

ARTICLE 25

REDUCTIONS IN WORKFORCE AND LAYOFFS

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Section 1, Prior to reductions in workforce.

(a) In the event that City economic indicators demonstrate the need for layoffs within the bargaining unit, the City shall notify the Union to meet and discuss the economic impacts. The City Administrator shall meet with the Union no later than January 15<sup>th</sup> of each year to discuss the potential need to have a reduction in workforce in the upcoming fiscal year. The City and the Union mutually agree to put forth a good faith effort to arrive at alternatives to layoff. Prior to the implementation of such mutually agreed upon alternatives shall be ratified by union membership and authorized by City Council. The City and the Union agree that failure to notify the union and engage in the discussion process is subject to the grievance procedure and the results of the process are not subject to the grievance procedure.

1. Alternatives to layoffs that may be considered for cost savings may include but are not limited to:

- Accept a vacancy outside home bureau;
- Temporary reduction in schedules;
- Participation in State or Federal programs, like Workshare;
- Extended temporary leave with benefits;
- Furloughs;
- Severance incentives

(a) Notification

1. When positions have been identified as potentially impacted by layoff, a preliminary notification will be provided to the member and the Union. A preliminary notification is not an official notice of layoff. [Bargaining Note: The process of notification will occur when bureaus submit their proposed cut(s) to the City Budget Office that may result in layoff of employees. Proposed cuts may or may not include position numbers and do not signify any final decisions. Bureaus retain the right to determine how to communicate this information with their employees. If the City and the Union agree that this notice is not being adequately communicated, the parties will meet and confer.]
2. A written notice of layoff will be provided to the impacted employee and to the union with no less than 30 days' notice to the extent possible/practicable.
3. A designated representative of the Union may be present for any and all layoff meetings at the request of the member.

(b) In the event of a layoff for any reason, employees shall be laid off in the inverse order of their seniority in the classification in which the work force is being reduced subject to sections (b) and (c) below. No layoffs or reduction to a lower classification shall be executed as long as there are temporary employees serving within the affected classification.

~~(a)~~

(c) ~~(b)~~ — A tie in classification seniority shall be broken and greatest seniority determined first by the highest score on the eligible list from which appointment was made; if a tie remains, then, the greatest length of service with the City; if a tie remains, then, the date and time of receipt of the application by the Bureau of Human Resources; if a tie remains, then, any standardized and equitable procedure as developed by the Director of the Bureau of Human Resources.

(d) ~~(c)~~ — When an employee is laid off due to a reduction in the work force that employee shall be permitted to exercise seniority rights to replace other employees in the sequence described below, providing such employee has greater seniority than the employee who is being replaced, and further providing the replacing employee is qualified to perform the work of the employee who is being replaced. Any disagreement as to the qualifications of employees in regard to this section may be taken up through the grievance procedure.

If an employee declines to exercise their seniority rights to displace a less senior employee under this section, they may still participate in the Reemployment Program as described in the HRAR.<sup>1</sup>

1. The employee is placed in a vacancy in the same classification/specialty within the employee's assigned bureau.
  2. If no such vacancy exists, the employee displaces the least senior employee in the same classification/specialty.
  3. If none, the employee is placed in a vacancy in the same classification/specialty City-wide.
  4. If none and the employee previously held status in another specialty in the same classification, then steps 1 – 4 are repeated for that specialty.
  5. If none and the employee previously held status in a lower classification/specialty, then steps 1 – 4 are repeated for that classification/specialty.
  6. If the employee exhausts all options in steps 1 -6 then they are laid off.
- (d) Employees shall be called back from layoff according to total City seniority in the classification from which the employee was laid off. Employees who were displaced to a part-time position as result of a layoff shall have the right to be called back to a full-time position. No new employee shall be hired in any classification until all employees on layoff status in that classification/specialty have had an opportunity to return to work. Laid off employees reappointed to bureaus other than the one from which they were laid off shall remain on a bureau reemployment list, in seniority order, for certification to their original bureau, unless they shall waive in writing such certification. The right to be so certified shall remain in effect until they shall have acquired seniority equal to the seniority they had in the bureau from which they were laid off.

### **Section 3, Layoff due to new technology.**

- (a) If an employee is laid off under the provisions of Article 4, Section 6 ~~and has no bumping options available under this Article,~~ they may request the following assistance from their Bureau's Human Resources Business Partner within seven (7) calendar days of receipt of notice that ~~there is no position available to which the employee is qualified to bump, and he~~ they will be subjected to layoff.

The Bureau of Human Resources will provide the following assistance to place the employee in any vacancy for which the employee possesses the required qualifications:

1. Assess the employee's qualifications.
2. Review the employee's resume and provide feedback. Assist the employee to revise his resume if requested.
3. Provide the employee with information on the recruitment process.
4. Inform the employee of appropriate vacancies.
5. Allow the employee to participate in limited recruitments.
6. Provide the name and qualifications of the employee to hiring managers for consideration when filling vacancies.
7. Hiring bureaus will be required to interview qualified candidates and give them priority consideration when filling vacancies.

<sup>1</sup> Bargaining Intent Note: When an employee's decision not to exercise bumping rights results in that employee being laid off, the City will report the separation as a layoff pursuant to a reduction in force, consistent with its reporting obligations under Oregon law. Declining to bump does not constitute declining a job offer.

JW 1/23/20

AMM 1/23/20

- (b) This assistance, if requested, will be provided until the employee is recalled under the provisions of this Article or for a period of six (6) months from the date of the final notice of layoff whichever occurs first. This assistance does not guarantee that the employee will be placed in a vacant City position.

If the employee obtains a permanent position with the assistance described above, their name will be removed from the layoff list for recall to their former position.

**Section 4, Benefits Upon Layoff/Recall**

- (a) Leave accruals upon recall shall be administered in accordance with Human Resources Administrative Rule 7.06.
- (b) Employees who leave City employment due to workforce reductions shall be paid for all vacation leave, deferred holidays, and comp time accruals.

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