

CITY OF GAINESVILLE

Policies and Procedures

Number 23

JOB VACANCY, LAYOFF, TRANSFER, RECALL, LENGTH OF SERVICE

SUNSET – REPLACED BY POLICIES E-5 AND E-6

I. Filling of Vacancies:

- A. At such time as a vacancy occurs, the appointing authority shall proceed to fill the vacancy according to procedures as established and amended from time to time by the Human Resources Department and after approval by the City Manager. Such procedures shall provide reasonable assurance that the vacancy will be filled by the most qualified applicant available through fair and equitable competition. Such procedures shall take into consideration upward mobility, affirmative action goals, cross-training and potential reductions in force.
- B. Prior to filling a vacancy, the Human Resources Department shall review the qualifications of each employee who:
 1. Fills a "budgeted, but unauthorized"* position;
 2. Is targeted for layoff;
 3. An ex-employee who has not retired and has been on layoff status for one hundred eighty (180) days or less.

If such person is found to be qualified for the position by the Human Resources Director, the Human Resources Director shall inform the City Manager, who at his/her discretion, taking into consideration all factors involved and the best interest of the City, may appoint the employee to fill the vacancy without regard to procedures established pursuant to A above.

If an employee covered under Subsection B is offered a position at a rate of pay and within a job classification family (as determined by the Human Resources Director) equivalent to the employee's current or most recent status, and refuses such offer, the employee shall be subject to layoff upon ten (10) working days notice by the City and shall no longer be eligible for the special consideration extended pursuant to Subsection B.3.

[*A position is considered to be "budgeted but not authorized" if the position is not authorized to be filled upon being vacated by the current incumbent. Each year on October 1st, the Human Resources Director shall publish, upon approval by the City Manager, a list of all budgeted but not authorized positions for the period ending on the following September 30th. A copy of this list will be distributed to all department heads, all incumbents of positions on the list, and to the presidents of all officially-recognized bargaining units.]

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If more than one employee covered under Subsection B is found qualified for a vacancy, the City Manager may limit competition for that vacancy to such employees or may fill the position according to the following priorities:

1. Employees on layoff status
2. Employees whose positions are targeted for layoff
3. Employees in "budgeted but unauthorized" positions.

II. Promotion and Transfer (Except as provided in Section I above):

When comparing the relative qualifications of employees competing for vacancies noticed only internally, the following factors shall be considered:

- A. Sufficient ability and qualifications to perform the work (tests may be given)
- B. Performance evaluation
- C. Physical condition and job attitude
- D. Affirmative Action - principles and goals.

Where, as among employees concerned, factors A, B, C and D are substantially equal and sufficient, seniority within the department shall govern. If an insufficient number of employees apply and/or fail to satisfy the above described factors, as determined by the Department Head, the City may consider external candidates.

III. Layoff:

- A. Layoffs shall be accomplished in an orderly, systematic and uniform manner in accordance with established procedures. The Administrative Department Head or his/her designee may layoff employee(s) when he/she deems it necessary for reasons of, but not limited to, the following: shortage of funds or work or other material changes in the duties or organization, or for related reasons which are outside the administrator's control. Every effort will be made to provide the employees with a minimum of ten (10) working days notification prior to layoff. The duties performed by an employee who is laid off may be reassigned to other employees already working who hold positions in appropriate classes.
- B. The Administrative Department Head or his/her designee shall determine the extent of layoffs necessary and identify:
 1. The class or classes of positions from which layoffs are to be made; and
 2. The number of positions in each class to be abolished resulting in layoffs.

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- C. When it becomes necessary to reduce the number of employees within a given classification in any department, employees shall be laid off in the order listed as follows:
1. Temporary Helpers
 2. Temporary Part-Time
 3. Temporary Full-Time
 4. Probationary Employees (new)
 5. Permanent Part-Time
 6. Probationary Employees (promotional)
 7. Permanent Full-Time
- D. When the need arises for laying off an employee serving a promotional probationary period, such employee shall be returned to a position of the classification from which he/she was promoted or advanced.
- E. In the event it is necessary to effect a temporary layoff for a definite period of time [one (1) calendar day through thirty (30) calendar days], employees will be laid off by classification and division within their department. The order of such layoffs shall be based on seniority with the least senior employees in the classification and division being laid off first, provided the factors A, B, C, and D in Paragraph II are substantially equal. In the event of the substantial inequality of these factors as between employees in the same classification and division, the employee with the higher values of factors A, B, C, and D in the aggregate shall be retained. Laid off employees shall be recalled to the classification and division from which they were laid off, in the reverse order in which they were laid off.
- F. In the event it is necessary to effect a layoff in excess of thirty (30) calendar days, employees will be laid off by classification within their department. The order of such layoffs shall be based on seniority with the least senior employees in the classification and department being laid off first, provided the factors A, B, C and D in Paragraph II are substantially equal. In the event of the substantial inequality of these factors as between employees in the same classification and department, the employee with the higher values of factors A, B, C and D in the aggregate, shall be retained. Laid off employees shall be recalled to the classification and department from which they were laid off in the reverse order in which they were laid off.
- G. Employees on layoff shall not accrue any employee benefits whatsoever.
- H. Provided, however, and in any event, any action taken under this entire policy shall not be in derogation of the City's Affirmative Action Plan.
- I. In the event of a layoff, the employee may be given an opportunity to cross-train for any vacant available position.

