

EMPLOYEE LAYOFF INFORMATION

City and County of San Francisco



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Introduction

This booklet outlines some of the basic provisions of the Civil Service Commission Rules governing layoffs and summarizes some of the services and benefits which are available to employees who are separated from employment due to a reduction in force. Please read it carefully.

Not every policy, rule or procedure related to layoffs is included in this booklet. For more specific information regarding your rights and benefits, refer to Civil Service Commission Rules and to your collective bargaining agreement.

Much of the information contained in this booklet applies to employees who are separated from Permanent Civil Service and Provisional appointments. If you are separated from a different appointment type (i.e., Temporary Civil Service), some of your holdover and return-to-duty rights may be different. Exempt employees do not have any holdover or return-to-duty employment rights.

If you have questions, your supervisor or department's Layoff Coordinator can either answer your questions or get the answers for you. Please keep this booklet for your future reference.

IMPORTANT NOTE: This booklet is for informational purposes only. If there is any inconsistency between this booklet and the Civil Service Rules, collective bargaining agreements, or other local laws, the latter shall govern.

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How Was the Separation Process Applied to Me?

Positions may be eliminated due to the lack of work, lack of funds, or the anticipated lack of funds. Employees may also be separated from employment if another separated employee with more seniority “bumps” an employee with less seniority.

ORDER OF LAYOFF IN A JOB CLASS

1. Provisional
2. Temporary from an eligible list
3. Probationary
4. Permanent

As a general rule, within each department, separations in a job class due to reduction in force occur in the above order. All employees in each status type listed above must be separated before separations occur in the next status type. Within the Provisional status type, employees without prior permanent City service are separated before employees with prior permanent service. Within each of the other status types, separations occur according to seniority, with the least senior employee in a department separated first.

SENIORITY

If you are a permanent, probationary, or temporary from an eligible list employee, your seniority is calculated from your “certification date.” Your certification date is the date that the Department of Human Resources certified your name from an eligible list to a department that resulted in your appointment. If you were appointed by reinstatement, voluntary transfer, or by reappointment, seniority is calculated from the date of the notice from the Department of Human Resources. If you have questions concerning your seniority, contact your Department Personnel Office.

DISPLACEMENT

You may be displaced (“bumped”) by an employee with more seniority who was separated from a position in another department or reassigned from another position in the same department. The most common ways that this can happen are:

1. A permanent employee who is separated due to a reduction in force may displace (“bump”) another employee in the classification with less citywide seniority. This provision does not apply to employees in classes in the Management (“M”) and Executive Management (“EM”) bargaining units including “Management Unrepresented” classes covered in the Unrepresented Ordinance.
2. A permanent employee who is separated due to a reduction in force may reinstate (return) to his/her previous permanent classification in his/her most recent department and may displace (“bump”) the least senior employee in that class and department.



What is the difference between "Involuntary Leave" and "Involuntary Layoff"?

Generally, two types of separations are used: "Involuntary Leave" and "Involuntary Layoff." The type of separation that is used depends on whether the employee has permanent civil service status in the class from which separated, and whether the employee wishes to separate from City service and "cash out" contributions to the Retirement System and unused vacation credits.

Permanent and Probationary Civil Service employees who are placed on **Involuntary Leave**:

- Must continue membership in the Retirement System.
- May not cash out any earned and unused vacation.
- Maintain status as a holdover in the class for up to five years. Provisional and Exempt employees cannot be placed on involuntary leave.

Employees who elect **Involuntary Layoff** status:

- Must make a decision about his/her contribution into the Retirement System within 90-days of the separation date. The Retirement System will notify the employee of the available options and specific requirements for reporting his/her decision. Should the individual return to City service after a layoff, they should contact the Retirement System to discuss placement into Retirement plans.
- Separate from City service and must cash out all earned and unused vacation.
- If Permanent Civil Service, maintain status as a holdover in the class for up to five years. Provisional and Exempt employees do not have holdover rights.

Permanent and Probationary employees may be placed on either Involuntary Leave or Involuntary Layoff status. If you are a permanent or probationary employee, and do not indicate which status you prefer, you will automatically be placed on "Involuntary Leave" status. You may wish to discuss your choice with your Department Personnel Office.

Provisional employees and **Temporary** employees **from an eligible list** must be placed on Involuntary Layoff status.

| Employee Status | Involuntary Leave | Involuntary Layoff |
|---------------------------------|-------------------|--------------------|
| Provisional | | X |
| Temporary from an eligible list | | X |
| Probationary | X | X |
| Permanent | X | X |



What Are My Reemployment Rights?

