason for the proposed layoff (e.g., budget reduction, program change, employee reinstatement, etc... etc...)
- . The civil service classes affected, the number of employees in each class and the number of surplus employees in each class
- . Layoff timing requirements (i.e., needed effective dates)
- . Any appointing power preferences regarding demotional patterns, layoff subdivisions, etc.

Upon receipt of this memorandum the CCD analyst will become the focal point for DPA's involvement in the layoff process. The CCD analyst will work with the agency staff on developing/refining the layoff plan, notifying the appropriate DPA Labor Relations Officer and alerting the appropriate DPA management staff.

LAYOFF PLANNING

The responsibility for conducting a layoff is shared by the Department of Personnel Administration, the State Personnel Board and the department involved in the layoff. Annex B provides an outline with agency responsibilities for conducting a layoff.

AREA OF LAYOFF

A key issue in any layoff is to determine the boundaries within which affected employees will exercise their layoff options and seniority. For example, will employees in Sacramento be able to "bump" (displace) employees in Los Angeles? Will all time bases be affected equally? The answers to these and other similar questions define the "area of layoff".

The most basic principle is that layoffs in State service are by appointing power. Employees in surplus positions do not have a right to move to positions in other departments, even if they previously worked there.

The second factor in defining the areas of layoff is the classification plan. Staffing surpluses are defined by class (e.g., a new budget might reduce the number of Associate Engineer positions). In addition, the demotion rights of surplus employees are defined by class (e.g., the demotion chart might provide bumping rights to Assistant and Junior Engineer). Therefore, the classes in which surpluses exist and classes to which employees in them could "bump" define the area of layoff in classification terms.

The area of layoff can be further defined through the establishment of layoff subdivisions. Unless subdivisions are justified and established, layoffs (and bumping) will be departwide with no geographic or other internal boundaries. Conversely, when such boundaries are appropriate, they definitely can be established by having geographic, organizational and/or functional subdivisions of layoff.

Geographic subdivisions are, by far, the most common type of layoff subdivision. They are called for when the classes of layoff draw employees from clearly local labor markets (i.e., employees typically do not move their residence to accept new employment). In these cases, the potential for increased moving expenses and disruption that would result from a statewide area of layoff is not justified. Geographic subdivisions may also be specific to a particular facility or county, or can encompass a broader region of the State. In determining if a geographic subdivision should be established and what that geographic subdivision should be for a particular class, consideration must be given to:

- o The past examination plans for the class. Were the lists local or statewide? How broad was the recruitment area?
- o Past employee transfer/rotation patterns. Do employees typically spend their entire career in one location, or do they move throughout the State or region during their careers?
- o Treatment of this and similar classes in current and past layoffs.

In yet other circumstances, organizational or functional subdivisions may be appropriate. In these cases, employees in the same department and class - and even the same location - will be in or out of a particular layoff based on their organizational unit or function. Obviously, this is a very fine and sensitive distinction to make when employees jobs are at stake. Therefore, these types of

subdivisions must be supported by compelling circumstances, which normally would include all of the following.

- o The proposed organizational or functional subdivision constitutes a major special project or program that is clearly distinct from other department operations.
- o The employees in the special project or program were hired with the clear understanding that their tenure is limited to the project or program.
- o Not having an organizational or functional layoff subdivision would be unduly disruptive to the department's other programs?

In considering any type of subdivision, operational and employee interests must always be balanced. Subdivisions minimize (or channel) the disruption of a layoff and usually reduce State costs for employee moving expenses. However, they also limit the employees opportunity to exercise his/her seniority and, therefore, can result in more senior employees being laid off in one part of a department while less senior ones are retained elsewhere. Therefore, while subdivisions can be a useful layoff tool, they must always be clearly justified.

Finally, layoffs may be restricted to just certain time bases (e.g., part-time only). However, this is unusual and must be supported by a clear showing that a layoff covering all time bases is not practical (DPA Rule Section 599.847). See the following section for more discussion of this.

ORDER OF LAYOFF

Layoff is made according to the relative seniority (low to high) of employees in the class of layoff (Section 19997.3 of the Government Code). Employees accumulate seniority credits by qualifying monthly pay periods (DPA Rules 599.608 and 599.609).

Layoffs are normally in seniority order regardless of time base (e.g., a part-time employee could "bump" a full-time employee with less total seniority, or a full-time employee might have part-time or intermittent positions among their options).

However, if requested by the appointing power and approved by the Director, Department of Personnel Administration, the layoff of employees in any one of the following categories may be made before the layoff of employees in the other categories: intermittent, part-time, full-time, (DPA Rule 599.847).

In considering DPA 599.847, it must be remembered that all employees, regardless of their time base have common basic rights to employment. Also, many employees with lower

time bases may previously been full-time and/or may be willing to accept a different time base in lieu of layoff. Therefore, requests by appointing powers to use DPA Rule 599.847 will be carefully reviewed and alternatives fully explored before its use is approved. Basically, its use will be approved only when a layoff covering all time bases would serve little or no purpose. For example:

- o A department is eliminating low time base positions that have been held as additional appointments by employees who already have full-time appointments elsewhere.
- o A department is eliminating intermittent positions in which there has been very little time worked for the past several years.

Finally, there is the issue of whether intermittent work force reductions require use of the layoff process at all. In many cases, these reductions can most easily be accomplished by simply reducing the number of intermittent hours (in such a case the layoff could be restricted to part- and full-time employees). However, even if the hours are totally eliminated, all of the employees will still hold their intermittent appointments. Therefore, if the appointing power wishes to totally separate some of them, the layoff process will be needed unless SPB Rule 448 can be used. When the employees in question want to work in the future, the layoff process is most appropriate, since it provides reemployment list eligibility.

When part-time and full-time employees are laid off, but intermittents are retained, care will have to be taken to fairly divide future available work between the intermittents and the part-time/full-time employees on the reemployment lists.

LEAVE OF ABSENCE

If an employee in a class of layoff is on a leave of absence, the employee's seniority score is computed along with all other employees in the class of layoff for the length of service prior to the leave of absence. If the employee's seniority score is high enough for the employee to retain employment, the employee may remain on leave. However, at the end of the leave, the employee's return may cause the separation or demotion-in-lieu of layoff of another employee (Section 19142 of the Government Code).

If the employee's seniority score is not high enough to enable the employee to retain employment, then the employee must be given a 30-day notice of layoff (Section 19997.13 of the Government Code). A 15-day notice of termination of the leave of absence (DPA Rule 599.782) should also be issued to coincide with the date of layoff, and may be included in the notice of layoff (page 14). The employee is then reinstated from the leave of absence and laid off (separated) on the date of layoff.

INVOLUNTARY
TRANSFER

An appointing power may involuntarily transfer employees to vacant positions in the same class to deal with staffing surpluses and the impact of resulting layoffs. These transfers may be in the same or a different geographical location. When such a transfer would reasonably require an employee to change his or her residence, the appointing power shall give the employee a written notice of transfer 60 days in advance of the effective date of the transfer (Section 19994.1 of the Government Code).

There can also be involuntary transfers of employees to vacant positions in different classes. However, these must be approved, in advance, by the State Personnel Board (Section 19050.5 of the Government Code).

As long as there are appropriate vacant positions in the area of layoff, to which surplus employees may be transferred, a layoff situation does not exist. When there are no more vacant positions in which surplus employees may be placed, the appointing power may initiate the layoff process.

Under the layoff process, surplus employees with higher seniority may exercise the right (based on seniority) to "bump" employees in the same class who do not have enough seniority to "stick" (i.e., retain a position in the class). The appointing power may offer the employees subject to involuntary transfer their choice of locations (if a choice is available). The appointing power should avoid, if possible, the necessity of an employee being required to move (relocate) twice during the same staff reduction period. This may require the appointing power to hold the employee in their original location until all options have been exercised.

Section 19994.2 of the Government Code provides that the DPA may determine the method by which employees will be selected for an involuntary transfer when two or more employees are involved. This will typically be by seniority unless the appointing power presents a compelling argument for another method.

If an employee has sufficient seniority to remain in his or her current class he/she cannot exercise options that would increase the impact of layoff on lower level classes. That is; an employee who is faced with an involuntary transfer, in class, cannot elect voluntary demotion and bump a lower seniority employee because he or she does not want to transfer to the position designated by the appointing power. An employee who refuses the involuntary transfer order may only resign-in-lieu of the transfer, seek a permissive transfer to another agency, or be separated Absent Without Leave (AWOL) five days after the effective date for the transfer.

If agreeable with the appointing power and subject to approval by the State Personnel Board, an employee may voluntarily demote to a vacant position in a lower class, which is not in the demotional pattern (Section 19253 of the Government Code).

Whenever an involuntary transfer is to a location that reasonably requires an employee to change his or her place of residence the employee shall receive moving and relocation expenses pursuant to Section 19841 of the Government Code.

INVOLUNTARY
TRANSFER
-EXAMPLE-

The following example illustrates how involuntary transfers work in conjunction with layoff.

An appointing power has 20 incumbents (permanent/full-time) in a class which must be reduced by three positions (no vacant positions). The positions are located in headquarters and in several field offices (more than 35-miles from headquarters). Preliminary seniority estimates show that the three lowest seniority employees in the class of layoff are in two of the field offices (more than 35-miles from each other). However, the positions (being eliminated) are all located in the headquarters office.

Since the three lowest (in seniority) employees have tentatively been identified to be in the field offices and the three surplus positions in headquarters the appointing power may offer voluntary transfer (with expenses) to any of the headquarters incumbents who may wish to transfer to one of the positions held by the three lowest (in seniority) employees. If there are no volunteers for a transfer then the appointing power may take the three least senior employees in headquarters and beginning with the most senior of these three offer them (in seniority order) the three field office positions about to be vacated.

NOTE: Since these notices will be for involuntary transfers the appointing power may wish to issue the 60-day notice of transfer (Government Code Section 19994.1) and the notice of layoff (Government Code Section 19997.13) at the same time. Government Code Section 19997.13 states that employees must be given a minimum of 30 calendar days notice if they are to be laid off. There is, of course, no prohibition if the appointing power elects to give more than 30 days notice of an impending layoff.

