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**Policy: Layoff – Employees with Classified / Permanent Status**

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**Purpose:** To outline City of Tacoma policy on layoff in a manner that complies with Tacoma Municipal Code Personnel Rules 1.24.900, minimizes employee hardship, and impacts as little as possible the achievement of the City’s mission.

**Background:** The City of Tacoma acknowledges that layoffs occur for reasons outside the employee’s control and reflect no discredit to the quality of the employee’s services. The Personnel Rules provide the procedure for permanent, classified status employees for which layoffs occur.

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**1. Terms Comply with Definitions and Policies as Established in the Tacoma Municipal Code (TMC)**

Throughout this policy, many commonly understood terms are used along with others which are defined in the Tacoma Municipal Code (TMC). Some terms and definitions specific to layoff are provided below.

**Appointing Authority:** TMC 1.24.070 – The City Manager or Director of Utilities or other delegated authority empowered to appoint or remove employees of the department over which they have jurisdiction. See: Department Head.

**Appointive:** All offices, positions, and employments in the City Service specifically named or designated as unclassified pursuant to TMC 1.24.290 and Title VI, Section 6.1 of the City Charter. See: Unclassified Service.

**“Bumping”** – The transfer of an employee to another position, resulting in the displacement of a less senior employee.

**Class/Classification:** TMC 1.24.080 – A position or group of positions having similar duties and responsibilities, requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.

**Classified Service:** TMC 1.24.083 – All offices, positions, and employments in the City Service except those specifically named or designated as unclassified (See also: Appointive) pursuant to the TMC and City Charter.

**Continuous Service:** TMC 1.24.085 – Employment in the City Service as a permanent and probationary employee which is uninterrupted. Authorized leave of absence, suspension, or separation due to layoff or physical or mental incapacity shall not be considered as an interruption in continuous service. However, time lost due to suspension, separation due to layoff, or physical or mental incapacity shall not be included in the determination of length of continuous service.

**Demotion:** TMC 1.24.090 -- The assignment of an employee to a position in a class in the City Service having a lower maximum salary than the position from which the assignment is made. See also: Demotion, Voluntary.

**Demotion, Voluntary:** TMC 1.24.755 – A permanent employee may upon written request and approval by the appointing authorities concerned, and the Human Resources Director, be demoted and granted status to a position in a classification having a lower maximum rate of compensation, provided a vacancy exists and no reemployment list exists in that class. Seniority, if not otherwise established in the lower class, shall commence on the effective date of such demotion. See: Seniority.

**Department:** TMC 1.24.095 – An administrative branch of the government of the City of Tacoma, such as a major department of general government, or a major division of the Department of Public Utilities, which is established by Charter and the Tacoma Municipal Code. See Layoff Unit.

**Department Head:** TMC 1.24.100 – An officer or employee designated by the City Manager to be the head of a department and by the Director of Utilities to be the superintendent of an operating division or head of a major service division.

**Incumbent** – An employee who has been appointed to the City Service in a classified or unclassified position.

**Layoff Unit:** A major department of general government as defined in TMC 1.06.070, or a major operating division or service division of the Department of Public Utilities. Layoff Unit is identified within SAP as Personnel Area (PA).

General Government Departments include:

City Manager / Government Relations	Information Technology
Community Economic Development	Legal
Finance	Municipal Court
Fire	Police
Hearings Examiner	Public Assembly Facilities/PAF
Human Resources	Public Works
Human Rights/Human Services	Retirement

Major Operating or Service Divisions of Tacoma Public Utilities include:

- Community & Media Services
- Customer Service
- Management Services
- Power
- Rail
- TPU Director
- Water

**Seniority:** TMC 1.24.920 – For the purposes of layoff, demotion in lieu of layoff, and reemployment seniority shall be the length of continuous services with the City in the specific class involved and in all higher classes to which the employee has been promoted or appointed. Employees who are transferred as part of a reorganization shall carry their seniority from their previous department to the department to which they are transferred.

**Special project employee:** TMC 1.24.187 – "Special project employee" shall mean a person employed in the unclassified service on special projects or programs of limited duration, including but not limited to special major construction projects, projects or programs financed by grant-in-aid agreements with either federal or state governments, etc.

**Temporary employee:** TMC 1.24.215 – "Temporary employee" shall mean an employee appointed for the period of service on a special job or project of a limited duration, or to fill a vacancy during the absence of a permanent employee who is on leave of absence, or an employee filling a permanent position for which no eligible list exists pending the establishment of the eligible list.

**Unclassified Service:** All offices, positions, and employments in the City Service specifically named or designated as unclassified pursuant to TMC 1.24.290 and Title VI, Section 6.1 of the City Charter. See: Appointive.

**Voluntary Demotion:** TMC 1.24.755 See: Demotion, Voluntary.

**2. A Layoff may be Implemented for Any of Several Conditions/Situations**

- a. Lack of funds
- b. Lack of work, including termination of a project
- c. Good faith reorganization for efficiency purposes
- d. Employees exercising rights to a previous classification due to their current position being impacted by layoff
- e. Reallocation of a position, causing the current employee to be ineligible

**3. Consider Alternatives Before Implementing a Layoff**

Before implementing a layoff or reduction in force, managers will consider alternatives that might offset the need for a layoff. Such alternatives may include savings by attrition or curtailing hiring. To meet organizational needs, a manager may reassign an employee to another function or position.