1. If you are a **Permanent or Probationary** employee who is separated from your position due to a reduction in force, you are a "**Permanent Holdover.**" You are placed on a "Permanent Holdover Roster" in order of your total permanent seniority in the class from which you were separated. With the exception of employees in classes in the Management ("M") and Executive Management ("EM") bargaining units including "Management Unrepresented" classes covered in the Unrepresented Ordinance, as a Permanent holdover, you may displace the least senior permanent employee in the class citywide unless that employee has more seniority than you do.
2. **Permanent holdovers** are given preference for reemployment in vacant positions ahead of employees requesting transfer, voluntary reinstatement, reappointment, or eligibles awaiting appointment from Civil Service Eligible Lists. Permanent holdovers may remain on the Permanent Holdover Roster for up to five (5) years.
3. **Permanent Holdover Rosters** are used to fill both permanent and certain temporary positions. **Temporary Holdover Rosters** are used to fill positions on a temporary basis only. Permanent holdovers will be offered certain temporary employment before Temporary Holdovers.
4. If you are a **Permanent Holdover**, and a position becomes available and your name is reached on the Permanent Holdover roster, you will be sent an official offer of reemployment by the Department of Human Resources.
 - a) If you refuse an offer of reemployment to a full-time permanent position in the class and department from which laid off, you will be removed from the Holdover Roster for that class. Your refusal of reemployment is considered a resignation.
 - b) If you refuse an offer of reemployment to a full-time permanent position in a different department from which laid off, you will be placed under departmental waiver for all future offers of employment for that department, and under general waiver for all positions in the class until a request to lift a general waiver is received and granted. Requests to lift a general waiver (reestablish eligibility) must be made in writing to the Human Resources Director. (Refer to #5 below)
 - c) If you are offered a permanent part-time position in any department, you will remain eligible for future full-time positions as they become available regardless of whether you accept or refuse the part-time position.
 - d) When you have been officially notified that your name has been reached for reemployment, you will have five (5) business days from the notification date to respond to the department and to the Department of Human Resources.
 - e) Failure to respond to a notice of return to duty will be considered a refusal of an offer of reemployment, and may result in the removal of your name from the Holdover Roster(s) and/or eligible lists.



5. If you are placed under **general waiver** due to non-response or refusal of a position, you will be ineligible for all positions in your permanent class in all departments, and your eligibility can be reestablished only by the express approval of the Human Resources Director. Requests to lift a general waiver (reestablish eligibility) must be made in writing to the Human Resources Director.
6. If your **general waiver** has been lifted and you are eligible to be considered for placement, you will only be considered for placement into vacant positions. You will not be allowed to displace another permanent or provisional employee.
7. If you are a **Promotive** employee in a permanent position and cannot be placed in a position in the class from which separated, you have the right to reinstate to your permanent position in the class and department from which you promoted. If necessary, you may “bump” another employee with less seniority than you in that department.
8. **Provisional** and **Exempt** employees have no reemployment rights in the class from which separated. However, if you are separated from a Provisional or Exempt position, and are on leave from another permanent position, you have the right to return to the class and department from which you are on leave. (If you are separated from a position while on leave from a permanent position, you must immediately contact the department where you have permanent status to arrange a return-to-duty date.)

Will I Be Required to Serve a New Probationary Period When I Am Returned to Duty?

1. If you return to the same class but in a different department, you will be required to serve a new **probationary period**. Refer to the applicable collective bargaining agreement for information on the length of the probationary period following layoff and reemployment. You will not be required to serve a new probationary period if you are reemployed in a permanent position in the class and department from which you were laid off. Employees who are serving a probationary period at the time of separation and later reemployed in the same class and department from which laid off, will receive credit for the period of probation served prior to layoff.
2. If you are returned to duty from a holdover roster, and are subsequently released from probation, or resign during the probationary period, you may request that the Human Resources Director return you to available status as a holdover. If approved, you will be placed back on the holdover roster in the order of your original seniority in the class and will only be eligible to be returned to vacant approved positions as they become available. Note: The Human Resources Director will generally not lift the waiver after the second time an individual has been released on probation from a holdover placement.



What Will Be My Salary When I am Rehired?

1. If you are returned to duty in the same class from which you were laid off, and in a department other than the Unified School District and the Community College District, you will be returned at the same salary step you were at when you were laid off. Eligibility for any pay premiums, differentials or other adjustments above base salary will need to be reestablished based on the work performed in the new position and in accordance with the collective bargaining agreement provisions.
2. If you are returned to duty in a different class from which you were laid off, and in a department other than the Unified School District and the Community College District, you will be returned at the salary step whose pay rate is closest to, but not less than, the base pay rate you were receiving prior to being laid off. Your pay rate in the new class, however, cannot exceed the maximum scheduled pay rate for the new class.
3. If you are returned to duty in a position at the Unified School District or the Community College District, you will be placed at a salary step determined by the two districts. Please note, however, that the salary schedules for positions at the two districts may differ significantly from positions in the same classes in other City departments. Benefits may also be different.

What Happens to My Vacation and Sick Leave Balances, Floating Holidays and Comp Time Credits?