Should one (or more) of the three headquarters employees faced with an involuntary transfer elect not to transfer they would be separated and the appointing power would offer the designated field office position to the "most senior" of the three field office employees facing layoff, etc... etc... until they have filled the remaining authorized positions. Upon the recommendation of the

appointing power, the employee(s) may be placed on the subdivisonal, departmental and general reemployment lists for the class the employee is leaving.

If this example has raised additional questions about the details of layoff and demotion-in-lieu of layoff, please contact your assigned DPA/CCD analyst.

DEMOTION-IN-LIEU
OF LAYOFF

"In lieu of being laid off an employee may elect demotion to: (a) any class with substantially the same or a lower maximum salary in which he or she had served under permanent or probationary status, or (b) a class in the same line of work as the class of layoff, but of lesser responsibility, if such a class is designated by the department (DPA)..." Section 19997.8 of the Government Code.

Under option (a) the employee may elect demotion to a class in which he/she previously served under permanent or probationary status (in the same or in another agency), as long as that class is used within the employee's current agency and the employee has sufficient seniority to retain a position in that class.

Under (b) the employee has an equal right to demote to a class in which the employee has not served when the class has been determined by the DPA to be in the same line of work as the class of layoff. These classes are indicated on the demotion charts proposed by the appointing power and approved by the DPA (See Annex C). Most layoffs involve this type of demotion option.

The decision to include classes on a demotion chart is based on the presumption that the employee's successful examination for and service in the class of layoff makes him/her competitively qualified for the demotional class. Therefore, the demotional pattern (classes) should include all classes in which the primary duties are sufficiently similar to those of the layoff class. However, these determinations should not be so broad that the functions of an agency are adversely affected.

When the DPA and the appointing power agree on the classes of layoff demotional class charts will be drafted for each layoff class. Demotional charts will consist of primary and secondary classes for the class of layoff if applicable. As discussed in the following sections the primary/secondary distinction impacts what types of reemployment list eligibility is granted to employees who are separated from the class. The distinction does not affect employees rights to demote to particular classes. That right is based solely on seniority.

Primary classes - The primary demotional classes are those having lesser responsibility (and a lower salary) in the same line of work as the class of layoff. These determinations are based on the class specification and the duties, responsibilities, knowledge, abilities and skills required in the layoff class. Primary classes may be part of a defined career ladder as designated in promotional patterns of class specifications or in a series specification, e.g., Staff Services Manager III to Staff Services Manager II to Staff Services Manager I to Associate Governmental Program Analyst to Staff Services Analyst (General). Primary (and secondary) class determinations are not based on special assignments or individual qualifications that are different from those required in the class of layoff.

Employees demoting through primary classes will be granted General, Departmental and Subdivisional Reemployment List eligibility.

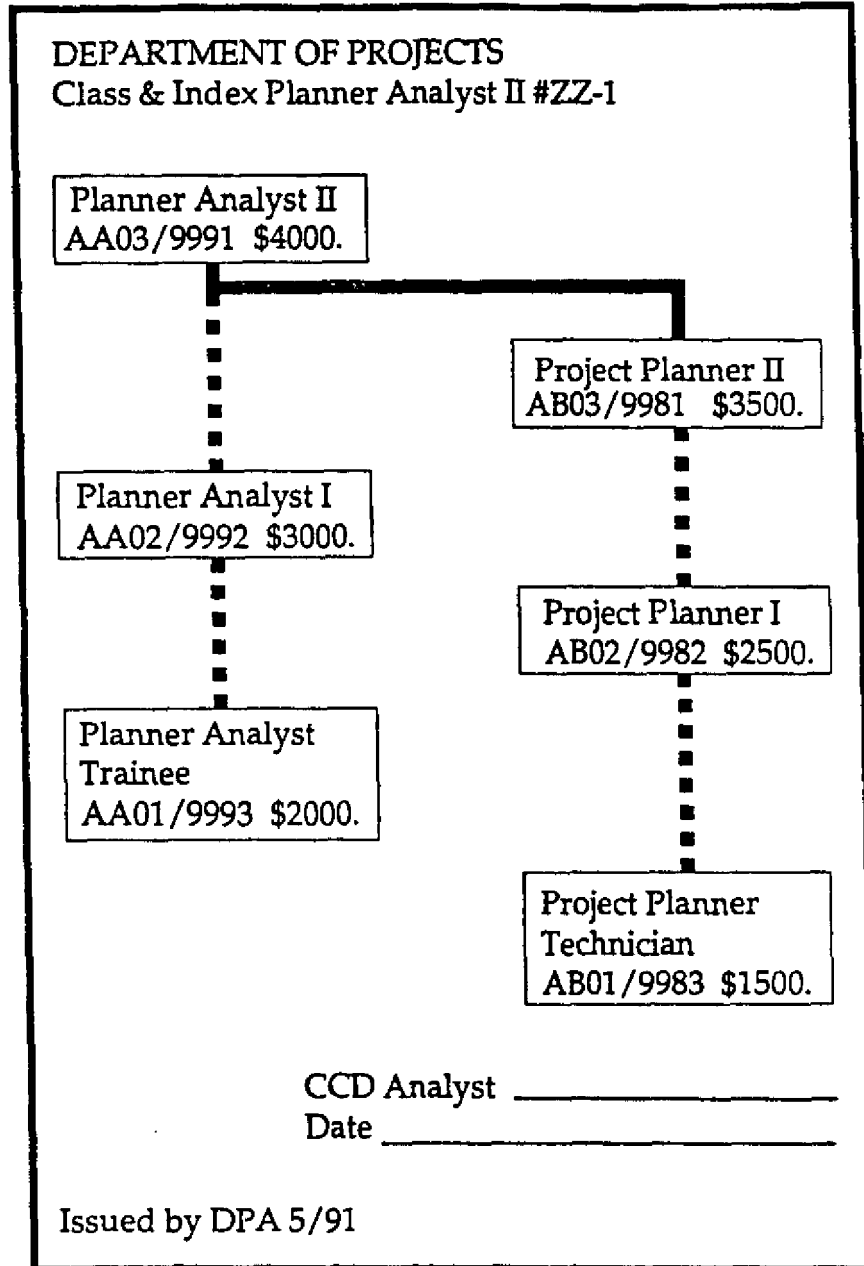
Secondary classes - These classes, although not in the same series, are similar enough (in required knowledge and abilities) that demotion as a right should be granted. A consideration here is that the employees general knowledge of the agency can help offset any specific knowledge and abilities they may be missing. Employees should be given a reasonable amount of time to learn the duties of the new class. However, these determinations (secondary classes) should not be so broad that program functions of a department are adversely affected. The secondary classes may include but are not limited to: (1) classes that represent a normal source of recruitment for the layoff class, (2) classes that have a common recruitment source with the class of layoff. A classification shall not be included in the demotion pattern if its "Minimum Qualifications" include a license, certificate or specialized education requirement not required in the class of layoff.

Employees from classes with higher maximum salaries do not have an automatic right to bump into a class with a lower maximum salary simply because it is at a lower salary level. For example, professional and technical classes would not normally have demotional patterns extending into clerical classes since different kinds of knowledge and abilities are required in those classes.

Employees demoting through secondary classes will be granted Departmental and Subdivisional Reemployment List eligibility. They are not granted General Reemployment List eligibility, since the secondary class relationship is not so strong as to ensure that the employee could function effectively in the demotional class in other departments.

LAYOFF DEMOTION
-EXAMPLE-

In the following example we are illustrating a typical demotion chart for the fictitious class of Planner Analyst II showing both the primary and secondary demotion patterns. For the purposes of this example, the staffing levels are as follows:



- o Planner Analyst II - Five (5) positions all currently filled (Seniority scores: 180, 172, 168, 160 and 155).
- o Planner Analyst I - Five (5) positions all currently filled (Seniority scores: 221, 179, 178, 165 and 121).
- o Planner Analyst Trainee - Seven (7) positions, all currently filled (Seniority scores: 84, 79, 76, 74, 72, 60 and 58).
- o Project Planner II - Three (3) positions, two (2) filled and one (1) vacant (Seniority scores: 223 and 151).
- o Project Planner I - Four (4) positions, two (2) filled and two (2) vacant (Seniority scores: 168 and 142).
- o Project Planner Technician - Five (5) positions all currently filled (Seniority scores: 120, 115, 84, 37 and 28).

The management proposal is to abolish two (2) Planner Analyst II positions because of "lack of funds and in the interests of economy". Therefore, the two (2) least senior Planner Analysts II will be laid off or demoted-in-lieu of layoff depending on their seniority and the relative seniority of the employees at the "lower levels".

The discriminatory hiring practices review has been made by the SPB staff and a seniority based layoff, without alteration, has been approved. Military service and Report of Current Performance have been applied to the appropriate individuals. Therefore the two (2) Planner Analysts II to be "laid off" will be the the two employees with 160 points and 155 points. The employee with the 160 points has the option of "bumping" the Planner Analyst I with 121 points or accepting a demotion-in-lieu of layoff and filling the vacant Project Planner II position. If the "160 point employee" elects to demote to Planner Analyst I and "bump" the "121 point employee" then this employee must then be given the option to demote-in-lieu of layoff and "bump" the "58 point Planner Analyst Trainee". If the SROA program fails to locate a suitable "comparable level position" for this employee then he or she will likely be laid off.

The alternatives left to the "155 point" Planner Analyst II is to demote to the vacant Project Planner II position or demote to Planner Analyst Trainee and "bump" the "60 point" employee. It is unlikely that the latter will occur given the relative salaries, but it is a possible scenario.

Obviously, if the "160 point" Planner Analyst II were to demote to the vacant Project Planner II position then the "155 point" Planner Analyst II would be "free" to elect demotion either to Planner Analyst I or Project Planner II and "bump" the lowest seniority employee.

Finally, in the example given if both of the surplus Planner Analysts II elected to demote through the Project Planner series then the vacant position would be filled by the "160 point" Planner Analyst II and the other Planner Analyst II would "bump" the "151 point" Project Planner II who would demote to one of the vacant Project Planner I positions.

