

## ARTICLE 2.2: PROCEDURE FOR LAYOFF

### SECTION 2.2.1: PURPOSE.

- (a) The Board of Supervisors shall establish the number of active positions by department in the Position Management system as part of the budget process. Active positions deleted or abolished in budget shall be inactivated in the Position Management system. To the extent that the number of persons filling positions exceeds the number of active positions in the Position Management system, the appointing authority shall lay off a sufficient number of employees to stay within the number of active positions to implement the Board's budget action. The appointing authority shall conduct employee layoffs according to applicable layoff rules, policies and procedures.
- (b) EXCEPTION. The provisions under Article 2.2 shall not apply to the deletion of active positions pursuant to a reorganization action approved by the Board of Supervisors under the following circumstances:
  - (1) Positions within a department/agency are transferred to another department/agency pursuant to Board action amending a department's/agency's budgeted positions and an associated administrative action to amend Position Management; and
  - (2) The number of positions within each job classification/code being added to the "receiving department/agency" is equal to or greater than the number of positions within the same job classification being deleted from the "transferring department/agency."

Under these circumstances, employees serving in the affected positions shall not be subject to layoff and, upon the operative date of the Board action which transfers the positions for the affected departments/agencies, these employees shall be considered employees of the department/agency receiving the transferred positions and shall be subject to the authority and supervision of the appointing authority of that department/agency. Further, these employees shall continue to maintain and enjoy all rights and privileges associated with their respective positions as provided by the provisions of the Compensation Ordinance and the Rules for the Classified Service.

(Amended 10/29/93, Ord. No. 8317)  
(Amended 05/03/01, Ord. No. 9320)

SECTION 2.2.2: LAYOFF. If the number of persons filling positions in any class within a department exceeds the number of persons filling active positions in such class per Subsection (a) of Section 6.1.3, the appointing authority shall lay off employees in excess of the authorization.

(Amended 05/03/01, Ord. No. 9320)

SECTION 2.2.3: REQUEST FOR LAYOFF LIST. In accordance with Rule XIV of the Rules, the appointing authority shall request the Director to provide a layoff list by seniority containing the seniority rating and ranking of every person in each class for which layoffs have been requested.

SECTION 2.2.4: NOTICE OF LAYOFF-CONTENTS. Upon receipt of the layoff list, the appointing authority shall prepare and serve a Notice of Layoff. The notice shall contain the following information:

- (a) The effective date of the layoff;
- (b) The seniority rating of the employee computed by the Director, as required by Rule XIV of the Rules;
- (c) The seniority ranking of the employee on the layoff list for the particular class involved in the layoff;
- (d) The total number of layoffs for the particular class;
- (e) A statement of the computation of seniority ratings and rankings;
- (f) A copy of the complete layoff list compiled by the Director showing the seniority rating for each employee on the layoff list;
- (g) A statement that the employee has the opportunity to contact the Director or designated representative no later than five (5) days after receipt of the Notice of Layoff to inspect the records relating to the computation of the layoff list including the employee's seniority rating and ranking, and to meet with the Director or designated representative regarding any corrections related to such list, rating, or ranking. The employee shall be informed that failure to contact or meet with the Director or designated representative within the prescribed period will be deemed a waiver of any objections that might have been raised regarding the list, rating or ranking;
- (h) A statement that the layoff will be effective on the date indicated unless the appointing authority advises the employee in writing otherwise prior to the effective date and time set forth on the notice;

- (i) A copy of the provisions of Rule XIV of the Rules pertaining to layoff.

SECTION 2.2.5: APPROVAL AND SERVICE OF NOTICE. The Notice of Layoff shall be approved by County Counsel prior to its distribution to any employee. The Notice of Layoff shall be served, either personally or by mail, on an employee at least fifteen (15) calendar days prior to the effective date of the layoff.