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**AUHR 7.06 LAYOFF AND RECALL**

**Layoff Overview**

A layoff is defined as the separation of a non-represented employee in the Auditor's Office classified service caused by the elimination of a position, lack of funds or curtailment of work. Represented employees are covered by **HRAR 7.06**.

In the event of a layoff, it is the goal of the Auditor's Office to minimize the negative effect on operations and maximize employment opportunities for potentially laid-off regular employees by offering the opportunity to accept part time, seasonal and temporary positions, if available and appropriate.

All layoffs must be in compliance with this Administrative Rule and approved by the City Auditor.

Employees in positions exempt from the Auditor's Civil Service do not have layoff, recall, or bumping rights.

**Seniority for Represented and Non-Represented Employees**

**Definition**

For the purpose of layoff, seniority shall mean the length of service in a permanent appointment to a specific job class in the classified service. Seniority begins on the date of permanent appointment to that class and shall include all time on approved paid leaves of absences. An officially approved absence from duty without pay because of military leave, Family Medical Leave, or injury in the line of duty shall also be included in determining seniority.

**Effect of Dismissal or Resignation on Seniority**

Dismissal, voluntary resignation or retirement cancels all accrued seniority and if on the Recall List, their name will be removed and all recall rights canceled. Demotion (voluntary or disciplinary) from a class cancels seniority entitlement to that class except as defined in the Administrative Rule on Reinstatement. An employee returning from medical layoff shall be entitled to retain their seniority.

**Accrual of Seniority**

In order to accrue seniority in any classification, an employee must have been permanently appointed to that classification from an eligible list, or by an alternative hiring process such as training plan, demotion, expanded transfer or redeployment or have been granted status through a classification action. No seniority is accrued by virtue of having performed the work of, or being qualified for appointment to, a classification. Placement on an eligible list, without

permanent appointment to a classification, does not result in seniority accrual, nor does temporary appointment to a classification. Persons serving in premium pay assignments or who receive special pay assignments do not accrue seniority in these assignments.

Employees will not lose accrued seniority in one class by accepting permanent appointment to another class where the maximum pay is equal to the class from which the employee transferred. In such cases the employee's seniority in the classes previously held under permanent appointment shall be frozen.

Seniority will continue to accrue in a class where the employee has permanent status while the employee is temporarily filling a position in another class. This also applies to working out of classification and to premium pay or special pay assignments.

Upon promotion or permanent appointment to a classification with a higher maximum pay rate, the employee's seniority in the prior classification shall be frozen. If a regular employee fails to pass probation and elects to return to their most recently held classification and position, seniority in the higher classification will be cancelled. Upon appointment to a position that is exempt from the classified service the employee's seniority in the prior classification shall be frozen. Seniority for permanently appointed employees in permanent part time and job share positions will be prorated on the basis of regular hours worked. Seniority for permanently appointed employees to partial year positions shall also be prorated on the basis of regular hours worked and shall not continue to accrue during the portion of the year these employees are not working for the City.

### **Tied Seniority**

If two or more employees possess the same seniority date, a tie in classification seniority shall be broken and greater seniority determined by:

1. Highest score/rank on the eligible list from which the appointment was made; if a tie still remains, then
2. Total length of service with the City; if a tie still remains, then
3. By whatever job-related method approved by the City Auditor in consultation with the Director of the Bureau of Human Resources.

### **Layoff of Non-represented Employees**

A non-represented employee in the Auditor's Office who is scheduled for layoff shall be placed first in any declared vacancy in the affected employee's current classification, provided they are qualified and, if none, to any position in the affected employee's current classification occupied by a temporary employee.

Non-represented employees do not have the option to bump. Non-represented employees will be placed on the Recall List for their classification to be recalled only to vacancies in their laid off classification at time of layoff only.

If more than one non-represented employee in the Auditor's Office is in a classification for which a layoff is required, the Auditor's Office will consider the following factors when determining which employee will be impacted:

1. The needs of the organization in terms of the types of positions and the special knowledge, skills and competencies necessary to accomplish the work of the bureau, and the qualifications of employees in terms of needed special skills and expertise.
2. The overall performance of an employee.
3. The seniority of the affected employees as defined above.