For the sake of simplicity, in this example, we have not taken into consideration the possibility of demotion to any class with substantially the same or lower maximum salary in which the employee had served under permanent or probationary status [Section 19997.8(a) of the Government Code]. If this were the case then it is entirely possible that individuals may choose options other than the ones illustrated here.

If you have any questions regarding demotion-in-lieu of layoff, please call the CCD analyst assigned to your department.

NOTICE OF LAYOFF

Section 19997.13 of the Government Code requires that employees compensated on a monthly basis be notified at least 30 days prior to the effective date of their layoff.

NOTE: Be sure to observe applicable MOU requirements when noticing employees.

The notice of layoff must include the following:

- . The reason for layoff.
- . The effective date of layoff.
- . The employee's final seniority score.
- . Area of layoff and/or subdivision for demotion-in-lieu of layoff.
- . Copy of DPA Form 015 - NOTICE OF TERMINATION (Annex D) with the date of return listed.
- . The right to appeal the layoff pursuant to Section 19997.14 of the Government Code.

Additional information such as: moving and relocation expenses, sick leave and vacation balances, compensating time off balances, probationary status information, rescinding of leaves, may be included but is not mandatory. (See Annex E for an example of a standard Notice of Layoff memo.)

The DPA-015 is used to notify the employee of alternatives for continued employment. The form should be completed as follows:

Part I - Involuntary Transfer. List the class title and location of the position(s) in the department to which the employee has a right to transfer and the salary the employee would be entitled to receive.

Part II - Demotion-in-lieu of Termination. List the class title and location of the position(s) in the department to which the employee has a right to demote, based on the approved demotional pattern, and the salary the employee would be entitled to receive.

Part II - Section 19997.8(a) of the Government Code. List the class title and location of the position(s) in the department to which the employee has a right to demote to based on prior status in the class and the salary the employee would be entitled to receive.

Part III - Separation. This section and the reverse side of the DPA-015 are to be completed by the employee. The employee has five calendar days to make a decision on the alternatives. The appointing power will make these decisions for the employee if the employee delays more than five (5) calendar days, unless an extension has been granted.

The effective date of the demotion or termination action cannot be earlier than 30 calendar days from the effective date of the official notice, but may be later than that at the discretion of the appointing power. Although the law does not specify the notice to be given to employees compensated on other than a monthly basis, they are usually given the same 30-day notice.

RED CIRCLE RATES

Under certain conditions, an employee who has been demoted to a lower level class may be able to retain the higher salary paid in the employee's former class. This payment of a rate above the maximum salary for a class is called a "red circle rate".

Red circle rates are intended to recognize the personal hardship and morale factors involved when an employee is faced with a downward reclassification of his or her

position or any other reduction in salary due to circumstances beyond their control. Red circle rates are not automatically provided and are only authorized for individuals when recommended by the appointing power and approved by DPA.

Section 19837 of the Government Code provides that employees may receive a rate above the maximum of the class in various circumstances including when an employee is moved to a position in a lower level class because of layoff.

In determining whether or not to recommend red circle rates in a layoff, the appointing power should carefully review the conditions and circumstances that have led to the layoff, including the department's ability to fund red circle rates. All employees who qualify for red circle rates should generally be treated equally, although the DPA will consider proposals to apply the policy differentially by classification. The two basic requirements for an individual's eligibility are: (1) fully satisfactory performance; and (2) 10 years of State service.

The time an employee has spent in State service is counted in qualifying pay periods as defined in DPA Rules 599.608 and 599.609. Full-time employees accrue one month of state service for each qualifying pay period.

REEMPLOYMENT LISTS

Reemployment lists are established for persons who have been laid off or demoted-in-lieu of layoff. They give individuals on them first priority when civil service lists are used to make job appointments.

There are three types of reemployment lists. All of them take priority over all other employment lists.

- . General reemployment list (Section 18534 of the Government Code) - is a statewide list established for the reemployment of all persons in the class who have been legally laid off or demoted-in-lieu of layoff in any State department. Certification from these lists is rule of three names (also refer to Section 18903 of the Government Code for additional information defining General Reemployment Lists).
- . Departmental reemployment list (Section 18535 of the Government Code) - is a list established for the reemployment of persons in a particular class in a particular State department. Certification from these lists is rule of one name (also refer to Section 18904 of the Government Code for additional information defining Departmental Reemployment Lists).
- . Subdivisional reemployment list (Section 18536 of the Government Code) - is a list established for the reemployment of persons in a particular class in a particular subdivision of a State department.

Certification from these lists is rule of one name (also refer to Sections 18904 and 19997.2 of the Government Code).

Section 18905 of the Government Code provides that the order in which names appear on reemployment lists shall be by the relative order of seniority scores computed for layoff.

NOTE: This is subject to adjustment when SPB finds past discriminatory hiring practices.

Reemployment list eligibilities are determined by the type of personnel transaction involved in the layoff as shown below:

<u>Type of Transaction</u>	<u>Reemployment List Eligibility</u>
Transfer to a different location or department, same class.	Upon the recommendation of the appointing power, employee may be placed on the subdivisional or departmental list for same class.
Transfer to a different location or department, different class.	Upon the recommendation of the appointing power, employee may be placed on the subdivisional or departmental list for the former class.
<u>Type of Transaction</u>	<u>Reemployment List Eligibility</u>
Demotion-in-lieu of layoff to a position in a class in the demotional pattern or to a position in a class in which the employee had formerly served.	Subdivisional, departmental and general lists for the class the employee is demoting from and each class in, (1) the primary class demotional pattern and (2) in which the employee previously served and through which the employee is demoted because of insufficient seniority. Subdivisional and departmental list eligibility will be granted for each class in the secondary class demotional pattern above the level at which seniority provides a position.*

* Limited to five (5) demotional levels unless other classes are specifically requested by the employee and approved by the DPA.

Type of Transaction

Reemployment List Eligibility

Voluntary demotion to a vacant position outside the area of layoff.

Upon the recommendation of the appointing power, employee may be placed on the subdivisional or departmental lists for the class from which the employee is demoting.

Resignation-in-lieu of involuntary transfer (includes resignation-in-lieu of layoff).

Upon the recommendation of the appointing power, the employee may be placed on the subdivisional, departmental and general lists for the class the employee is leaving.

Retirement.

No list eligibility.

When the NOTICE OF TERMINATION form (DPA-015) is completed and returned by the employee, the appointing power reviews the employee's selections and then prepares an appointment or separation document (PAR document) and submits it to the State Controller's Office (SCO). From the information supplied by the employee on the DPA-015 the appointing power prepares the DPA Form 016 - ESTABLISHING REEMPLOYMENT LISTS (Annex F) and forwards it to the DPA. The employee DPA-016s should be submitted along with the updated and certified seniority lists. Any delay in submitting these documents could jeopardize an employee's opportunity for job placement.

The DPA is responsible for the auditing the reemployment list forms for final documentation by the State Personnel Board. To assist the DPA in a timely processing of the DPA-016 forms, appointing powers are requested to:

- . Submit PAR documents to the SCO to document the layoff or demotion transaction on a timely basis.
- . Notify the DPA immediately if, after submitting a DPA-016, the employee's termination or demotion is rescinded.

The DPA cannot audit the DPA-016 forms until the PAR document has been entered into the Controller's system.

Copies of the layoff notice, the NOTICE OF TERMINATION (DPA-015) and the ESTABLISHING REEMPLOYMENT LISTS (DPA-016) should be retained in the official layoff file for a period of five (5) years from the layoff effective date.

- PART III -
LAYOFF SENIORITY

SENIORITY
OVERVIEW

As noted earlier, layoffs and related actions are seniority based. Employees are selected for layoff, demotion, transfer, etc. in the reverse order of their seniority. When these employees have options to select (e.g., transfer to one of several possible locations) they make their elections in seniority order. Therefore, seniority scores are vital in determining which employees are impacted and how.

The DPA and the appointing power having the layoff share responsibility for computing seniority. The DPA staff computes preliminary seniority scores for the classes identified by the appointing power in the planning phase of the layoff. The appointing power then adjusts the seniority scores to reflect military service and performance appraisal results (where applicable) and provides employees with the opportunity to review the seniority list for their class.

COMPUTING
SENIORITY SCORES

In determining seniority scores, one point shall be allowed for each complete month of full-time State service regardless of when such service occurred (Section 19997.3 of the Government Code). This provision applies to all State civil service employees, except those assigned to Bargaining Unit 06. Seniority for employees in Unit 06 shall be computed by the total time in classes contained in Unit 06. In all cases, if the provisions of these government code sections are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5 of the Government Code, the memorandum of understanding shall be controlling.

Seniority credit applies to all permanent, probationary, temporary and limited-term appointments and all State civil service, including exempt service as defined in Section 4, Article VII, Constitution of the State of California and DPA Rule Section 599.841. Among other things, qualifying exempt service includes verifiable service for the legislature, judicial branch, State universities and colleges and the University of California.

For service under emergency appointments, only that service which was followed by other service without a break shall receive seniority credit. In addition to State service, military service may qualify for the purpose of computing layoff seniority.

The preliminary seniority score, which is computed by the DPA, consists of all State civil service time and any exempt service which is verifiable. Appointing powers are required to solicit information on exempt service from

employees who may be subject to layoff or demotion-in-lieu of layoff and forward the names of such employees to the DPA (Annexes H and I are optional forms for collecting and disseminating seniority information to employees).

Preliminary seniority scores will be transmitted to the appointing power where military service credits (page 21), if any, will be added. When two or more employees have the same final seniority score, the order of layoff shall be determined by giving preference first to the employee being a veteran; then, as needed, several other tie breaking criteria are applied concluding with the drawing of a name by lot if the seniority scores are still equal (DPA Rule Section 599.846).

In addition, for those employees designated by the Director, DPA, as professional, scientific, administrative, management or executive, the appointing power will prepare a Report of Current Performance.

