

## **Article 3: Civil Service**

### **Division 6: Layoff and Re-employment**

*(“Re-employment” incorp. 1-22-1952 by O-5046 N.S.*

*contained in O-4340 N.S. adopted 3-21-1950.)*

*(Retitled “Layoff and Re-employment” 2-22-1978 by O-12299 N.S.)*

#### **§23.0601 Reduction in Personnel**

(Rule V, Section 1 of the Rules of the Civil Service Commission)

The appointing authority shall have the power to lay off or suspend any employee because of lack of funds, lack of work, or where there has been an insufficient appropriation to meet the salary requirements necessary to maintain existing personnel in any office, department, division, or bureau. Whenever it becomes necessary to reduce the number of employees in a given class, for the reasons enumerated in this section, the appointing authority shall, prior to such impending reduction, notify the Personnel Director of the number of positions in the class to be vacated, and the reasons therefor. Layoff shall be made by class or, upon the determination by the Personnel Director that separate eligible lists for the class were established in accordance with Rule IV, Section 1, by such subdivision of the class. The Personnel Director shall furnish to the appointing authority the names of the employees affected in their order of layoff. The order of any appointing board or officer laying off an employee or employees in accordance with the provisions of this section for any of the reasons enumerated herein shall be final and not subject to review by the Civil Service Commission.

*(Amended 8-13-1979 by O-15000 N.S.)*

#### **§23.0602 Order of Layoff**

(Rule V, Section 2 of the Rules of the Civil Service Commission)

A reduction in the number of employees in a class or subdivision of a class shall be made in the following order: Provisional, Limited, Probationary, Permanent. The order of layoff for permanent employees in a class or subdivision thereof shall be determined by Citywide seniority.

*(“Order of Layoff” renumbered from Sec. 23.1210(a) on 2-22-1978 by O-12299 N.S.)*

**§23.0603      Seniority**

(Rule V, Section 3 of the Rules of the Civil Service Commission)

For classifications in the Police representation unit, seniority shall be computed according to the length of last continuous service in the class or subdivision thereof, or an equal or higher ranking class. For classifications in the Fire representation unit, seniority shall be computed according to the length of last continuous service in the class or subdivision thereof, or an equal or higher ranking class in the same occupational group. However, for the employees in the Fire Fighter III classification, seniority for the purpose of layoff shall be computed according to the length of the last continuous service in the classes of Fire Fighter III, Fire Fighter II and Fire Fighter I. For unrepresented classifications and classifications in all other representation units, seniority shall be computed according to the date of the employee's most recent employment with the City. All ties shall be broken by first considering the length of total City service, and then at the discretion of the appointing authority.

*(Amended 11-28-1994 by O-18114 N.S.)*

*(Amended 10-18-2010 by O-19997 N.S.; effective 11-17-2010.)*

**§23.0604      Job Rights**

(Rule V, Section 4 of the Rules of the Civil Service Commission)

Subject to the provisions of Rules VI and IX, a permanent employee whose layoff is imminent shall have the right to transfer to any vacant position in the same class or subdivision thereof in any other department. If there is no such vacancy, said employee shall have the right to competition for retention in equal and lower classes in which he or she has served satisfactorily.

*(Amended 11-28-1994 by O-18114 N.S.)*

**§23.0605      Probationary Employees**

(Rule V, Section 5 of the Rules of the Civil Service Commission)

Probationary employees who, without fault or delinquency on their part, have been separated from the service or transferred or reduced in rank because of lack of work or funds, or because the class has been abolished, shall have their names returned for two years to the eligible list from which they were last certified for employment, and they shall be certified to positions according to Civil Service Rule VI.

*(Amended 11-7-1983 by O-16076 N.S.)*

**§23.0606 Re-Employment Lists for Regular Work**

(Rule V, Section 6 of the Rules of the Civil Service Commission)

Employees who have become permanent after having served the probationary period satisfactorily, and who, without fault or delinquency on their part, have been separated from service in the class or reduced in rank or status because of lack of work or funds or because the class of position has been abolished in accordance with Rule I, shall have their names automatically placed on the re-employment list for the class, or subdivision of the class.

- (a) The place of such employee's name on said list shall be determined in the same manner as prescribed for order of layoff, but in reverse order.
- (b) Said employee shall be certified to vacancies in the class or subdivision of the class in accordance with Rule VI.
- (c) Eligibles who are re-employed in a department or major division in which they have worked with permanent status in that class or subdivision thereof for more than 60 days, do not serve a probationary period.
- (d) Eligibles who have attained permanent status in the requested class or subdivision thereof, and who are re-employed in a department or major division in which they have not, at any previous time, worked as a permanent employee in the class or subdivision thereof for more than 60 days, serve a 60-day probationary period. If the appointing authority terminates the employee during this probationary period, the Personnel Director shall, without a hearing, return the employee's name to the re- employment list unless the appointing authority dismisses the employee from City service as provided in Rule XI.
- (e) Unless the employee is re-employed sooner, his/her name shall remain on the list for two years.

*(Amended 11-7-1983 by O-16076 N.S.)*

**§23.0607 Re-Employment Lists for Seasonal Work**

(Rule V, Section 7 of the Rules of the Civil Service Commission)

Employees who have served satisfactorily in seasonal employment shall have their names placed on the seasonal re-employment list for the class of position in which they have served.

- (a) The order of names on the seasonal list shall be in accordance with the performance rating received during the most recent season of service. If performance ratings are equal, ties shall be broken at the discretion of the appointing authority.
- (b) Seasonal eligibles who fail to work for two consecutive seasons shall automatically be removed from the list and shall have no further Civil Service standing in such class of position.  
*(Amended 8-13-1979 by O-15000 N.S.)*