Working with the Human Resources Office, vacant positions will be identified as possible placement for employees who may be impacted by layoff. This process may be used as a preventive measure against having to implement a layoff.

Other alternatives, such as approving voluntary furlough, or reduction in work hours to offset a layoff, are specifically regulated by the Tacoma Municipal Code 1.12 and 1.24. Managers must consult with the Human Resources Office for specific guidance before implementing such options.

**4. Follow Procedures to Implement a Layoff**

Managers are responsible for identifying functions that are appropriate for elimination, reduction, or reorganization, and for determining the organization of the work functions. If a manager determines that a layoff is warranted, the Human Resources Director will ensure that the layoff is implemented according to the Personnel Rules.

The procedure provides for a review of the layoff proposal by the Human Resources Director, who will make a recommendation to the City Manager / Director of Utilities for final approval.

**5. Formal Layoff Options / Seniority / Layoff Units**

Once a classified position is identified for layoff, temporary, special project, or probationary employees in the same classification and same department are separated first. Layoffs of employees holding permanent, classified status are made in inverse order of seniority within the class of work in the department involved.

Where seniority does not establish a definite seniority differential, the order of layoff shall be determined by the relative standing on the eligible list from which appointed.

Once an unclassified position is identified for layoff, Human Resources will review the employment records of the affected incumbent(s) for possible formal layoff options. NOTE: Employees who do not hold permanent or probationary status in a classified position, or who are in unclassified/appointive positions may not have options in lieu of layoff for continued employment with the City.

An employee in an unclassified/appointive position, who was promoted to the unclassified position directly from a classified position, may have rights to demote or “bump” into a position in the next lower classification from which he or she was appointed, in lieu of layoff. No employee so demoted shall displace (See “Bumping”) a permanent or probationary employee except in order of seniority as determined in the Personnel Rules. (TMC 1.24.920)

#### **6. Human Resources Director Provides Employee Notice of a Layoff**

If an employee is to be separated due to a layoff, the Human Resources Director or designee will provide the employee with a written notice as soon as possible, but in no case less than fifteen calendar days before the effective date of the layoff. If an employee is to be “bumped” by another employee who is exercising his or her layoff option, the employee to be bumped will also receive no less than fifteen calendar days’ written notice. The written notice will include any formal option available to the employee for continued employment within the Department or layoff unit. See Definitions: Department, Layoff Unit.

#### **7. Demotion in Lieu of Layoff**

An employee in a position identified for layoff, may be eligible to demote and/or “bump” into the next lower classification from which they hold permanent status. No employee so demoted shall displace a permanent or probationary employee except in order of seniority as determined in the Personnel Rules. (TMC 1.24.920)

#### **8. Re-Employment Lists**

Names of employees laid off from permanent, classified positions, will be placed on a departmental reemployment list for a period of two (2) years. In the event the department has a vacancy in the same classification and a reemployment list for that classification exists, the person with the longest seniority in that classification will be offered the position. Additionally, employees are placed on the top of a City-wide reemployment eligible list for the classification involved. This will allow employees to be considered for vacancies in other City departments. (TMC 1.24.610, 1.24.640)

#### **9. Re-employment Lists and Probationary Periods**

Pursuant to TMC 1.24.780, laid off employees who are rehired shall serve a probationary period of six months unless rehired into the same department from which they were laid off. Employees rehired into probationary status shall not be considered regular employees for any purpose for the duration of their probationary period.

In the event an employee fails probation for any reason other than misconduct during the reemployment probationary period, the name of the employee shall be reinstated at the bottom of the reemployment eligible list for the remainder of his or her two years’ eligibility.

An employee who fails a reemployment probationary period and who is reinstated to the reemployment eligible list shall have no right to a vacancy in the department where he or she failed probation.


**10. Transfer Lists**

Transfer requests may be accepted for classifications in which the top pay step equals that of the classification in which the employee currently holds status. A transfer list request will be reviewed by Human Resources to ensure that the requirements of the position are met. It is at the Department Director's discretion whether or not to consider transfers.

**11. In Certain Situations, Human Resources May Identify "Informal Options".**

If an employee is scheduled for layoff, and no formal option for continued employment exists, OR if the formal option would result in a reduction of the employee's salary, the employee may request that the Human Resources Department identify potential "informal options".

"Informal Options" may include positions in classifications at or below the employee's current salary range and for which the employee qualifies AND are located within the same layoff unit where the search for a formal option occurred.

<b>Reference:</b>	Tacoma City Charter Tacoma Municipal Code 1.12. and 1.24.610, 1.24.640, 1.24.780, 1.24.900, 1.24.920 Collective Bargaining Agreements (if applicable)
<b>Application:</b>	
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<b>Approval:</b>	Joy St. Germain, Human Resources Director 
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