REPORT OF CURRENT PERFORMANCE

Section 19997.3 of the Government Code and DPA Rules 599.845 and 599.850 provide for a report that rates the employees' current performance. Only employees in classes of layoff that have been designated by DPA as professional, scientific, administrative, management or executive are affected by this provision. The guidelines for preparing this report are as follows:

- * It is to be a current evaluation of all employees in the class(es) of layoff as designated by the Director, DPA, pursuant to DPA Rule Section 599.850.
- * The report should usually be consistent with the employees most recent performance appraisals and should reflect specifically on that period of time since the last performance report or the most recent 12 month period.
- * If the Report of Current Performance will not be consistent with previous performance ratings and if this inconsistency results in the subtraction of seniority points then the substance of the current report must be documented and factually supportable.
- * Employees must be given their written evaluation prior to the issuance of seniority lists for their class.

The current performance rating for each employee shall be made on DPA Form 040 - REPORT OF CURRENT PERFORMANCE. (Annex G) Performance ratings are:

- . Satisfactory performance - no change in seniority score;

- . Improvement needed - deduct 12 points from employees' seniority score;
- . Unsatisfactory - deduct 36 points from employees' seniority score.

An employee who has had points deducted from his or her seniority score and is subsequently laid off or demoted-in-lieu of layoff, shall not have these points deducted from the seniority score in the lower class.

An employee who has had points deducted from his or her seniority score, may appeal the rating on the basis that the rating was not made in good faith, or was otherwise improper. Employees may file an appeal with DPA within 10 calendar days of receipt of their rating. Filing an appeal from a report of current performance does not delay the effective date of the layoff.

MILITARY SERVICE

Approved military leave from State service is counted as time worked for seniority purposes if the employee is reinstated to State service from the leave.

Credit for military service prior to State service or between periods of State service broken by a permanent separation, is contingent on: (1) the employee meeting the definition of a veteran, and (2) the employee's military service qualifying under State civil service law (See Annex J, DPA Form 190 - MILITARY SERVICE INFORMATION and Annex K).

Seniority for this military service is credited at one point per month for each month of qualifying military service up to a maximum of 12 months.

A veteran is any person who has served full-time in the armed forces (Section 18540 of the Government Code) in time of national emergency (Section 18540.1 of the Government Code) or State military emergency (Section 18540.2 of the Government Code) or during any expedition of the armed forces and who has been discharged under conditions other than dishonorable (Section 18540.4 of the Government Code).

The following table defines the campaigns and medals with inclusive dates for determining whether or not the employee meets the definition of a veteran.

CAMPAIGNS OR MEDALS USED TO ESTABLISH
WHETHER AN EMPLOYEE IS A VETERAN

<u>Campaign or Medal</u>	<u>Dates</u>
World War II	December 7, 1941 through December 31, 1946
Korean Conflict	June 27, 1950 through January 31, 1955
Vietnam Era	August 5, 1964 through May 7, 1975
*Army of Occupation of Berlin	May 9, 1945 through (still open)
*China Service Medal (Extended)	September 2, 1945 through April 1, 1957
Armed Forces Expeditionary Medal:	
*Lebanon	July 1, 1958 through November 1, 1958
*Vietnam	July 1, 1958 through July 3, 1965
*Quemoy and Matsu Islands	August 23, 1958 through June 1, 1963
*Taiwan Straits	August 23, 1958 through January 1, 1959
*Congo	July 14, 1960 through September 1, 1962
*Laos	April 19, 1961 through October 7, 1962
*Berlin	August 14, 1961 through June 1, 1963
*Cuba	October 24, 1962 through June 1, 1963
*Dominican Republic	April 27, 1965 through September 21, 1966
*Korea	October 1, 1966 through June 30, 1974
*Cambodia	April 11, 1975 through April 13, 1975
*Vietnam	April 29, 1975 through April 30, 1975
*Vietnam Service Medal	July 4, 1965 through March 28, 1973
*Mayaguez	May 15, 1975
*Iranian, Yemen Indian Ocean	December 6, 1978 through June 6, 1979
*Grenada	October 23, 1983 through November 21, 1983
*Operation Just Cause (Panama)	December 20, 1989 through January 31, 1990

NOTE: From and to dates are pending for Operation Desert Shield and Operation Desert Storm.

JAPANESE
INTERNMENT

Section 19998.3 of the Government Code provides that if an employee had a break in State service due to internment orders issued by the Commanding Officer of the Western Defense Command in March of 1942, he or she shall receive seniority credit for layoff purposes under the following conditions:

. The employee was in State service on March 5, 1942,

and

. Was evacuated or relocated due to orders issued by the Commanding Officer of the Western Defense Command in March 1942, and;

*Requires service in specified zones or on specified vessels.

- . Returned to State service on or before December 31, 1949, and;
- . Furnishes the appointing power with written proof of the date of internment and the date of release.

Any employee who meet the conditions listed above shall receive seniority credits for layoff purposes as though he or she had not left their classification until the date of release from internment. Only the period from March 5, 1942 to the date of release from internment can be credited for this purpose.

SENIORITY-BASED
LAYOFF IMPACT
DETERMINATIONS

On January 1, 1981 Section 19798 was added to the Government Code. This section provides that the State Personnel Board may alter the seniority based order of layoff and reemployment, when it finds evidence of past discriminatory hiring practices.

The objective of this government code is to prevent the seniority-based layoff and demotion-in-lieu of layoff process from excessively impacting individuals who have been recently hired through affirmative action efforts aimed at correcting the past underrepresentation of various ethnic, sex, and disability groups in the State's work force.

When the appointing power and DPA agree that a potential layoff exists, the appointing power shall request that the State Personnel Board investigate and find whether; (1) the seniority based layoff would disproportionately impact members of historically underrepresented groups and, if so, whether; (2) there has been past discrimination in hiring practices in the class(es) of layoff. Based on these findings the State Personnel Board may hold a public hearing to determine if an adjustment should be made in the seniority of the affected employees or they may approve a seniority-based layoff where no discrimination has been found.

For more information appointing powers may contact their Affirmative Action and Merit Oversight Division analyst at the SPB.

- PART IV -
ALTERNATIVES TO
LAYOFF

STATE RESTRICTION
OF APPOINTMENTS
PROGRAM (SROA)

Although employees who are facing layoff have no right to "bump" into another department, it is the policy of the State to help employees find other positions in the State civil service (Section 19998 of the Government Code). This is done through steps taken by the appointing power having the layoff and through the SROA program.

The first step is to attempt placement in vacant positions in the same department by restructuring jobs and making other organizational adjustments. In this way the appointing power may avoid layoff altogether or substantially reduce the number of surplus employees (Annex L, SPB Form 360 - JOB PLACEMENT QUESTIONNAIRE).

The second step is for the appointing power to inform other appointing authorities of qualified and skilled employees who will be available for transfer. This type of interagency transfer may be initiated before the SROA Program is activated.

Finally, employees who are in jeopardy of layoff, demotion-in-lieu of layoff or involuntary transfer-in-lieu of layoff may request the placement services of the SROA program. The SROA Program maintains lists of classes having surplus employees. All appointments (including new hires, promotions, transfers, voluntary demotions, permissive reinstatements and training and development assignments) to classes on these lists are restricted. This means that SROA lists of surplus employees must be used and/or cleared before an appointing power may use other means of filling vacant positions for a restricted class. SROA lists take precedence over all other employment lists (open or promotional) except reemployment lists. When appointing powers request a list of eligible employees (class certification) to fill a vacant position, they will receive a listing of all eligible SROA employees. Managers and supervisors must not make job commitments until they are sure that all surplus employees for the class have been properly considered according to the SROA policies and procedures.

For further information regarding the SROA Program please refer to Section 19998.1 of the Government Code, DPA Rule Sections 599.854 through 599.854.4 and the most recent DPA Management Memo on SROA Policies and Procedures.

REDUCED WORKTIME

Whenever an appointing power anticipates a personnel reduction equivalent to one percent or more of the agency's full-time equivalent positions, the DPA may require a survey of the affected department to determine the level of interest employees have in reduced worktime (Section 19996.21 of the Government Code). Reduced worktime is defined as employment of less than 40 hours of work per week. It is the policy of the State to allow employees to reduce their worktime to the extent that it is administratively feasible.

Employees may not be coerced into reducing their work hours; nor can they be unreasonably denied the opportunity to participate in reduced worktime. The results of any survey conducted and any plans for implementation of a voluntary reduced worktime program should be submitted to the appropriate DPA/CCD analyst.

PARTIAL SERVICE
RETIREMENT ACT

The Partial Service Retirement Act (PSRA) allows an employee to reduce his/her worktime and receive a partial retirement allowance (Section 19996.30 et seq. of the Government Code). Worktime, subject to approval by the appointing power, may be reduced by at least 20% but not more than 60%. Employees who are approved to participate in the PSRA Program are considered to be active employees with a reduced time base.

Additional information may be obtained from the most recent DPA Management Memo on Administrative Guidelines for Partial Service Retirement.

EARLY RETIREMENT
PROGRAM

Section 20816 of the Government Code (sometimes referred to as the "Golden Handshake") provides, in part, that "... whenever the Governor, by executive order, determines that because of an impending curtailment of, or change in the manner of performing service, the best interests of the State would be served by encouraging the retirement of State employees, and that sufficient economics could be realized to offset any cost to State agencies resulting from this section, an additional two years of service shall be credited to State members...". As used in this section "member" means a State employee who is employed in a job classification, department, or other organizational unit designated by the appointing power, as defined in Section 18524, the Board of Regents of the University of California, or the Board of Trustees of the California State University. To be fully eligible the employee must meet all Public Employee Retirement System criteria for retirement and must retire within the dates set forth in the Governor's executive order. In addition, the appointing power must have requested and received approval from DPA and the Department of Finance for participation in the announced early retirement program. Finally, the employee's classification and organizational unit must have been identified by the appointing power as being eligible for participation.

When use of the program is approved the affected employee's amount of service credit is increased by two years regardless of the amount of credited service, if they retire during the period specified in the Governor's Executive Order.

Additional information may be obtained from the most recent management memos issued by the Department of Finance and the DPA regarding the Early Retirement Program.



