

## **FAQ Sheet**

### **Frequently Asked Questions About Layoff**

#### **What is seniority?**

Seniority credit is earned from the start of an employee's civil service hire date. Employees may have held different positions in different departments and their seniority follows them from one civil service position to another civil service position, as well as from one department to another. Seniority credit is used to determine order of layoff for County employees. The only exceptions to that apply to Sergeants, Lieutenants, and Captains in the Sheriff's Departments where seniority in the class identifies the order of layoff.

#### **How is seniority calculated?**

Seniority is calculated based on straight time (regular) hours worked. Generally in a bi-weekly pay period an employee works 80 hours and accrues 80 hours of seniority credit. Overtime hours do not count toward seniority. Unpaid leaves for military leave or unpaid worker's compensation leaves do count toward seniority credit. Unpaid leaves of absences do not count toward seniority. Also, periods of unsatisfactory evaluations do not earn seniority credit.

#### **I had a break in service and later reinstated to County civil service employment.**

##### **Does my previous County service count toward seniority?**

No, your previous County civil service does not count toward your seniority credit. When you reinstate within one year of separating from County service, you are allowed to reinstate your sick leave balance as well as your vacation accrual rate. However, you do not reinstate your seniority credit.

#### **I bought back temporary and contract time for retirement. Does this count toward seniority?**

No. When an employee buys back time for retirement, it has no impact on civil service seniority.

### **Why do layoffs occur?**

Layoffs generally occur when there is no longer funding to support a function or program within a department. Positions within the program and/or function which are supported by funding that is no longer available may be deleted by the department. Depending on the positions deleted, an employee may be laid off, or depending on the classification deleted, the employee may bump a less senior employee in the classification within the department.

### **Who determines which positions are cut?**

The department head must decide which positions in which classification to delete from the budget. The decision is based on positions to be cut, not individual people to cut. If the position is vacant, there is no layoff. If there are no vacancies in the deleted classification, a layoff occurs. Once a filled position has been identified for deletion, seniority lists are used to determine which individual employee will actually be laid off.

### **How am I notified of a layoff?**

County Human Resources identifies employees to be laid off based on the filled positions deleted in a department. Employees in the deleted position(s) are identified based on seniority and the employee with the least seniority receives a layoff notice. County Human Resources and a department representative generally meet with the employee to provide the formal notice of layoff.

### **How much notice do I get prior to layoff?**

Section 14.1 of all of the MOU's states that employees shall be given fifteen (15) calendar days notice.

### **What happens after I receive a layoff notice?**

Generally a layoff notice is provided 15 calendar days prior to the actual last day of work. County Human Resources will meet with the employee to discuss the reemployment process, as well as other employment options which may be available

to the laid off employee within San Joaquin County. Employees are immediately placed on a reemployment list for their laid off class for a period of three years. In addition to being placed on a reemployment list, laid off employees are asked to complete a transfer application and HR staff review with them other positions they may qualify for. Employees are placed on transfer lists for those positions they qualify for.

### **What is bumping?**

Bumping occurs within a department when a laid off employee has held a lower level classification in County service and has more seniority than another employee within their department in that same classification. The more senior employee “bumps” the less senior employee. An example would be an Administrative Assistant I who receives a lay off notice and has had civil service status as an Account Tech I. The employee would bump to the Account Tech I in the department if the employee had more seniority than the incumbent Account Tech I.

### **Does a Laid Off employee have to accept a “bump”?**

No. A laid-off employee eligible to bump to a lower classification may elect to take the layoff. In that case, the employee would be placed on the reemployment list for the classification from which he/she was laid off.

### **Can I bump outside the department?**

No. Bumping rights occur only within a department.

### **Will I be eligible for unemployment insurance if I am laid off?**

Laid off employees may be eligible to receive Unemployment Compensation. Claims for Unemployment Compensation are filed with the California State Employment Department.

### **Will I receive severance pay if I am laid off?**

A laid off employee may be eligible for severance pay if he/she is in a bargaining unit which has negotiated this benefit and if he/she meets the requirements listed in the

language. To determine eligibility, go to the Labor Relations website and follow the link to the MOUs. Severance pay should be found under section 4.6 of the MOU.

**Can I continue my health insurance if I am laid off?**

A laid off employee may purchase health insurance coverage paying the full premium at Human Resources. This option will be available as long as the laid off employee is on a reemployment list (3 years). After the list expires, an employee still not reemployed will be eligible to purchase insurance through COBRA.

**Can I transfer to another County position?**

Laid off employees will be considered current County employees in their pre-layoff class for purposes of transfers. Laid-off employees may identify classifications which they may be interested in and qualify for and Human Resources will maintain a record of that information for each employee. When Human Resources receives a request to fill a vacancy, names from these transfer lists will be referred for consideration.

**Can I apply for other County positions?**

While Human Resources can refer names of employees on reemployment lists to positions for which the person qualifies for transfer, some positions which are vacant may be promotional opportunities. Laid off employees are encouraged to apply, test and compete for positions listed on the Employment Bulletin. As long as a laid off person is on the reemployment list, he/she is considered a County employee for purposes of qualifying for departmental or county-wide promotional examinations.

**At what step would I be placed if I'm reemployed from a reemployment list?**

The rate of pay would be the same step of the salary range at which they were employed on the effective date of layoff.

**What happens to my vacation accrual rate if I am reemployed?**

Upon reemployment, a laid off employee will be entitled to accrue vacation at the accrual rate at the time of layoff and will not be required to begin a new accumulation of years of service to advance to the various levels of accrual.

**What happens to my sick leave if I am reemployed?**

A laid off employee's accumulated sick leave will be reinstated to the employee's sick leave account when the employee is reemployed.