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IV. Recall:

- A. Employees laid-off under the provisions of either Paragraph E or F of Paragraph III, shall be recalled in the reverse order in which they were laid-off.
- B. Permanent employees laid-off shall have precedence for recall to their classification over new applicants for a period of 180 days. Laid-off employees recalled within 180 days shall have their tenure of service restored. If re-employed after 180 days, the employee shall be treated as a new employee.
- C. The City will offer recall to laid-off employees by certified mail to the last known address on file with the Human Resources Department. If, without good cause, the laid-off employee fails to report to the Human Resources Department his/her intentions of returning to work within seven (7) calendar days after mailing of said certified notice, tenure of service shall be broken.
- D. Recall will be offered to laid-off employees provided they are physically and mentally qualified to perform the duties of the job. A laid-off employee, when offered recall, who is temporarily unable to accept due to medical reasons may request a leave of absence without pay not to exceed thirty (30) calendar days.
- E. Employees laid-off for longer than thirty (30) calendar days may apply for any equivalent or lower classification with the City and, if selected within the 180 day recall period, shall have their tenure of service restored.

V. Length of Service:

An employee shall lose his/her continuous length of service and his/her employment with the City and shall be considered terminated for all purposes if:

- A. The employee quits.
- B. The employee is discharged.
- C. The employee who has been laid-off fails to report for work, without good cause, within a period of seven (7) calendar days after being recalled by certified letter sent to the last known address as shown on the records of the Human Resources Department.
- D. The employee fails to report for work at the termination of a leave of absence.
- E. The employee works on another job while on leave of absence without the City's permission.
- F. The employee is laid-off for a period longer than 180 days.
- G. The employee is absent without leave for three (3) consecutive work days without notifying his supervisor or the Human Resources Department. Such absence shall

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constitute a voluntary quit. Any extenuating circumstances will receive fair consideration by the Human Resources Director.

H. The employee voluntarily retires or is automatically retired under the terms of the retirement plan.

VI. Resignation:

Resignation is the separation of an employee from the City service through the submittal of a notice that he/she intends to resign and reasons therefore. A forwarding address should appear on the personnel authorization form. Any employee wishing to leave the City service in good standing shall notify his/her immediate supervisor at least two (2) weeks before leaving. Failure to do so may be cause for denying said employee re-employment by the City.

Employees who terminate from City employment will not be eligible for re-employment with the City for a period of six (6) months following their date of termination unless approved by the Human Resources Director.

A. Exit Interviews:

The purpose and intent of the Exit Interview is to provide management with information as to why and in what areas an employee may be dissatisfied with his/her job. This information may, in turn, improve our system and hopefully reduce our turnover rate. Each employee who resigns from the City shall be requested to participate in an exit interview at the Human Resources Department. The completed Exit Interview form is to remain with the Human Resources Department and is to be utilized as a management tool, with a copy going to the employee's department.

B. City Property:

At the time of separation and prior to receiving final monies due, all records, identification cards, books, assets, uniforms, keys, tools and other items of City property in the employee's custody shall be transferred to the appropriate department and certification to this effect shall be by the department supervisor completing the "Employee Clearance Notice". (See Employee Clearance Notice at the end of this Policy.) Any monies due the City because of any shortages shall be collected through appropriate action.

VII. Disability:

An employee may be separated for disability (subject to City Code of Ordinances) when he/she cannot perform the required duties because of a physical or mental impairment. In all cases, it must be supported by medical evidence acceptable to the Human Resources Director. The City may, at any time, for good cause, require an employee to be examined by a physician of its choice for the purpose of determining his/her ability to perform the duties of his/her position. The cost thereof shall be paid from the budget of the department involved. A medical report shall be given to the Human Resources Director following such examination.

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VIII. Death:

Separation shall be effective as of the date of death. All compensation due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse or to the estate of the employee as determined by law or by executed forms in his/her personnel folder.

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