- PART V -
ANNEXES

LIST OF REFERENCES

The principal references for the Layoff Manual are sections from Title 2 of the California Government Code (G.C.) and Title 2 of the California Code of Regulations (C.C.R.). The following citations cover the major subjects found in this manual.

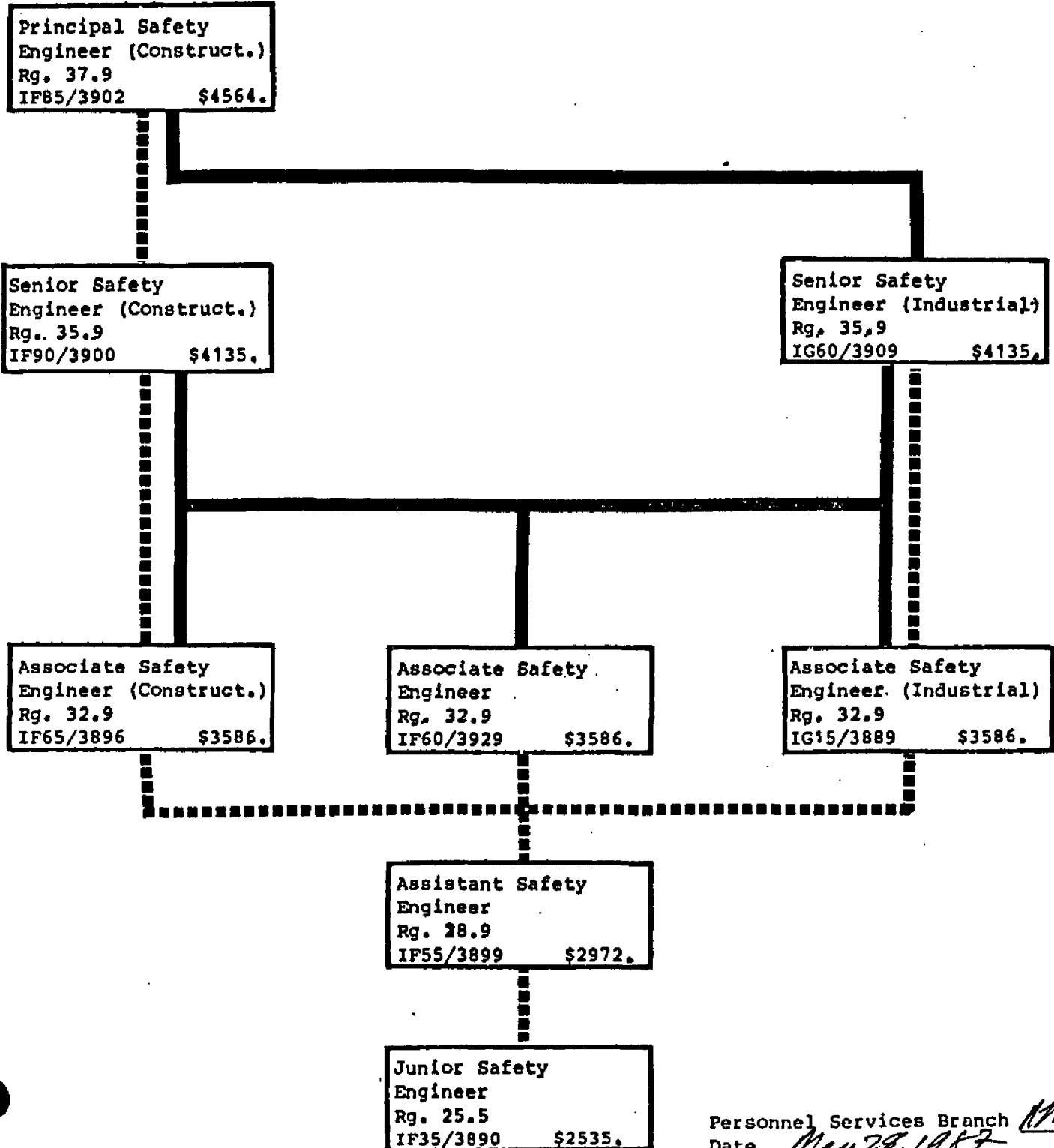
	<u>G.C.</u>	<u>C.C.R.</u>	
		<u>DPA</u>	<u>SPB</u>
<u>LAYOFF AND DEMOTION</u>			
Authority to layoff employees	19997	599.835 599.843 599.844	-
Assignment of duties performed by laid off employees	19997.1	-	-
Subdivisional layoffs within an appointing power	19997.2	599.849	-
Layoff seniority procedure	19997.3(a)	599.608 599.840 599.841 599.842	-
Designation of classes as professional, scientific, administrative, management or executive	19997.3(b)	599.850	-
Definition of State service	19997.4	599.607.1	-
Separations caused by reinstatement of employee from military leave	19997.5	-	-
Seniority credit for recognized military service	19775.6 19997.6 19998.3	-	-
Seniority credit in case of relocation of persons of Japanese descent in 1942	19998.3	-	-
Order of layoff when combined seniority scores are equal	19997.7	599.846	-
Order of layoff	19997.7	599.847 599.876	-

	<u>G.C.</u>	<u>C.C.R.</u>	
		<u>DPA</u>	<u>SPB</u>
<u>LAYOFF AND DEMOTION</u>			
Demotion-in-lieu of layoff	19997.8	-	-
Salary of employee demoted-in-lieu of layoff	19837	599.679	-
	19997.9	599.680	-
		599.840.1	-
Displacement of an employee by one having a right of return	19997.10	-	-
	19142		
Placing names on reemployment lists	19997.2	599.849	-
	19997.11		
	18903		
	18904		
	18905		
Employee salary when certified to a position after layoff	19997.12	599.608	-
		599.609	-
		599.674	-
		599.677	-
		599.678	-
	599.840.1	-	
Notification of layoff	19997.13	599.845	-
Appeal from layoff	19997.14	599.903	-
		599.904	-
<u>LAYOFF ALTERNATIVES</u>			
Assistance in locating, preparing for, and placement in other civil service positions where tasks are eliminated or substantially changed.	19995.2	599.854	-
	19998	through 599.854.4	-
Restricting choice of methods of appointment available to appointing powers (State Restriction of Appointments)	19998.1	599.854	-
		through 599.854.4	-
Reduced Worktime	19996.19	599.830	-
	through 19996.29	through 599.837	-
<u>PAST DISCRIMINATORY HIRING PRACTICES</u>			
Maintaining composition of work force after layoff	19798	-	470 470.1 471 472

	<u>G. C.</u>	<u>C. C. R.</u>	
		<u>DPA</u>	<u>SPB</u>
<u>INVOLUNTARY TRANSFER</u>			
Moving and relocation allowances	19841	599.714 through 599.720 599.722	-
Selecting employees for involuntary transfer	19994.2	599.840	-
Involuntary transfer to a different class	19050.5	-	434
Appeal from involuntary transfer	19994.3 19994.4	599.903 599.904	- -
<u>MERIT REVIEW OF LAYOFF</u>			
Review by the State Personnel Board of layoff or demotion-in-lieu of layoff decisions for consistency with merit employment principles	19816.2	-	-

(Primary) ■■■■■■■■

(Secondary) ■■■■■■■■



Personnel Services Branch *KM*
Date May 29, 1987



STATE OF CALIFORNIA
DEPARTMENT OF PERSONNEL ADMINISTRATION

(PERSONNEL OFFICE COMPLETES WHEN PREPARING NOTICE OF TERMINATION OR NOTICE OF INVOLUNTARY TRANSFER)

TO: _____
 This form must be completed and returned
 no later than _____
TO: PERSONNEL OFFICE
ADDRESS: _____

CLASS: _____
DATE EFFECTIVE: _____
SENIORITY SCORE: _____ **AS OF** _____

SUBJECT: Alternatives for continued employment by employee right.

	CLASS TITLE	LOCATION	SALARY	EMPLOYEE MUST INDICATE CHOICE(S)	
				Are you interested? Yes No	Sequence of preference of "yes" choices
PART I INVOLUNTARY TRANSFER (BOTH LAYOFF AND INVOLUNTARY TRANSFER)	Your seniority score provides you a position in your same class but you must transfer effective on the above date as follows:				
	1.	_____	_____	() ()	()
	2.	_____	_____	() ()	()
	3.	_____	_____	() ()	()
	4.	_____	_____	() ()	()
	5.	_____	_____	() ()	()
	6.	_____	_____	() ()	()
PART II DEMOTION IN LIEU OF TERMINATION (LAYOFF ONLY)	GC 19535(a) You have a right to demote to vacant/or filled positions as follows:				
	1.	_____	_____	() ()	()
	2.	_____	_____	() ()	()
	3.	_____	_____	() ()	()
	4.	_____	_____	() ()	()
	5.	_____	_____	() ()	()
	6.	_____	_____	() ()	()
	7.	_____	_____	() ()	()
	8.	_____	_____	() ()	()
	9.	_____	_____	() ()	()
	10.	_____	_____	() ()	()
	11.	_____	_____	() ()	()
12.	_____	_____	() ()	()	
GC 19997.8(a)	And these additional classes because you had permanent or probationary status in the class:				
	1.	_____	_____	() ()	()
	2.	_____	_____	() ()	()
	3.	_____	_____	() ()	()
4.	_____	_____	() ()	()	

- PART III SEPARATION**
- I have found another job.
 - I plan to retire _____ (Date)
 - I elect to resign rather than transfer.
 - I elect to take layoff on above date rather than demote.
 - I elect to take layoff at an earlier date of _____

 (Signature) (Date)

FAILURE TO RETURN THIS COMPLETED FORM BY DATE INDICATED PREVENTS CONSIDERATION OF YOUR CHOICE OF POSITIONS.

SUBJECT: REEMPLOYMENT ELIGIBILITY

By right you are entitled to reemployment list eligibility for demotion in lieu of termination (layoff) and for termination (layoff).

The appointing power may grant reemployment list eligibility for transfers to a different class, different department or different area; demotions to another department or outside the area of layoff (voluntary demotion); and resignation in a layoff situation.

