

TO: ALL COUNTY PERSONNEL
FROM: ROBERT WEISMAN
COUNTY ADMINISTRATOR
PREPARED BY: HUMAN RESOURCES
SUBJECT: LAYOFF PROCEDURES
PPM #: CW-P-047

ISSUE DATE
August 1, 2005

EFFECTIVE DATE
August 1, 2005

PURPOSE:

To provide procedures for the reduction in force of County staff.

UPDATES ARE THE RESPONSIBILITY OF:

Future updates for PPM # CW-P-047 will be the responsibility of the Director of Human Resources.

AUTHORITY:

Palm Beach County Merit Rules and Regulations, Layoff.

POLICY:

Changes in program priorities, reorganizations, or shortages of work and/or funds may require the layoff of existing employees to provide the most effective and efficient service to the citizens of Palm Beach County. **NOTE:** This PPM does not apply to IAFF bargaining unit employees. CWA bargaining unit employees should refer to their contract for additional information on their rights and benefits regarding layoff.

PROCEDURE:

When the layoff of one or more employees becomes necessary, the Department Head will designate the specific work unit(s) or function(s) to be affected by the layoff: e.g., the entire department, a division, or a program within the department and/or division. The Department Head will review vacant positions within the department that could be used as placement options. The order of the layoff will be based on an individual's employment status and applied in the following sequence: 1. temporary, 2. probationary, 3. permanent part-time, 4. permanent full time. Affected permanent-status employees with equal skill, ability, and employment records will be laid off in the inverse order of their County seniority. Seniority, for the purposes of layoff, is defined by the number of months of continuous employment in one or more permanent County positions without a break in service that is not covered by an approved leave of absence form. If skill, ability, and employment records are not equal, "Selective Retention" may be invoked.

Veterans' Preference:

For purposes of layoff, preference for retention will be given to permanent status employees who have submitted documentary proof of their eligibility for preference (**See Attachment 1**).

NOTICE OF LAYOFF:

Employees scheduled to be laid off will be initially notified by the Department Head through certified mail or hand delivery no later than sixty (60) days before the anticipated layoff (**See Attachment 2**). The letter will also advise affected employees if they are being offered a transfer or demotion to another position or if they should contact the Human Resources Department to determine the possibility of other placement options.

After receipt of the correspondence advising of layoff, employees must notify the Department Head in writing within five (5) working days if they wish to accept any offer of transfer or demotion. Employees will also be advised of any applicable severance pay provisions for which they may be eligible.

Permanent-status employees selected for layoff will be offered a demotion to the next lower classification within the same job series and affected work unit if they possess the qualifications for the lower class, have skills ability, and employment record equal to the incumbent, and have greater seniority than the incumbent in that class.

No permanent-status employee shall replace an incumbent while a vacant position exists within the department, in the same classification or classification series. No permanent-status employee will be laid off if there is a non-permanent employee in the same class within the department.

A permanent-status incumbent who is replaced by a more senior employee shall be afforded the same rights of notice and retention.

SELECTIVE RETENTION:

If a Department Head determines a certain employee scheduled for layoff has qualifications or expertise essential to the efficient operation of the department or organizational unit, or if the affected employee has demonstrated greater skill, ability or employment record than those employees of the same classification, the employee may be selectively retained.

The Department Head must submit a request to the County Administrator, through the Director of Human Resources, providing documentation to support the exemption of the employee from layoff.

FINAL NOTICE:

Final notice of layoff must be sent by certified mail or hand delivered to employees no later than five (5) working days before the last day of employment (**See Attachment 3**).

Permanent-status employees shall be notified of their right to appeal their layoff under the provisions of the Merit Rules or applicable bargaining unit agreement. Grounds for an appeal of layoff under the Merit Rules are limited to whether the established layoff procedures were followed or whether employees were afforded all retention rights due them.

Permanent-status employees who are laid off are eligible for re-employment in accordance with Merit Rules on recruitment and selection.