1. Permanent employees who are placed on **Involuntary Leave** status retain the sick leave and vacation credits they have accrued before they were separated. No sick leave or vacation credits are earned for the period when the employee is not on paid status.
2. Permanent, Provisional and Exempt employees who elect to be placed on **Involuntary Layoff** status and therefore completely separated from City service will be paid out all earned and unused vacation and may not regain vacation credits upon reemployment. Unused compensatory time off and floating holidays will be paid out if authorized by the applicable collective bargaining agreement.
3. Permanent employees who are placed on **Involuntary Layoff** retain their sick leave credits. No sick leave credits are earned for the period when the employee is not on paid status.
4. Provisional and Exempt employees who elect to be placed on **Involuntary Layoff** status and are reemployed within six (6) months from the date of layoff may regain sick leave credits. No sick leave credits are earned for the period when the employee is not on paid status.



How is My Retirement Affected?

If you are separated from your position due to a reduction in force, or “bumped”, and have questions about your retirement eligibility or membership benefits, you should contact the Retirement System. The Retirement System is located at 1145 Market Street, 5th Floor, San Francisco, CA 94103. Call (415) 487-7000 for general retirement information.

For information regarding contributions to the Retiree Health Care Fund, please review the Additional Notes section of the Retiree Health Care document, which can be found on the DHR website under HR Professionals, Classification & Compensation Section or at this link: <https://sfdhr.org/sites/default/files/documents/Classification-and-Compensation/Retiree-Health-Care.pdf>.



How are My Health Benefits Affected?

Employees who are separated from City service and are placed on a **Holdover Roster**, may be eligible to continue receiving their health and dental benefits (including covered dependents) for up to five (5) years, as long as they meet the following requirements:

1. Employees must certify that they are unable to obtain health coverage from another source; and
2. Employees must complete and submit a **Certification of Eligibility Form** to the Department of Human Resources Health Service System Office on an annual basis (contact San Francisco Health Service System, or HSS, for more information about this).
3. Employees must pay the same amount that was deducted from their paycheck prior to layoff (rates are subject to increase each Plan Year).

Employees who have no holdover rights may be eligible to continue medical, dental and vision coverage under COBRA. The healthcare coverage you had as an active employee will end on the last day of the coverage period in which your employment terminates. For information about COBRA, contact SFHSS' COBRA Administrator P&A Group at (800) 688-2611 or visit padmin.com.

HSS is located at 1145 Market Street, 3rd Floor, San Francisco, CA 94103. Please call (628) 652-4700, toll free number (800) 541-2266 or visit their website at <https://sfhss.org/contact-us> for general information.



What Do I Do in the Meantime?

UNEMPLOYMENT INSURANCE

If you are separated from City service or have your hours reduced through no fault of your own, contact the California State Employment Development Department (EDD) as soon as possible ((800) 300-5616 or www.edd.ca.gov). You may be entitled to State Unemployment Insurance benefits starting one week after the date of actual separation or reduction in hours. Delay in filing may cause you to lose benefits.

OTHER EMPLOYMENT

Permanent and Temporary Holdovers who obtain employment outside of the San Francisco City and County Civil Service will NOT lose standing on the Holdover Roster.

MAINTAIN JOB QUALIFICATIONS

Permanent and Temporary Holdovers must maintain any qualifications, such as certificates, specialized skills or licenses required by law and by the terms of the examination announcement(s) under which they qualified for employment.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The Employee Assistance Program (EAP) provides cost-free, confidential counseling to employees and their families for up to 30 days after separation from City employment. The Employee Assistance Program is located at 1145 Market Street, Suite 100 (between 7th Street and 8th Street; Civic Center Muni/Bart Station), San Francisco, CA 94103, or you can call (628) 652-4600 or (800) 795-2351.



Important Reminders

1. It is important that you check the notices you received to make sure that the **name and address** as shown are current. If information is incorrect or missing, have your department update your personal information in the City's PeopleSoft system. If you move after being separated, or if you have any other contact information change (email, phone number, etc.), you must immediately notify the Department of Human Resources, Selection and Hiring Resources, One South Van Ness, 4th Floor, San Francisco, CA 94103, in writing and include your name, D S W / e m p l o y e e I D n u m b e r , former job code and title, updated contact information (new address, phone number, email, etc.), and your signature. **If we do not have your current contact information, you may miss out on a job opportunity as well as important communications regarding your health benefits.**
2. Employees who are reinstated will receive instructions from the Department of Human Resources concerning the reinstatement opportunity and the departmental contact for the position.
3. When you have been officially notified that your name has been reached for reemployment, you have **five (5) business days** from the notification date **to respond** to the department and to the Department of Human Resources.
4. **Failure to respond** to a notice of return to duty may result in the removal of your name from the Holdover Roster(s) and/or eligible lists.