The standard eligibilities you receive are:

Transfer Same Class give you Subdivisional Reemployment Eligibility.

Transfer Different Class gives you Subdivisional and Departmental Reemployment Eligibility for class which you are leaving.

Transfer Same or Different Class to less than full time gives you Subdivisional, Departmental and General Reemployment List eligibility for class you are leaving.

Voluntary Demotion gives you Subdivisional, Departmental and General Reemployment Eligibility for class which you are leaving.

Demotion in lieu of termination gives you Subdivisional, Departmental and General Reemployment Eligibility for class which you are leaving and each class in the primary class series through which you demote because you had insufficient seniority.

Termination gives you Subdivisional, Departmental and General Reemployment Eligibility for class which you are leaving and any lower class in that class series in which you had insufficient seniority.

Resignation gives you Subdivisional, Departmental, and General Reemployment Eligibility for the class which you are leaving.

In addition you receive Subdivisional and Departmental Reemployment Eligibility for certain other classes in the demotional pattern.

COMPLETE THE FOLLOWING:

INDICATE WHAT TYPE OF A JOB AND WHICH LOCATIONS YOU WILL ACCEPT:

<p>TYPE OF APPT. (check one or both)</p> <p>() Permanent</p> <p>() Temporary</p>	<p>TIME BASE (check one or two or all)</p> <p>() Full Time () Intermittent</p> <p>() Part Time</p>	<p>LOCATION(S) WHERE YOU WILL ACCEPT EMPLOYMENT:</p> <p>_____</p> <p>_____</p> <p>_____</p>
-----------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------

Select your conditions carefully so that you will be contacted when vacancies occur. If you are not interested in employment in the class or classes at this time, please check the appropriate box below. Notify the State Personnel Board, 801 Capitol Mall, Sacramento, California 95814, if you change your address. You may also change your conditions of employment by writing to the State Personnel Board.

Not interested in employment at this time. (This places your name on the inactive reemployment list. You may later make your name active by writing to the State Personnel Board).

(Mailing Address)

(City and State) (ZIP Code)

(Telephone Number for Job Offers) (Include Area Code)

Date: _____

State of California

Memorandum

Date :

Subject: Notice of Layoff

From :

Because of (a lack of funds)/(a lack of work) and (in the interest of economy), the _____ (agency name) _____ must reduce its personnel. Effective the close of business _____ (month) (date) (year) _____, you will be _____ (laid off)* _____ from your classification of _____ (civil service class title) _____ in _____ (city/location) _____. The area of layoff for your classification is _____ (agency/organization/subdivision) _____ and _____ (geographical description, e.g., statewide) _____. Your seniority score through _____ (month)(date)(year) _____ is _____ (numerical score) _____ points and is not high enough for you to continue working in your current classification. You have the right to examine the complete seniority list which is located in the _____ (give office and location) _____ during normal office hours/(or specify hours).

This layoff will not necessarily result in your separation from State service. You may have the right to demote-in-lieu of layoff. If you choose to demote, it may require you to transfer to another location, or you may be required to

Note: * This could be "demotion-in-lieu" of layoff and the letter modified accordingly. Use second and third paragraphs of this sample letter if demotion/transfer options exist.

laterally transfer to another position in your class, or to another class, if you do not have sufficient seniority to remain in your present class and/or location.

Department of Personnel Administration form DPA-015 (Notice of Termination), which is attached, informs you in Part I of the classes to which you may have sufficient seniority to transfer. In Part II* it informs you of classes to which you may have enough seniority to demote and the locations that are available. If you do not have any options other than layoff, "NO OPTIONS", will be listed on the DPA-015. If "NO OPTIONS" is indicated, your termination will be on the effective date shown. If you have (and elect) any options other than separation, you will be notified before the effective date indicated of which option will be granted to you, based on your seniority score compared to other employees choosing the same option. To be considered for demotion-in-lieu of layoff or involuntary transfer you must complete the attached DPA-015 and return the original within five (5) calendar days from the date you receive this notice. Failure to return the DPA-015 within five (5) days may result in the loss of your demotion right or we may, at our discretion, select an option for you. If applicable, please complete Part III and the reverse side of the form. Return the original in the envelope provided no later than (month)(date)(year). You may retain the remaining copies of the DPA-015 for your own use.

* Note to Agency Personnel Officer: Employees who may have more than five (5) demotional levels in their primary series should be informed of their right to demote to the lower classes in lieu of being laid off.

Because you are being (laid off)/(demoted-in-lieu of layoff), you are eligible for placement on a reemployment list. Reemployment list eligibility is retained for five (5) years from the date of certification. The standard eligibilities are described on the reverse side of the DPA-015.

(agency name) employees who are actually separated from State service by layoff, are eligible for Unemployment Insurance. You should apply for your benefits at the nearest Employment Development Department (EDD) office immediately after the effective date of your termination. When you go to your local EDD office, take this notice of layoff and a copy of the DPA-015 with you. otherwise your claim could be delayed.

You may choose an earlier effective date for layoff (see Part III of DPA-015). However, this may affect your unemployment insurance benefits. For this reason, you should contact your local EDD office for information before making an earlier effective date selection.

If you are separated from State service, any unused vacation or compensating time off to which you are entitled is paid in a lump sum, at the time of your termination. Accumulated sick leave remains and will be credited to you if you return to State service during the life of your reemployment list eligibility. Upon demotion-in-lieu of layoff or involuntary transfer, all leave balances will be transferred with you.

Within 30 calendar days of receipt of this notice, you have the right to file an appeal with the Department of Personnel Administration, 1515 "S" Street, North

Building, Suite 400, Sacramento, CA 95814-7243. The grounds for appeal are that the required procedure was not complied with or that the layoff has not been made in good faith or was otherwise improper.

If you have any questions, or require additional information, please see/call (name/telephone number) .

Attachments

cc: Certified, Return Receipt Requested

ESTABLISHING REEMPLOYMENT LISTS

DATE:

DPA-016 (Revised 2/91)

SERVICE AND SENIORITY
DEPARTMENT OF PERSONNEL ADMINISTRATION
 1515 'S' St., North Bldg., Suite 400
 Sacramento, CA 95814-7243

2. EMPLOYEE TO BE PLACED ON LIST

NAME:

NAME:

DEPT.:

SSA #:

TELE.:

MAILING ADDRESS:

TELE.:

3. CLASS TITLE	LOG NUMBER	CLASS CODE	SENIORITY SCORE	TIE SCORE SEQ.
<i>(class leaving only)</i>				

4. TYPE OF REEMPLOYMENT LISTS (check the appropriate boxes)

- (C) SRL (subdivision) _____ (department) _____
- (F) DRL (department) _____
- (H) GRL (all departments)

5. EFFECTIVE DATE OF REEMPLOYMENT LIST ELIGIBILITY

6. REEMPLOYMENT LIST TIME BASE ELIGIBILITY

- FULL TIME PART TIME AND INTERMITTENT ONLY

7. TYPE OF ACTION PLACING EMPLOYEE ON LIST

MANDATORY PLACEMENT:

- S30 TERMINATION (19997.11)
- A10 DEMOTION IN LIEU OF TERMINATION (19997.11)
- A11 INVOLUNTARY REASSIGNMENT
- A03 C.E.A. (19889.3)

PERMISSIVE PLACEMENT:

- S02 IN LAYOFF SITUATION
- S02 RESIGNATION (18903-04)
- A02 VOLUNTARY DEMOTION (18903-04)
- A02 TRANSFER-SAME CLASS
- A02 TRANSFER-DIFFERENT CLASS

SPB PLACEMENT:

- 19253.5
- 19050.7
- 19141
- 19062
- RULE 548.153

8. EMPLOYEE CONDITIONS OF EMPLOYMENT PREFERENCE

- PERMANENT FULL TIME INTERMITTENT
- TEMPORARY PART TIME INACTIVE

9. LOCATION(S)

10. DATE COPY SENT TO EMPLOYEE

11. AGENCY

(SPB use) CERTIFICATION

AGENCY PERSONNEL SERVICES SECTION

REPORT OF CURRENT PERFORMANCE

DPA-040 (Rev. 6/91)

DATE: _____

Pursuant to Section 19997.3 (b) of the Government Code and DPA Rule Section 599.845, the appointing power shall submit a report rating the employee's current performance in one of the following categories:

NAME _____

CLASS _____

DEPARTMENT _____

CURRENT PERFORMANCE RATING:

Entirely Satisfactory Performance meets the departmental standards for the duties of this position.

Improvement Needed* Performance requires additional effort, training or experience to bring it up to departmental standards for this position. (See explanation below.)
Twelve (12) points to be deducted from employee's seniority score.

Unsatisfactory* Performance is substantially below the departmental standards for this position. (See explanation below.)
Thirty-six (36) points to be deducted from employee's seniority score.

*Explanation of failure to meet agency standards of performance: (Attach additional sheets if needed.)

(Supervisor's Signature)

(Signature of appointing power or designated representative.)

Copy given to employee _____
(Date)

NOTE: You may appeal your rating within 10 days of the above date to the Department of Personnel Administration on the grounds that the rating was not made in good faith or was otherwise improper (DPA Rule Section 599.845).

SENIORITY INQUIRY FORM

INSTRUCTIONS:

- o This form must be received in the _____ Personnel Office by _____. If you do not return this form, we will assume that you have no questions or concerns about your seniority score.
(agency) (date)
- o Please provide as much detail as you can to help us research your question.
- o In order to help us expedite research, please do not call Personnel regarding your seniority score.
- o When we have researched your questions, we will return this sheet to you with the answer.

Please send to:

Name: _____
(Please print)

Classification: _____

Division/Branch/Section _____

I have the following question or concern about my seniority score:

[] My seniority score looks incorrect because _____

[] I started State service earlier than the date shown in my memo. I started on _____ (date)
at _____ (agency)

(Note: If this is one of your questions, to help us research it, please indicate if you worked under a different name.)

[] I would like more information on why my military service did not qualify for extra seniority points.

[] I did not submit a military service form and I think I should have.

