

Rule # 4-80

Reduction in Management Work Force

§§:

[§ 4-80-010 Purpose](#)

[§ 4-80-020 Policy](#)

[§ 4-80-030 Determining Impacted Employees](#)

[§ 4-80-040 Notice](#)

[§ 4-80-050 Reinstatement](#)

[§ 4-80-060 Provisions to Save Employees from Layoff - Project Save](#)

§ 4-80-010 Purpose

The following rules apply to management employees only. Executive employees are considered to be at-will and subject to dismissal for any lawful purpose.

§ 4-80-020 Policy

- A. A management employee may be removed from management service and subject to layoff, reassignment or FTE reduction due to lack of funds, reorganization, lack of work, or other budgetary or workload reasons that are not for cause.
- B. This policy does not authorize bumping within management service. Management employees who previously held classifications that were represented by a union may have bumping rights back into the bargaining unit if such rights are granted or not prohibited under the union's collective bargaining agreement.
- C. If a management employee is offered and refuses reassignment to another management position, a reassignment due to bumping back into a represented classification, or a reassignment with a reduction in FTE, the employee's refusal will be deemed to be a voluntary resignation.

§ 4-80-030 Determining Impacted Employees

- A. The Appointing Authority for each department has the sole discretion in determining which management employees will be subject to layoff, reassignment, or FTE reductions.
- B. The Appointing Authority will consider the following factors, in descending order of importance, when determining which management employees 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 department.
 - 2. The qualifications of employees in terms of needed special skills and expertise.

3. Current and anticipated funding for the programs and services that employees are assigned to.
4. The overall performance of a management employee shall be measured by their progress in meeting established performance objectives and demonstrating county leadership values as identified in the county's Performance Planning and Review (PPR) process.
5. The disciplinary record of employees.
6. The length of continuous county service by management employees.
Continuous county service, for the purpose of this rule, is defined as the total length of continuous employment at the county beginning on the employee's date of hire into a regular status assignment. County service is broken by discharge for cause, voluntary termination, or involuntary termination due to layoff.
7. Requests by employees for voluntary layoff.

§ 4-80-040 Notice

- A. The Appointing Authority should provide written notice of layoff, reassignment, or reduction in FTE to employees as early as possible, but in no case less than 15 calendar days prior to the effective date. Once an employee has been notified in person of their layoff, reassignment, or reduction in FTE, subsequent notices may be sent via email.
- B. The notice to affected employees should state:
 1. Any offers of reassignment if available.
 2. Any rights to bump back into a bargaining unit classification if applicable.
 3. The right to be placed on a reinstatement list for all of the classifications in which the employee previously held regular status.
 4. Any right, as defined in the applicable collective bargaining agreement, to be placed on a recall list for a bargaining unit classification.
 5. Programs that the employee may be eligible for such as Project Save.
- C. Employees who are offered a reassignment to another management service position, bumping rights back into a bargaining unit classification, or reassignment to a position with a reduction in FTE must respond by the date outlined in their notice. Failure to respond as instructed by the stated date will be deemed to be a voluntary resignation.

§ 4-80-050 Reinstatement

- A. The names of employees laid off or reassigned to a lower classification will be maintained on a reinstatement list for all of the classifications in which the employee previously held regular status.
- B. The term of eligibility to remain on the reinstatement list is one year from the date of layoff or reassignment to a lower classification. Employees who are reassigned to a lower classification may renew their eligibility on the reinstatement list annually. Reinstatement to county employment or to a previously held classification is at the discretion of the appointing authority.
- C. Employees who are reinstated following a demotion to a lower classification will serve a trial service period of 120 days. Employees who are reinstated following separation are subject to the applicable probationary period in MCPR § 2-15-020 and may be removed during probation.

§ 4-80-060 Provisions to Save Employees from Layoff - Project Save

- A. The county may offer an employee who is on notice of pending layoff a position in a classification with a salary range that has the same maximum range or lower salary range for which the employee is qualified and for which there is a vacancy available.
- B. The offer of employment under Project Save may be by a non-competitive appointment and may be made by any department or non-department in the county.
- C. Employees may not be offered employment that would be a promotion as defined by these rules except through competitive appointment.
- D. Employees do not have to accept any offers of employment through Project Save and can exercise any bumping rights they have into a bargaining unit classification or accept layoff.

(ER375, Amended, 11/04/2009)