



USEFUL LOCAL 88 SENIORITY INFORMATION

2011-2014 Contract

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I. Types of Seniority Dates: Countywide and Classification

A. Countywide Seniority Date

- 1. **Includes:** The continuous, cumulative time an employee has spent in all the represented positions that they have held.
Note: Continuous service is terminated by voluntary or involuntary termination, termination due to expiration of a recall list, removal from a recall list, or discharge of cause.
- 2. **Used for:** Determining layoff, bumping, and recall rights.
- 3. Countywide Seniority Date may not be the same as an employee's hire date if there are any separations, unpaid leaves of absence over thirty (30) days, or

time spent in management, unclassified or on-call positions.

B. Classification Seniority Date

1. **Includes:** The total length of accumulated service within the affected job classification and continuous county service and any equivalents within the County. If employees leave a classification and then returns to it without a break in County service the prior time spent in the classification will be added to their current time in the classification.
2. **Used for:** Shift bidding, transfers within classification, and anniversary dates.

II. Computing Seniority - Article 21(II)(B)

A. Time that counts:

1. The total length of continuous service.
2. Part-time work counts as full-time.
3. Paid leaves of absence.
4. For regular employees, all continuous and contiguous service in temporary and limited duration appointments (prior to regular appointment) where duties performed are consistent with work done by members of a bargaining unit (allows for cross-over between different bargaining units).

B. Time that does not count:

1. Unpaid leaves of absence and layoffs that last for more than 30 days.
2. Unclassified/executive service, management service, on-call appointments (does not refer to time spent in WOC), temporary and limited duration appointments except as provided in paragraph 4, below.
3. Continuous service is terminated, and seniority is forfeited, by voluntary termination, involuntary

termination due to expiration of a recall list, removal from a recall list after layoff, or discharge for cause.

4. Time spent in temporary and limited duration appointments does not count towards Job Classification Seniority unless the employee is hired into a regular status position in the same classification and the service time is continuous and contiguous.

III. Human Resources Roles Regarding Seniority List

- A. Department Human Resources Staff** – Responds to employee seniority concerns, researches and analyzes seniority data, and makes seniority date determinations.
- B. Labor Relations** - Pulls the seniority data from SAP, publishes seniority lists, coordinates appeals, and responds to grievances.

IV. Annual Publication

A. Process for publishing

1. **February:** Labor Relations downloads seniority data from SAP and sends to the Department HR Staff to review for errors.
2. **March:** The list is published for a minimum of thirty (30) days for employees to review their seniority date and raise issues.
3. **April:** The list is finalized and published again after making any updates.

B. What the annual list is used for

Publishing the annual list allows employees to review their seniority dates for errors. It is not the list that is used for layoff/bumping since it is a “***snapshot in time***” and does not reflect changes that occur throughout the year. When there is layoff/bumping, a new seniority list is pulled from SAP to ensure the data is accurate.

V. Appeals Period and Grievances – Article 21 (VII)(B)

- A. **Consultation with Labor Relations:** Employees who have concerns about the calculation of their seniority should notify Labor Relations **in writing**, with a copy to the Union, and include the following information:
 - 1. Name and contact information.
 - 2. Department name.
 - 3. Current classification.
 - 4. Specifics about the seniority date that is believed to be wrong.
- B. **Step 3 Grievances:** If an employee's concerns remain unresolved, a grievance may be filed at Step 3 with Labor Relations **no later than thirty (30) days** following initial consultation on the matter. If no grievance is filed within that time, the seniority calculation is deemed correct and no grievances may be filed on that issue at a later date.
- C. **Arbitration:** If the Step 3 grievance is denied, the Union may exercise its' right to move the issue to arbitration. If no such request is made within fifteen (15) days of the Step 3 grievance response, the seniority calculation will be deemed correct and no grievances may be filed on the issue again in the future.
- D. **Limit on Grievances:** Grievances may be filed only with respect to seniority accrued since **July 1, 2007**.
- E. **Grievance Freeze:** Seniority dates will be frozen during the bumping/layoff process consistent with the commencement of the KSA freeze date. No grievances on seniority issues may be filed during this time.

VI. Seniority Ties - Article 21(II)(A)

- A. Employees in the same classification who have the same seniority date are considered to be "tied."
- B. **Seniority ties are broken as follows:**

1. Test score on the Civil Service Exam for the classification.
 2. If the test scores are not available or the test scores are also a tie, then the tie will be broken by a computerized logarithm.
- C. When seniority ties are broken, employee rankings will be added to the comment section on the annual seniority list.
- D. Unless a seniority tie is broken in a manner specified above, the order on the seniority list for employees who have the same seniority date is not determinative for layoff and bumping purposes. As such, in most cases, seniority ties will not be broken unless there is layoff/bumping occurring or some other compelling reason to do so.