[] I did not submit a college or university exempt service form and I think I should have.

[] I would like more information on how you broke my tie score (DPA Rule Section 599.846).

Other questions/concerns (attach additional sheets if necessary)

Signature

Date

FOR PERSONNEL OFFICE USE ONLY

Date: _____

TO: _____

FROM: _____

Following is our response to the question/concern you raised: _____

Any dispute regarding your individual seniority score and how it was calculated may be appealed to the Department of Personnel Administration pursuant to DPA Rule Section 599.904.

LAYOFF AND SENIORITY INFORMATION

YOUR SENIORITY SCORE AND RANK

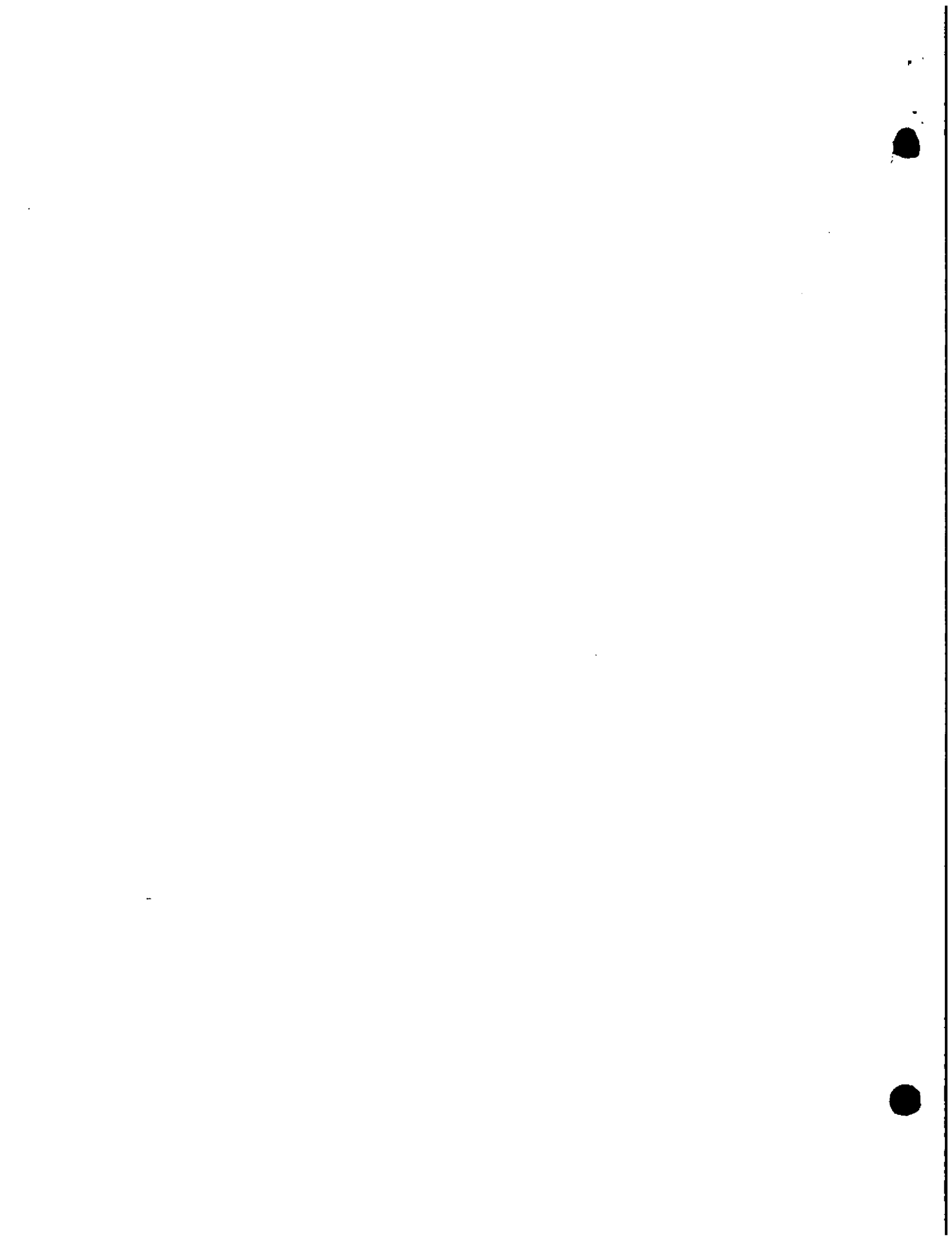
1. Your seniority score is (a).
2. This score is based on your State service from (b) through (b).
3. [] If this box is checked, (c) points have been added to your score for your military service. (The maximum number of military points possible is 12. (Government Code 19997.6).
4. [] If this box is checked, we have evaluated your military service and determined that it does not meet the qualifications for additional seniority points.
5. If neither box 3 nor 4 above is checked, our records show that you did not claim to have qualifying military service.
6. [] If this box is checked, we are currently researching your prior college or university exempt service to determine whether you qualify for additional seniority points. We will notify you once this determination is made.

Note: Several employees have claimed college or university exempt service. If any of this service is determined to be qualifying, the ranking of other employees may be affected.
7. If box 6 above is not checked, our records show that you did not claim to have college or university exempt service.
8. [] If this box is checked, 12 or 36 points have been subtracted from your seniority score due to an "Improvement Needed" or "Unsatisfactory" rating of your performance. (This section applies only to those employees as described in DPA Rule Section 599.845 and 599.850.)
9. Out of (d) employees in your classification, your seniority score ranks you #(e) from the top. (#1 is the employee with the most seniority.) This ranking is based on our best information to date. This information may change if an error is discovered, if an employee resigns, takes a leave of absence, or has a nonqualifying pay period in the future. (Note: If you are on a Training and Development (T&D) Assignment, your ranking is in your official class, not your training class.)
10. [] If this box is checked, your seniority score is tied with another employee in your classification. Your rank was determined after breaking the tie pursuant to DPA Rule Section 599.846.
11. The proposed staffing plan for fiscal Year (f) includes (g) positions in your classification. This information does not tell whether or not you will be affected by a layoff. The proposed staffing plan may change, employees with more seniority may demote into your class, or some other factor may affect your chances of being included in a layoff.

LAYOFF AND SENIORITY INFORMATION

LEGEND

- (a) Numerical seniority score based on the employee's employment history
- (b) Date/month/year
- (c) Number of seniority points
- (d) Number of employees
- (e) Ranking number
- (f) List fiscal year(s)
- (g) Number of positions



MILITARY SERVICE INFORMATION

DPA-190 (2/91)

DATE:

FROM: Personnel Office -

SUBJECT: MILITARY SERVICE INFORMATION

We have need for the following information at various times throughout your State service to determine benefits you may receive for your military service.

Please complete, sign and return this form to the above office immediately.

1. Are you a Veteran? Yes ___ No ___

IF YOUR ANSWER IS "YES", PLEASE COMPLETE THE FOLLOWING:

2. List your Military Service (Active Duty Only)

<u>Branch of Armed Forces</u>	<u>Entry Date</u>	<u>Release Date</u>	<u>Honorable</u>	<u>Type of Release</u>	
				<u>Other</u>	<u>Dishonorable</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

3. Are you currently a member of the reserve corps or force of the Armed Forces of the United States, or the National Guard, or the Naval Militia? Yes ___ No ___

If your answer is "Yes", enter which one _____

4. Did you, on, or after, the first day of January 1956 voluntarily request or obtain an extension of your original term of enlistment, service, or other tour of duty in the Armed Forces of the United States? Yes ___ No ___

5. If the answer to No. 4 is "Yes" check the following reason for extension that is appropriate.

- ___ (a) for the purpose of attending officers candidate school.
- ___ (b) for the purpose of obtaining special training.
- ___ (c) for the purpose of taking family members to a foreign country.
- ___ (d) other reason - (explain).

6. Did you enter State service within one year following the date of your final discharge or release from active military service? Yes ___ No ___

7. If the answer to No. 6 is "No" were you in attendance at regular sessions at a college or vocational training school? Yes ___ No ___

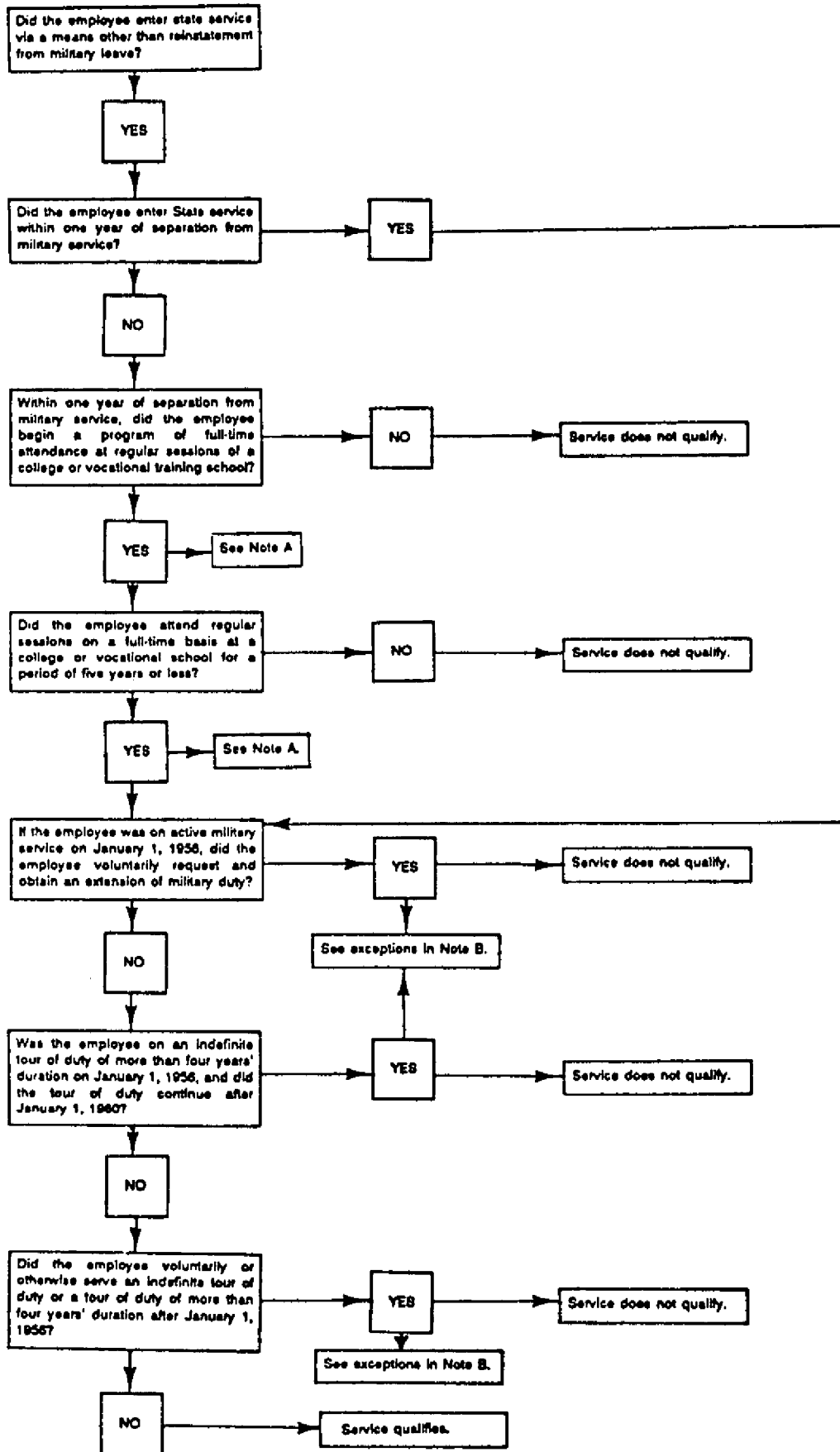
8. If the answer to No. 7 is "Yes" complete the following:

<u>School Attended</u>	<u>Dates of Attendance</u>	<u>Attended</u>	
		<u>Full-Time</u>	<u>Part-Time</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(If more space is required, use reverse side)

I hereby certify that to the best of my knowledge the above information is true and correct.

Signature _____ Date _____



NOTE A: Pertaining to the time periods mentioned - (1) the period of time from the date of separation from military service to the date of entry into school, and (2) the period of time from the date of completion of school to the date of entry into State service shall not exceed one year.

NOTE B: Certain exceptions may be allowed by Section 18781 of the Government Code, which reads: "Whenever the State Personnel Board or the Department of Personnel Administration finds that the time limitations imposed by this section are unreasonable to a person, it shall be within the discretion of the board or the department to grant an extension of the rights and benefits to an individual for not to exceed three additional years."

CALIFORNIA STATE PERSONNEL BOARD

JOB PLACEMENT QUESTIONNAIRE
STATE RESTRICTION OF APPOINTMENTS PROGRAM
SP 360 (11/89) PAGE 1

DATE _____

The State Personnel Board and the Department of Personnel Administration staff are assisting State employees to find new jobs when they are faced with layoff or demotion due to the reduction of State civil service positions. The State Personnel Board staff will refer these employees to State service vacancies in other departments that are: 1) in the employee's current classification, 2) in the demotional patterns from the employee's current classification, and 3) in other closely related classifications. This service will be provided to you for up to 120 days from the date your name is placed on an SROA list.

Participation in the SROA Program is voluntary. If you wish to participate, please complete each page of the questionnaire. Use Page 2 of this questionnaire to indicate any education or experience you have that would specifically qualify you for a job outside of your current occupation. Completed questionnaires should be returned immediately to your departmental personnel office. You can attach your resume to this form.

LAST NAME	FIRST NAME	MIDDLE INITIAL	SSA #	WORK TELEPHONE NUMBER AREA CODE ()
CURRENT CLASS	CURRENT SALARY RANGE: <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> C		CURRENT DEPARTMENT	(LEAVE BLANK)
HOME ADDRESS	CITY	ZIP CODE	HOME TELEPHONE NUMBER AREA CODE ()	

LANGUAGE FLUENCY:

PLEASE INDICATE YOUR INTEREST BY CHECKING THE APPROPRIATE BOX:

I am fluent in and interested in appointment to a position requiring a second language.

- | | | |
|---------------------------------------------------------|-----------------------------------------------|------------------------------------------|
| <input type="checkbox"/> E1 - Chinese-Cantonese dialect | <input type="checkbox"/> A1 - Mexican-Spanish | <input type="checkbox"/> G1 - Braille |
| <input type="checkbox"/> C1 - Tagalog | <input type="checkbox"/> D1 - American Sign | <input type="checkbox"/> H1 - Korean |
| <input type="checkbox"/> B1 - Japanese | <input type="checkbox"/> F1 - Portuguese | <input type="checkbox"/> J1 - Vietnamese |

PLEASE CHECK YOUR CHOICES - YOU WILL NOT BE OFFERED A JOB IN LOCATIONS NOT CHECKED. HOWEVER, IF MORE THAN 15 LOCATIONS ARE CHECKED, YOU WILL BE CONSIDERED AVAILABLE FOR WORK ANYWHERE IN THE STATE.

- (5) ANYWHERE IN THE STATE
- (8004) ANYWHERE IN THE NORTHERN AREA
OR make Northern county selections.
- | | |
|-------------------------------------------|------------------------------------------|
| <input type="checkbox"/> (0400) Butte | <input type="checkbox"/> (3100) Placer |
| <input type="checkbox"/> (0600) Colusa | <input type="checkbox"/> (3200) Plumas |
| <input type="checkbox"/> (0800) Del Norte | <input type="checkbox"/> (4500) Shasta |
| <input type="checkbox"/> (1100) Glenn | <input type="checkbox"/> (4600) Sierra |
| <input type="checkbox"/> (1200) Humboldt | <input type="checkbox"/> (4700) Siskiyou |
| <input type="checkbox"/> (1700) Lake | <input type="checkbox"/> (5100) Sutter |
| <input type="checkbox"/> (1800) Lassen | <input type="checkbox"/> (5200) Tehama |
| <input type="checkbox"/> (2300) Mendocino | <input type="checkbox"/> (5300) Trinity |
| <input type="checkbox"/> (2500) Modoc | <input type="checkbox"/> (5800) Yuba |
| <input type="checkbox"/> (2900) Nevada | |
- (8001) ANYWHERE IN THE CENTRAL AREA
OR make Central county selections.
- | | |
|----------------------------------------------|-----------------------------------------------|
| <input type="checkbox"/> (0100) Alameda | <input type="checkbox"/> (3400) Sacramento |
| <input type="checkbox"/> (0200) Alpine | <input type="checkbox"/> (3500) San Benito |
| <input type="checkbox"/> (0300) Amador | <input type="checkbox"/> (3800) San Francisco |
| <input type="checkbox"/> (0500) Calaveras | <input type="checkbox"/> (3900) San Joaquin |
| <input type="checkbox"/> (0700) Contra Costa | <input type="checkbox"/> (4100) San Mateo |
| <input type="checkbox"/> (0900) El Dorado | <input type="checkbox"/> (4300) Santa Clara |
| <input type="checkbox"/> (1000) Fresno | <input type="checkbox"/> (4400) Santa Cruz |
| <input type="checkbox"/> (2000) Madera | <input type="checkbox"/> (4800) Solano |
| <input type="checkbox"/> (2100) Marin | <input type="checkbox"/> (4900) Sonoma |
| <input type="checkbox"/> (2200) Mariposa | <input type="checkbox"/> (5000) Stanislaus |
| <input type="checkbox"/> (2400) Merced | <input type="checkbox"/> (5500) Tuolumne |
| <input type="checkbox"/> (2700) Monterey | <input type="checkbox"/> (5700) Yolo |
| <input type="checkbox"/> (2800) Napa | |



- (8011) ANYWHERE IN THE SOUTHERN AREA
OR make Southern county selections.
- | | | |
|---------------------------------------------|------------------------------------------------|-------------------------------------------------|
| <input type="checkbox"/> (1300) Imperial | <input type="checkbox"/> (2600) Mono | <input type="checkbox"/> (4000) San Luis Obispo |
| <input type="checkbox"/> (1400) Inyo | <input type="checkbox"/> (3000) Orange | <input type="checkbox"/> (4200) Santa Barbara |
| <input type="checkbox"/> (1500) Kern | <input type="checkbox"/> (3300) Riverside | <input type="checkbox"/> (5400) Tulare |
| <input type="checkbox"/> (1600) Kings | <input type="checkbox"/> (3600) San Bernardino | <input type="checkbox"/> (5600) Ventura |
| <input type="checkbox"/> (1900) Los Angeles | <input type="checkbox"/> (3700) San Diego | |

PLEASE NOTIFY THE PERSONNEL BOARD PROMPTLY ... IN WRITING ... OF ANY CHANGE IN THE INFORMATION PROVIDED ABOVE.

EDUCATION

NAME OF SCHOOL	COURSE OF STUDY	UNITS	DEGREE

CERTIFICATES OR LICENSES

EXPERIENCE

FROM	TO	JOB TITLE AND DESCRIPTION	SALARY	EMPLOYER

I am aware that my participation in the SROA program is voluntary.

EMPLOYEE SIGNATURE

DATE

PRIVACY STATEMENT

AGENCY NAME: State Personnel Board (SPB).
 UNIT RESPONSIBLE FOR MAINTENANCE: State Restriction of Appointments Unit, 801 Capitol Mall, P.O. Box 944201, Sacramento, CA 94244-2010
 AUTHORITY: Government Code Section 19998.1 is the authority for the establishment of the State Restriction of Appointments Program.
 PURPOSE: The information you furnish will be used to add your name to restricted lists.
 PROVIDING INFORMATION: Participation in the State Restriction of Appointments Program is voluntary. If you choose to participate, it is required that you provide all information requested on page 1 of this form. Other information requested on the form is voluntary.
 ACCESS: When submitted to the State Personnel Board your completed State Restriction of Appointments Form becomes confidential information and the property of the Board. Only authorized personnel directly involved in the selection process will be allowed access.

