



ADMINISTRATIVE DIRECTIVE

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	EFFECTIVE DATE November 2, 2009	

I. PURPOSE

This directive is intended to ensure: (a) layoffs occur only when there is a shortage of funds or work or material changes in duties or organization; (b) layoffs are not used in lieu of discipline; (c) required pre-layoff administrative and legal reviews are completed; (d) employees are provided with notice of proposed layoff and an opportunity to respond; and (e) employees are laid off within specific job classification in inverse order to total length of continuous service with the City.

II. POLICY

Appointing officers, department directors and the Human Resources Director will ensure that layoffs are administered in a manner that is consistent with the City Charter, Tucson Code, Civil Service Commission Rules and this directive. Layoffs shall be accomplished on a department basis within the affected job classification and may require transfers of permanent employees in accordance with Civil Service Rule VIII.

III. DEFINITIONS

- A. **Appointing Officer:** The City Manager or other persons authorized by the City of Tucson Charter to make appointments to civil service.
- B. **Bump Rights:** Permanent employees subject to layoff shall be permitted to take employment in the same department in a lower class in the same class series, or in some other lower class in which the employee has completed probation, each of which must be or have been under the same appointing authority, provided that the employee can perform the essential duties of the position and the action does not cause the layoff of an employee with more seniority.
- C. **Classification:** A class of positions sufficiently similar as to duties performed, degree of supervision exercised or required, minimum qualifications and other characteristics that the same title, the same test of fitness, and the same schedule of compensation may be applied with equity to each position in the group.
- D. **Class Series:** A group of similar and/or related classifications with increasing levels of responsibility, advanced knowledge, skills and abilities. The Human Resources Department establishes and maintains the class series lists.
- E. **Days:** Calendar days unless otherwise indicated. Workdays are distinguished from calendar days to include the employee's normal scheduled days of actual work. Leave, holidays and unscheduled workdays are excluded and not included as workdays.



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- F. **Layoff:** The termination of a person's employment because of lack of funds or work, or because of material changes in duties or organization. Layoffs are accomplished on a department basis within the affected job classification.

- G. **Layoff Plan:** The Layoff Plan is prepared by the appointing authority and includes all of the following: each classification subject to layoff, an indication as to whether grant-funded employees in the classification will be grouped with other employees for layoff purposes, employees within specific classifications in inverse order to total length of continuous service with the City, employees who have bump rights within the department, the manner in which bump rights impact the layoffs, and the employees who will be laid off.

- H. **Notice of Proposed Layoff:** The Notice of Proposed Layoff informs the employee of the reason for layoff and the employee's rights under the Charter, Code, and Civil Service Commission Rules.

- I. **Notice of Layoff:** The written notice of layoff issued after the employee has had an opportunity to respond to the proposed layoff and at least fourteen (14) days prior to the effective date of the layoff. The approval signatures of the Appointing Officer and the Human Resources Director or designee are required.

- J. **Reemployment:** The appointment of a laid-off employee to a classification, other than the classification from which laid off, in any department, or to the same classification in a department other than the department from which laid off, or to a position of the same classification in the same department from which laid off. Reemployment appointments are made from lists maintained in accordance with Civil Service Commission Rule IV Sections 3 and 4.

- K. **Seniority:** The employee's total length of continuous service since the last date of hire with the City as a Civil Service probationary/permanent employee. Appointees and nonpermanent employees do not have seniority for purposes of layoff.

IV. LAYOFF PROCEDURE

- A. Employees may be laid off when there is a shortage of funds or work or material changes in duties or organization. Layoffs shall be done in accordance with a Layoff Plan approved by the Human Resources Director and the City Attorney's Office.

- B. Decisions regarding which classifications will be affected by layoff and when layoff will be effective shall be made by the Appointing Officer who shall draft a



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Layoff Plan and submit it to the Human Resources Department and City Attorney's Office for review and approval.

- C. When any classification in a department is subject to layoff, all vacant positions in the classification within the department shall be eliminated and all nonpermanent employees in that classification within the department shall be terminated before any permanent employee is laid off.
- D. When the Appointing Officer identifies a permanent employee as subject to layoff, the permanent employee's bump rights shall be determined; the employee shall be permitted to take employment in a lower class in the same class series, or in some other lower class in which the employee has completed probation each of which must be or have been under the same appointing authority, provided that the employee can perform the essential duties of the position and the action does not cause the layoff of an employee with more seniority.