VII. Work-out-of-Class and Limited Duration Assignments

- A. Employees who are working-out-of-class or in limited duration appointments should be reflected in their **base classification** on the seniority list.
- B. The data that SAP outputs places employees in their temporary classification, so Human Resources must make a manual adjustment to the seniority list. Employees should check the seniority list to confirm that they are listed in their base classification.
- C. If employees work-out-of-class, or are in a limited duration assignment, and their assignment is in a classification they are ultimately reclassified or promoted into, the time will be added to their new classification seniority date as long as the service was continuous and contiguous to their new position.

VIII. Seniority and Recall Lists – Article 21 (IV)(H)

- A. Employees who have been laid off, are on a recall list, and then return to regular County employment for any reason will be treated as if they have been on a leave of absence without pay for the purpose of computing seniority.

- B. Employees will be credited with the seniority time they had accrued prior to being laid off.
- C. If the employee was laid off for more than thirty (30) days, no time spent on layoff will count towards seniority.

IX. Probationary Employees – Article 21 (III)(C)

- A. Employees on probation (non-regular) accrue seniority, but they do not have “seniority rights” in layoff and bumping until they pass probation.
- B. Probationary employees that are laid off will be placed on a reinstatement list. If they are ultimately reinstated, they will be treated as if they have been on a leave of absence for seniority accrual and length of probationary period purposes.

X. Department / Personnel Area Column

The Department / Personnel Area column on the seniority list must match the information that is in SAP. In order for the Department / Personnel Area to be changed on the seniority list, the information must first be changed in SAP. Employees who believe that the Department / Personnel Area is inaccurate on the seniority list should contact their Department Human Resources Staff and request the change.

XI. Trainees

- A. **Job Classification Seniority:** Trainees’ job class seniority will be treated like temporary employees. If they pass the trainee program, they get job class seniority in the higher classification for all the time spent in the trainee classification. If they don’t pass the trainee program, then the job class seniority is accrued in their base classification.
- B. **Placement on the Seniority list**
 - 1. **Trainees that Hold Prior Regular Status:** If a regular status employee is assigned to a trainee program, s/he will show up on the seniority list in his/her base classification with a note that s/he is

doing a training program in the higher classification. The employee will get the seniority credit in the higher classification once s/he passes the training program.

2. **Trainees that are New Hires:** If the trainee is a new hire, s/he won't show up on the seniority list because s/he is not accruing seniority until the trainee program is completed.

XII. Time Spent Outside of the Bargaining Unit

- A. **Job Classification Seniority** - Article 2(VI)(b) states that "time spent on a probation period that is not completed will count toward the employee's previous classification, if any, unless such probationary period was in a classification outside the Local 88 bargaining unit, then such time will not count if such period is in excess of six (6) months. Time spent on a trial service period after lateral transfer that is not completed will be counted toward the previous classification.
- B. A represented employee who is temporarily appointed into a management or executive service position has the right to return to his or her bargaining unit position at the end of the appointment without loss of seniority. Art. 15(III)(B)(2)(d)(iv).
- C. **Countywide Classification Seniority** – Article 15(II)(C)(4)(a) – "Employees who do not successfully complete promotional probation period in a non-Local 88 bargaining unit position shall have their time count towards their total length of continuous service within the County."

XIII. Time Spent in Unclassified Service

- A. MCPR § 2-80-030(A)(6) states that "a regular employee given an unclassified appointment and subject to layoff is entitled to exercise seniority under these rules for two (2) years." This means that an employee who previously accrued seniority in a represented position and then moves into an "unclassified" position **for more than two years**

loses their previous seniority rights if they are laid off from the unclassified position.

- B. If an employee vacates an unclassified position and is appointed or reclassified to a represented position with no break in service, their previous seniority time will be bridged – even if they have been in the unclassified position for more than two (2) years. Their Countywide seniority date will be adjusted to reflect all of the previous time spent in a represented position. They will not receive credit for the time spent in unclassified service.

XIV. Leaves of Absence

- A. Paid Leaves of Absence – Employees who are on a paid leave of absence will continue to accrue seniority while out on leave.
- B. Unpaid Leave of Absence – Employees who are on unpaid leaves of absence for more than thirty (30) days will have no time spent on that leave count for seniority accruals. Article 21(II)(B)(3)
- C. Workers Compensation Leave – Employees accrue seniority for the time s/he is off the job and unable to work by reason of a disability under the Workers Compensation law. Article 12(II)(A)
- A. Military Leave - Article 10, Section III recognizes the County's obligations "under state and federal law" regarding the granting of "paid and unpaid leave for military training and service." The Uniformed Services Employment and Reemployment Rights Act (USERRA) requires that the seniority clock continue to run for employees on approved military leave.

XV. Seniority Dates and Retirement

- A. The Local 88 seniority dates have no application to retirement matters.
- B. To determine retirement eligibility, employees must contact PERS directly at 503-598-PERS (7377).