

City of Mission Viejo Personnel Policy

Subject: LAYOFF

Statement of Intent:

Whenever, in the judgment of the City Council, it becomes necessary to abolish any position in the Competitive Service, a Regular employee holding such position may be laid off, transferred, or demoted, in accordance with this policy, without disciplinary action and without the right of appeal.

Policy:

1. Notification. Regular employees to be laid off shall be given, whenever possible, at least fourteen (14) days written notice of layoff.
2. Order of Layoff. In cases where there are two (2) or more Regular employees, City wide, in the class from which the layoff is to be made, such employees shall be laid off on the basis of performance and seniority. Performance shall be the primary criteria for order of layoff. Performance shall be based on a Regular employee's last performance evaluation in the class, providing such performance evaluation has been on file at least six (6) months prior to layoff and not longer than twenty-four (24) months prior to layoff. Layoffs based on performance shall occur in the following order of "Overall Performance Rating":
 - a. First, employees having ratings of "unacceptable";
 - b. Second, employees having ratings of "needs improvement";
 - c. Third, employees having ratings of "proficient and competent;" and
 - d. Finally, employees having ratings of "highly commendable."

Employees within each rating category shall be laid off in inverse order of seniority in classification. In the event there are Regular employees in the class who do not have a qualifying performance evaluation, performance shall not be considered in the layoff for that class and the layoff shall occur solely based on the inverse order of seniority in classification.

3. Vacancy, Transfer, and Demotion. Except as otherwise provided, whenever a position is abolished in the Competitive Service, the City shall first attempt to transfer a Regular employee to a vacancy, if any, in a class in the Competitive Service with the same maximum pay rate for which the Regular employee is qualified or demote a Regular employee to a vacancy, if any, in a lower class in the Competitive Service for which the Regular employee is qualified.

4. Employment Status. A Regular Employee shall not be laid off from a class if there are any Probationary or Promotional Probationary employees still working in that job classification.
5. Re-Employment List. The names of persons laid off or demoted in accordance with this policy shall be entered upon a re-employment list. Lists from different departments or from different times for the same position classification shall be combined into a single list. The name at the top of the list shall be the person most recently laid off. The City shall use such list when a vacancy arises in the same class or a lower class in the same class series in the Competitive Service before certification is made from an eligible list. Re-employment shall first be offered to the person whose name appears at the top of the re-employment list.
6. Duration of Re-Employment List. Names of persons laid off shall be carried on a re-employment list for one (1) year, except that persons appointed to Competitive Service positions of the same level as that from which laid off, shall, upon such appointment, be dropped from the list. Persons who refuse re-employment shall be dropped from the list. Persons re-employed in a lower class or on a temporary basis shall be continued on the list for the higher position for the remainder of the one (1) year period.

Administration:

In accordance with City of Mission Viejo Municipal Code chapter 2.60 "Personnel System", this Personnel Policy is deemed to have a direct financial impact on the City. City Council approval is required prior to initial implementation and for any subsequent amendments.

Implemented: Resolution No. 89-92, September 11, 1989.
Amended: Resolution No. 09-52, November 2, 2009.