SEVERANCE PAY:

If the affected employee has no retention rights, the County may offer the employee a vacant position which the County seeks to fill and for which the employee is qualified. If, because of retention rights or another job offer, the employee is required to take no more than a 6% decrease in pay, the employee will not be eligible for severance pay. Sixty (60) calendar days of severance pay will be offered the employee in lieu of the 60-day notice period if the employee has no retention rights, no other job offer is made, or if any job offer or exercise of retention rights requires more than a 6% decrease in pay.

DEMOTION IN LIEU OF LAYOFF:

All of the provisions of the Merit System Rules and Regulations relating to pay upon demotion will apply, except that no employee's rate of pay will be reduced by more than 6% if the employee's base rate of pay does not exceed the maximum of the position demoted to, in which case demotion will be to the maximum.

Recall Rights:

Employees who are laid off or demoted in lieu of layoff shall have recall rights based on seniority into the same job classification from which they left for one (1) year. If recalled, the employee's seniority date for vacation accrual purposes and pay rate at time of separation will be reinstated. If rehired within sixty (60) days of layoff, the employee will be required to refund any remaining portion of severance pay.

**ROBERT WEISMAN
COUNTY ADMINISTRATOR**

Supersession History:

1. PPM # CW-P-047, dated 5/14/91
2. PPM # CW-P-047, dated 7/28/92

VETERANS' PREFERENCE

For the purposes of layoff, Veterans of the Armed Forces of the United States shall be given preference in retention as explained herein. It is the responsibility of the individual applying for veterans' preference to submit documentary evidence of their eligibility. Those persons eligible shall receive preference in retention as follows:

1. Six (6) months shall be added to the length of seniority of employees in either of the following categories:

- A. Those veterans of the Armed Forces of the United States, as defined in Section 55A-7.003(11) of the Florida Administrative Code: (1) who were discharged or separated from active duty* with an honorable discharge if any part of such active duty was performed during a wartime era**, (2) who are recipients of any Armed Forces Expeditionary Medal or other qualifying Campaign or Expeditionary Medal; OR (3) who retired from military service for longevity.

*Active duty for training shall not be allowable.

** Wartime era dates include: WORLD WAR II–December 7, 1941–December 31, 1946; KOREAN CONFLICT–June 27, 1950–January 31, 1955; VIETNAM ERA–February 28, 1961–May 7, 1975; PERSIAN GULF WAR–August 2, 1990 To Date Prescribed by Presidential Proclamation.

REQUIRED DOCUMENTATION: DD-214 or military discharge papers issued by the Department of Defense, or equivalent certification from the Division of Veterans' Affairs, which lists military status, dates of service (entry date and discharge date), and discharge type.

- B. An un-remarried widow or widower of a veteran who died of a service-connected disability.

REQUIRED DOCUMENTATION: Written certification from the Department of Defense or Division of Veterans' Affairs attesting to the service-connected death of the veteran as well as evidence of marriage and a statement from the spouse that he/she is not remarried.

2. Twelve (12) months shall be added to the length of seniority of employees in any of the following categories:

- A. Disabled veterans who have served on active duty in any branch of the Armed Forces and who: (1) have a presently existing service-connected disability compensable under public law as administered by the Department of Veterans' Affairs, OR (2) are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the Department of Veterans' Affairs and the Department of Defense.

REQUIRED DOCUMENTATION: DD-214 or military discharge papers issued by the Department of Defense, or equivalent certification from the Division of Veterans' Affairs, which lists military status, dates of service (entry date and discharge date), and discharge type. Disabled veterans shall also furnish a document from the Department of Defense or Division of Veterans' Affairs certifying that the

veteran has a compensable service-connected disability. (Note: documentation of a service-connected disability of less than 100% permanent must be dated within the past 12 months.)

