

<b>LAYOFF AND RECALL</b> <b>(NON-REPRESENTED EMPLOYEES)</b>	<b>POLICY</b>	
	<b>Document Number:</b>	AS-HR-PL-3680
	<b>Version Number:</b>	03

**1.0 Purpose:**

To provide guidelines and controls governing layoff and recall procedures.

**2.0 Scope:**

This policy applies to all VTA employees not governed by a collective bargaining agreement, excluding at-will employees.

**3.0 Responsibilities:**

VTA's Employee Services Department shall develop and maintain seniority lists for each classification. The Employee Services Department is responsible for notifying the affected employees with timely notice of layoff.

**4.0 Policy:**

4.1 If a reduction in workforce is necessary, layoffs and recall will be conducted in accordance with the procedures described in this document.

4.2 ORDER OF LAYOFF: When one or more employees performing in the same class are to be laid off, the order of layoff will be as follows:

- (a) Provisional employees in reverse order of seniority;
- (b) Probationary employees in reverse order of seniority;
- (c) Regular employees in reverse order of seniority.

4.3 NOTICE OF LAYOFF: Employees will be given at least twenty (20) working days written notice prior to the effective day of layoff. Any reassignment must be applied prior to the effective date of layoff.

4.4 SPECIFIC SKILLS: Each department will annually determine the number of positions in each classification that require a specific skill paid for through a differential (e.g. bilingual). The Chief Administrative Officer must approve the plan. In all cases, the employees in the department certified in that skill shall be retained in order of seniority until the requisite number of positions are filled.

**4.5 REASSIGNMENT IN LIEU OF LAYOFF**

Vacancies in VTA: In the event of notice of layoff, any employee so affected will be allowed to transfer to a vacant position in the same classification within VTA, provided the employee meets the specialized qualifications which may be established through testing and examination or by selective certification.

Displacement in the Same Classification: If there are no vacant positions in the same classification, an employee may displace the least senior employee in the same classification within VTA. When a less

<b>LAYOFF AND RECALL</b> <b>(NON-REPRESENTED EMPLOYEES)</b>	<b>POLICY</b>	
	<b>Document Number:</b>	AS-HR-PL-3680
	<b>Version Number:</b>	03

senior employee is displaced, the displaced employee shall be laid off or reassigned in accordance with the layoff policy.

Former Classification: In the event that there are no vacant positions in the same classification and an employee has less seniority than all other employees in the same classification, an employee with less seniority will be offered a vacant position in any classification at the same or lower level in which regular status had formerly been held and for which they are qualified, first in the affected division and then throughout VTA.

An employee that has been displaced from a higher classification may displace the least senior employee in a lower level classification, if permanent status has been previously held in that class.

The employee will not be allowed to transfer to a vacancy or filled position that requires skills not possessed by that employee.

#### 4.6 LAYOFF

In the event that an employee is not reassigned in lieu of layoff, the employee shall be laid off. If an employee elects not to exercise the rights under Displacement, he/she may be deemed to have been offered and to have declined reassignment and will be laid off.

#### 4.7 ACCRUED LEAVES

Laid-off employees, when separated from VTA service as a result of layoff, will be paid for all accrued (vested) vacation leave and other discretionary leaves (Scheduled Time Off, Personal Days, Vacation) in accordance with the applicable documents.

#### 4.8 REEMPLOYMENT LIST

The names of employees reassigned or laid off shall be placed on a reemployment list in order of seniority. Upon VTA's certification of the reemployment list to the appointing authority, the person with the most seniority on the reemployment list when a vacancy exists in that classification in any department shall be offered the position. (The Department has the right to first fill the position from a transfer list and use the reemployment list to fill all remaining vacancies.) Employees on reemployment lists shall retain the right to take promotional examinations and/or receive promotional preference on examinations.

When required by the needs of the department and approved by the Chief Administrative Officer, selective certification may be utilized to reemploy employees with particular skills.

<b>LAYOFF AND RECALL</b> <b>(NON-REPRESENTED EMPLOYEES)</b>	<b>POLICY</b>	
	<b>Document Number:</b>	AS-HR-PL-3680
	<b>Version Number:</b>	03

#### 4.9 TEMPORARY WORK FOR LAID-OFF WORKERS

Interested employees who are placed upon the reemployment list due to layoff and who elect to be available for temporary work shall be given preference for such work in their former department in the classification held when they were laid off. The election to be available for temporary work must be made at the time of the layoff. Employees may decline to be available for temporary work, or may decline such work itself without affecting any rights.

#### 4.10 NAMES DROPPED FROM REEMPLOYMENT LIST

Names shall be carried on a reemployment list for three (3) years. Employees who are returned to a former classification shall remain on the reemployment list for the classification from which they were displaced for as long as they remain employed by VTA.

The names of persons reemployed in a regular position within the same classification from which they were laid off shall, upon reemployment, be dropped from the list. Refusal to accept one (1) offer of reemployment within the same or a comparable classification shall cause the name of the person to be dropped from the reemployment list.

#### 4.11 RIGHTS RESTORED

Upon reemployment of an employee from a reemployment list, all rights acquired by the employee prior to his/her placement on such list shall be restored.

### 5.0 **Definitions:**

5.1 **LAYOFF:** Layoff is a term that refers to a reduction in the workforce that requires elimination of a position or positions for business-related reasons.

5.2 **SENIORITY:** Seniority is defined as days of accrued service within any coded classification with VTA. Original unclassified service from the County of Santa Clara shall not be counted.

### 6.0 **Records:**

VTA's Administrative Services -- Employee Services Department shall be responsible for maintaining the records related to layoffs.

### 7.0 **Appendices:**

Not Applicable

### 8.0 **Training Requirements:**

Not Applicable

<b>LAYOFF AND RECALL</b> <b>(NON-REPRESENTED EMPLOYEES)</b>	<b>POLICY</b>	
	<b>Document Number:</b>	AS-HR-PL-3680
	<b>Version Number:</b>	03

### 9.0 Summary of Changes:

This policy was updated to indicate that the names of employees who have been returned to a former classification shall remain on the reemployment list indefinitely, as long as they remain employed by VTA.

### Approval Information:

Authorized by Administrative Code Section 7-5(8).

<b>Prepared by</b>	<b>Reviewed by</b>	<b>Approved by</b>
<i>Shellie Albright</i>	<i>Kaye L. Evleth</i>	<i>Peter M. Cipolla</i>

<b>Original Date:</b>	<b>Revision Date:</b>	Page 4 of 4
07/17/1995	02/14/2003 01/06/2005	