



## **7.06 LAYOFF & RECALL**

### **Layoff Overview**

A layoff is defined as the separation of an employee in the classified service due to the elimination of a position, lack of funds or curtailment of work.

In the event of a layoff, it is the goal of the City of Portland to minimize the negative impact on bureau operations. It is the intent of the City of Portland to maximize employment opportunities for potentially laid off regular employees by offering the opportunity to accept part-time, casual and temporary positions, if available and appropriate.

All layoffs must be in compliance with this Administrative Rule and labor contract provisions and must be approved by the Bureau of Human Resources.

Employees in positions exempt from Civil Service under Chapter 4 of the City Charter do not have layoff or recall rights.

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### **Bureau Responsibility**

Prior to completing a Bureau Notice of Layoff, the Bureau Director must consider:

1. Transferring employees to vacancies within the bureau;
2. Eliminating vacant positions within the bureau; and/or
3. Transferring employees within the bureau into positions held by temporary employees.

Temporary employees in a classification within the bureau will be terminated prior to laying off a permanent employee.

To initiate a layoff, the bureau must complete a Bureau Notice of Layoff form with supporting information and justification. This information shall be submitted to the Layoff Coordinator in the Bureau of Human Resources at least 30 days prior to the target effective date of the pending layoff to provide the Bureau of Human Resources time to review the request, research the impact it will have on other employees in the same classification, and notify the affected employee(s).

When a bureau is considering eliminating a represented classified position, generally it is the least senior represented employee in that bureau and classification who will be impacted, which may result in their being laid off.

For non-represented employees, see section on Layoff of non-represented employees below.

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### **Bureau of Human Resources Responsibility**

After notification of an impending layoff, the Layoff Coordinator will consult a current bureau Seniority by Job Class Report to determine the impacted employee's

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seniority in their current classification utilizing the Human Resources Administrative Rules and any labor contract provisions that may apply. The Director of Human Resources will resolve questions regarding employees' seniority date or status.

After a layoff request is approved, the bureau initiating the layoff will provide written notice to the impacted employee and to the applicable union, if any, as far in advance of the effective date of the layoff as possible. At that time, the employee will be given an Election of Options form notifying the employee of their bumping, if applicable, or layoff options. Non-represented employees do not have the option to bump. For represented employees who have the option to bump under their labor agreement, bumping is governed by the terms of that agreement and this rule. The employee has two (2) working days to return the Election of Options Form to the Layoff Coordinator. If no response is received from the employee of their choice within the two (2) working days, it shall be assumed the employee has chosen to be laid off.

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## Seniority

### **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 7.07 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 in the previous class shall be cancelled for DCTU represented employees who accept permanent appointment to a classification outside the bargaining unit.

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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. Upon promotion to a classification outside the bargaining unit, a DCTU represented employee's seniority in the prior classification is cancelled. 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.

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**Bumping for Represented Employees**

The following entities are recognized independently as "bureaus" for the purposes of bumping:

1. Bureau of Development Services
2. Bureau of Environmental Services
3. Bureau of Human Resources
4. Bureau of Technology Services
5. Division of Asset Management
6. Bureau of Police
7. Bureau of Fire and Rescue
8. Bureau of Revenue and Financial Services
9. Water Bureau
10. Bureau of Parks & Recreation
11. Portland Housing Bureau
12. Bureau of Emergency Communications
13. Office of Community and Civic Life
14. Office of the City Attorney
15. Office of the Chief Administrative Officer
16. Portland Bureau of Transportation
17. Office of Government Relations
18. Office of Equity and Human Rights
19. Portland Bureau of Emergency Management
20. Fire Police Disability Fund
21. Bureau of Planning and Sustainability
22. City Budget Office

A represented employee may not bump into a classification with a higher maximum salary.

A regular represented part-time employee shall not displace a full-time employee in bumping or in recall. Non-represented employees may not bump.

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For represented employees, if no position has been located within the bureau, or any vacancies identified Citywide by the effective date of the layoff, the impacted employee will be placed on the Recall List for their current classification to be recalled in order of seniority to vacancies in their laid off classification Citywide. Non-represented employees will be placed on the Recall List for their classification to be recalled only to vacancies in their laid off classification within their bureau at time of layoff only.

Any represented employee who is bumped by a more senior employee shall have the same right to declared vacancies or bumping of less senior employees in previous classifications as provided in this rule.

Employees who bump will not be required to serve another probationary period unless they have not completed their initial probationary period.

Employees in positions exempt from Civil Service under Chapter 4 of the City Charter have no bumping rights.

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**Layoff of Non-represented Employees**

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

If more than one non-represented employee in a bureau is in a classification for which a layoff is required, the bureau 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.
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**Redeployment for Non-represented Employees**

If a non-represented employee cannot be reassigned within their bureau, the Bureau of Human Resources will make an effort Citywide to re-deploy the impacted employee 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 their former bureau and classification. See [Administrative Rule 7.04 on Redeployment](#).

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**Exceptions to Bumping Order for Represented Employees**

Upon written documentation by the bureau and approval of the Director 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

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senior employee or is otherwise shown to be unqualified the Director may authorize the bumping employee to displace the next least senior employee. This may continue in sequential order as necessary until the Director of Human Resources determines that the bumping employee is able to perform the duties of the position after a reasonable period of orientation.

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### **Specialty Classifications**

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

A selective certification, to fill a bureau's 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.

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### **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 Director of Human Resources.
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### **Recall Lists**

An impacted employee, at their discretion, will be placed on the Recall List for their current classification. A confirmation letter will be sent 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 impacted 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.

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### **Outplacement Services**

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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.

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**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 a bureau wishes to recall an employee from the recall list which contains multiple employees in the classification of the vacancy, the bureau will utilize the following factors to determine the employee to be recalled:

- (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 bureau is required to state in writing what qualification(s) the laid off employee lacks for approval by the Director Human Resources.

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

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**Recall from Layoff for  
Represented employees**

Represented employees will be recalled, in seniority order, to declared vacancies as they become available except when the employee lacks a specific skill, knowledge or license required for the position. If an employee is not recalled due to lack of specific skill or knowledge, the bureau is required to state in writing what qualification(s) the laid off employee lacks for approval by the Director of Human Resources.

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

If available for recall, the most senior person will be certified to the bureau.

When the Bureau of Human Resources receives a notice of vacancy for a classification for which there is a Recall List, the Bureau of Human Resources will notify the individual by certified and regular mail, or hand delivery with receipt, when their name will be given to a bureau. The letter will inform the employee of the following:

1. The classification in which the individual has been certified,
  2. The bureau with the vacant position,
  3. The length of time the individual has to inform the Bureau of Human Resources whether employment will be accepted or rejected,
  4. An explanation of the individuals rights of refusal, and
  5. The consequences if recall is refused.
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The hiring bureau will make arrangements for the employee's return within fifteen (15) calendar days of notification unless a later date is mutually agreed. A person on a Recall List who refuses a bonafide offer of re-employment from the City will be removed from the Recall List. Should the individual refuse an offer of employment the next name on the Recall List will be certified to the bureau. When no further names remain on the Recall List, the City will follow the regular certification process.

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**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 104 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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**Administrative Rule  
History**

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