### **Redeployment for Non-represented Employees**

If Auditor's Office non-represented employees cannot be reassigned within the Auditor's Office, the Bureau of Human Resources will make an effort Citywide to re-deploy the affected employees into an existing vacant position in their current classification, or to any other vacant position in the City, provided the employee is qualified to perform the work. The employee has no guarantee, however, of a position in another bureau. Employees who receive a regular appointment to a regular position through the redeployment process have no recall rights to the Auditor's Office and classification. **See Administrative Rule on Redeployment.**

### **Exceptions to Bumping Order for Represented Employees**

Upon written documentation by the Auditor's Office and approval of the City Auditor in consultation with the Director of Human Resources that the bumping employee does not possess the skills required to perform the duties of the position held by the least senior employee, has not demonstrated the aptitude to perform the duties and responsibilities of the position held by the least senior employee or is otherwise shown to be unqualified, the City Auditor may authorize the bumping employee to displace the next least senior employee. This may continue in sequential order as necessary until the Auditor determines that the bumping employee is able to perform the duties of the position after a reasonable period of orientation.

## **Specialty Classifications**

Specialty classifications shall be handled in the layoff process as if they were separate classifications.

A selective certification to fill immediate needs for unique skills is not the same as a specialty classification. Represented employees in positions based on selective certification may bump into other positions in the same classification, and may be bumped by someone in that same classification with more seniority, provided, in either case, they are qualified to do the work.

## **Recall Lists**

Affected employees, at their discretion, will be placed on the Recall List for their current classification. A confirmation letter will be sent by Management Services to the employee confirming their placement on the recall list.

The Bureau of Human Resources will maintain a list of employees who have been laid off in each bureau. Each employee who is placed on a list is responsible for providing the Bureau of Human Resources with their current mailing address and phone number(s).

Employees shall be placed on a Recall List for the classification from which they were laid off for the following period of time:

1. for a period equal to the length of their total City service, but in no event less than three (3) years or more than five (5) years; or
2. until recalled to the classification from which layoff occurred, or removal as defined in the "Recall From Layoff" section of this rule, providing in no event will an employee remain on the Recall List for more than five years.

The Director of Human Resources may remove from a Recall List any former employee for reasons that would have resulted in discharge from active employment.

## **Outplacement Services**

Outplacement services may be available to assist employees who are facing a layoff. If layoffs become necessary, employees will be given information about available outplacement services.

## Recall From Layoff for Non-represented employees

Non-represented employees are only eligible for recall to the bureau from which they were laid off. When the Auditor's Office wishes to recall an employee from the recall list that contains multiple employees in the classification of the vacancy, the Auditor's Office will use the following factors to determine which employee to recall:

1. The needs of the organization in terms of the types of positions and the special knowledge, skills and competencies necessary to accomplish the work of the bureau, and the qualifications of employees in terms of needed special skills and expertise.
2. The overall performance of an employee.
3. The seniority of the affected employees as defined above.

If no employee is recalled due to lack of specific skill or knowledge, the division manager is required to state in writing what qualification(s) the laid off employee lacks for approval by the City Auditor.

If approved, the employee will remain on the Recall List for the next declared vacancy during their term of eligibility.

## Leave Quotas Upon Recall

Recalled employees are entitled to accrue and use leave quotas immediately upon rehire and are not required to exhaust the eligibility period pursuant to the Administrative Rules or their bargaining agreement. Any sick leave accruals carried on the books at the time of separation will be reinstated. Dependent Care leave hours are part of the employee's total sick leave accruals, so upon recall, the employee will be eligible for up to 40 hours of dependent care leave, depending on the total number of hours of sick leave reinstated. If an employee is recalled within the same calendar year, the number of available dependent care hours will be reduced by any hours previously used in the year. Upon recall, the employee will be credited with three Personal Holidays unless they are recalled during the same calendar year in which they separated. If that is the case, the employee will not receive any additional personal holidays for the year.

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## Human Resources Rule Information and History

Questions about this administrative rule may be directed to the [Management Services Division](#) of the Auditor's Office.

Adopted by the City Auditor December 11, 2017.

Adapted from City of Portland Human Resources Administrative Rule 7.06 Layoff and Recall.

Adopted by Council March 6, 2002, Ordinance No. 176302.

Last revised April 25, 2016.