V. HUMAN RESOURCES DEPARTMENT AND LEGAL REVIEW

The Human Resources Director or designee and the City Attorney's Office shall review and approve the department Layoff Plan prior to the issuance of any Notice of Proposed Layoff to ensure compliance and conformity with the City Charter, Tucson Code, Civil Service Commission Rules and all applicable directives. The Human Resources Department and the City Attorney's Office will be available to advise and assist the departments during any phase of the layoff process.

VI. NOTICE OF PROPOSED LAYOFF, OPPORTUNITY TO RESPOND, AND PRE-LAYOFF TRANSFER

- A. A Notice of Proposed Layoff will be issued to the employee informing the employee of his/her opportunity to present a written response and meet in person with the Appointing Officer or designee at a scheduled time, date and place prior to the layoff. The Notice of Proposed Layoff will be issued at least seven (7) calendar days in advance of the pre-layoff review meeting. The meeting will take place at least 14 calendar days prior to the effective date of the layoff.
- B. The Appointing Officer or designee must schedule a meeting with the employee to provide the employee an opportunity to respond. The meeting with the Appointing Officer or designee is not an adversarial hearing. The employee may respond in writing or in person to present reasons, along with information and documentation to refute the proposed layoff. If the employee is accompanied by a representative, the representative's role is limited to consulting and advising the employee. The representative will be permitted to ask clarifying questions of the employee and present a statement on behalf of the employee. The



Notice of Proposed Layoff

Employee Name	Department/Division	Date

YOU ARE HEREBY notified that your position is subject to layoff in accordance with the attached <INSERT LAYOFF PLAN, REORGANIZATION OR RECLASSIFICATION>. The layoff is based on the following:

- Lack of funds
- Lack of work
- Material change in duties or organization

NOTICE OF MEETING

In accordance with Administrative Directive 2.02-7, Layoff Procedure, a pre-layoff review meeting has been scheduled by the Appointing Officer on:

DATE:

TIME:

PLACE:

NOTICE OF YOUR OPPORTUNITY TO RESPOND

You are entitled to present reasons, along with information and documentation to refute the proposed layoff at the meeting. The meeting with the department director or designee is not an adversarial hearing. If you are accompanied by a representative, the representative's role is limited to consulting and advising you directly. The representative will be permitted to ask you to clarify your statement and/or present a statement on your behalf. If you do not wish to be present at the meeting, you may respond in writing and present any and all supporting information and documentation. This written response must be received by the director or designee prior to or presented at the scheduled meeting for consideration. Failure to appear at the meeting or submit a written response will constitute a waiver of the opportunity to respond.

Date Served	How Served	By Whom

I, _____ received a copy of this notice.
Employee Signature

Department Representative Signature

Date



Notice of Layoff

Employee Name	Department/Division	Date
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After review and consideration of all information provided at the pre-layoff review meeting and/or in writing on ___ <date> ___ and the information set forth in the department Layoff Plan, the decision is as follows:

- Layoff will occur as described in the Notice of Proposed Layoff
- Other ___ <describe>

<Insert specific items that were considered after the pre-layoff review meeting if appropriate.>

Civil Service Commission Review Rights:

Within 10 days of the effective date of layoff, the laid off employee may request a review by the Civil Service Commission. The request for review must be submitted to the Human Resources Department in writing and must include the grounds for review. (See attached Form D.)

Date Served	How Served	By Whom
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I, _____ received a copy of this notice.
Employee Signature

Department Director/Designee Signature Date



EMPLOYEE'S REQUEST FOR CIVIL SERVICE REVIEW

The Civil Service Rules and Regulations give every **permanent** (*non-probationary*) employee the right to request a Civil Service Commission review of a layoff. If you have been laid off you may file a request for Civil Service Commission review. This request must be in writing, state the grounds for the request, and be filed with the Director of Human Resources within ten (10) days of the effective date of the layoff.

1. I hereby request a Civil Service Commission Review of my layoff which was effective on

_____.

2. My request for review is based on the following grounds:

I have read and fully understand all of the above statements.

Name: (Print) _____

Address: (Print) _____

Signature: _____ Date: _____

Human Resource Staff Representative: _____

Date: _____