The spouse of any person who has a total and permanent service-connected disability and who, because of this disability, cannot qualify for employment. **REQUIRED DOCUMENTATION:** DD214 or military discharge papers issued by the Department of Defense, or equivalent certification from the Division of Veterans' Affairs, which lists military status, dates of service (entry date and discharge date), and discharge type. Such spouses of disabled veterans shall also furnish: (1) either certification from the Department of Defense or Division of Veterans' Affairs that the veteran is totally and permanently disabled, or an identification card issued by the Division of Veterans' Affairs; (2) evidence of marriage to the veteran and a statement that the spouse is still married to the veteran; and (3) proof that the disabled veteran cannot qualify for employment because of the service-connected disability.

The spouse of any person who is missing in action, has been captured in the line of duty by a hostile force, or has been forcibly detained or interred in the line of duty by a foreign government or power.

REQUIRED DOCUMENTATION: Written certification from the Department of Defense or Division of Veterans' Affairs that the person on active duty is listed as missing in action, captured in the line of duty, or forcibly detained in the line of duty by a foreign government or power. Such spouse shall also furnish evidence of marriage and a statement that the spouse is married to the person on active duty.

3. Twenty-four (24) months shall be added to the length of seniority of disabled veterans who have served on active duty in any branch of the Armed Forces and who have a presently existing service-connected disability which has been rated by the Department of Veterans' Affairs or the Department of Defense to be thirty percent (30%) or more.

REQUIRED DOCUMENTATION: The same as noted under 2(a) above for disabled veterans.

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Date

Name
Address

Dear _____:

(Stated reason for layoff) has necessitated a reduction in this Department's authorized number of positions including those within the job classification of (position title) _____.

This is to advise you that your position is being abolished and you will be laid off effective (date) unless other placement is accomplished prior to this action. This letter serves as the required 60 days notice of this layoff action. Preference for retention will be given to Veterans who submit proof of their eligibility for such preference (see attached policy). You must notify this office in writing within five (5) working days after receipt of this letter if you wish to claim preference.

(Include this paragraph for employees who are offered a transfer/demotion)

You are being offered a **(transfer or demotion)** from your current position of **(classification title; department/division)** to **(new classification title; department/division)**. If you wish to accept this offer, you must notify this office in writing within five (5) working days after receipt of this letter. If you decide not to accept the offer, then layoff will be effective on the specified date.

(Include this paragraph for employees with no transfer/demotion offer)

You are advised to contact the Employee Development Section of Human Resources to determine available positions for placement. If placement is not achieved within 60 days, layoff will be effective on the specified date.

You may exercise the option of receiving 60 days severance pay in lieu of this notice. If you wish to exercise this option, you must notify this office in writing within five (5) working days after receipt of this letter.

We regret the necessity for taking this action, however, please be assured that we will do everything possible to assist you in this employment transition. If you have any questions regarding the contents of this letter or the County's layoff policy (copies of which are attached), please contact Human Resources. **(Attach Merit Rule 8, "Layoff", and PPM# CW-P-047).**

Sincerely,

Department Head

cc: Human Resources
Employee File

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Date

Name
Address

Dear _____:

On **(date)**, you were notified by letter of layoff action effective the close of business on **(date)**. This is to advise you that since other placement has not been accomplished, you will be laid off effective on that date. This letter serves as the required five **(5)** days notice of this action.

(Include this paragraph for non-bargaining unit employees)

As a permanent status employee, you have the right to appeal this decision. The appeal, however, must be based on whether the layoff was conducted in accordance with Merit System Rules and Regulations. If you wish to file an appeal of this action, you must notify the Director, Human Resources in writing within five (5) working days of the date of the layoff.

You have recall rights to a position in the same job classification base on seniority for one (1) year.

(Include this paragraph for CWA bargaining unit employees)

You have the right to grieve this action within fifteen (15) working days of the date of layoff based on the interpretation or application of the layoff provisions of the Labor-Management Agreement.

You have recall rights to a position in the same job classification based on seniority for one **(1)** year.

We regret the necessity of taking this action; however, please be assured that we have given you every consideration possible under the County's layoff rules and procedures. If you have any questions regarding the content of this correspondence, please contact the Human Resources Department.

Sincerely,

Department Head

cc: Human Resources
Risk Management
Employee File