



Policy Purpose

The purpose of this policy is to establish a process to designate an employee for layoff and to outline an employee's rights once the employee has been designated for layoff.

I. General

- a. This policy does not apply to eligible employees covered by a memorandum of understanding, sworn employees in the police or fire departments, appointed or at-will employees, an employee employed by the city council, or elected officials.

II. Procedure

- a. A department director may not designate an employee for layoff until the department director has complied with this policy.
- b. A department director may only designate an employee for layoff after laying off probationary employees in the same full time job title in the department.
- c. A department director will provide a written analysis supporting the justification of each employee's designation for layoff to the HR director for review. The analysis for a layoff designation must demonstrate consideration of the following factors:
 - i. the employee's length of service;
 - ii. the employee's documented performance and disciplinary history for the prior two (2) years;
 - iii. the impact to city services caused by laying the employee off including how the department intends to address the impact;
 - iv. the savings the city will realize by laying the employee off.
- d. After the human resources director consults with the department director, the department director and/or designee will provide written notice to each designated employee at least thirty (30) days before the anticipated layoff date.
- e. The written notification will include the anticipated effective date of the layoff and the employee's rights outlined in this policy.
- f. An employee designated for layoff may choose to receive severance payment and preferential consideration after being designated for layoff.
 - i. An employee choosing severance pay and preferential consideration must notify human resources no later than 21 calendar days after the employee is notified of the layoff designation that the employee is choosing severance pay and preferential consideration.
 - ii. The employee must execute a release agreement drafted and approved by the city attorney's office. The agreement will include the employee's waiver of all claims against the city including any right to challenge the layoff.
 - iii. A severance payment will be one week of pay for each year of continuous full-time city employment, calculated on a pro-rata basis, not to exceed ten weeks.
 - iv. If an employee meets these conditions, the employee will receive the severance payment with the final paycheck.
 - v. Employees who are hired into another position in the city prior to their layoff date will not receive a severance payment.
 - vi. Employees who are hired into another position in the city *after* their layoff date, and are rehired prior to the end of the severance calculation date, will be required to reimburse the city the difference on a pro-rated basis.
 - vii. The employee who chooses severance pay and preferential consideration will also be placed on a preferential consideration list that will provide the employee with the possibility of being placed in



- an open position in the city if the employee meets all the qualifications for an existing and vacant position.
- viii. The employee's resume will be used to determine if the employee meets all the qualifications for any open position that the city is actively taking steps to fill at a pay class that is equal to or lower than the laid off employee's most recent pay level. Upon the employee's request, human resources will assist the employee to update their resume.
 - ix. If the employee meets all the qualifications for an existing and vacant position, human resources will coordinate with the hiring authority to schedule an interview for the employee. The hiring authority may also require the employee to participate in an interview process with other candidates to determine the best qualified candidate for the position.
 - x. After considering the employee's qualifications, the hiring authority may, but is not required to, offer the designated employee the vacant position.
 - xi. If the employee is not selected to fill an existing position before the effective date of layoff, then the employee's employment with the city will end.
 - xii. Employees on the preferential consideration list can remain on the list for six consecutive months from the date of layoff. If the employee accepts an offer of full-time employment with the city or is not hired during that time, the employee will not receive any further preferential consideration.
 - xiii. Any employee hired from the preferential consideration list must successfully pass a new probationary period if there has been a break in service. If the employee does not successfully pass the probationary period, the employee's employment with the city will end.
- g. An employee who fails to timely notify human resources of their choice to receive severance and be placed on the preferential consideration list will not receive any further benefits under this policy and their employment with the city will end on the effective date of layoff.
 - h. Paragraphs f-g of this policy apply to city employees designated for layoff due to the city council's decision to discontinue funding of the employee's position.

Current References:

[Layoff Ordinance \(City Code Section 2.52.120\)](#)

Approved and passed this 31st date of December, 2016