



## LEWIS AND CLARK COUNTY POLICY

<b>Subject:</b> Demotions, Reductions in Force and Voluntary Resignations	<b>Policy No:</b> 1.2.6
<b>Approved:</b>	<b>Effective Date:</b> Aug. 1, 2015 <b>Revised Date:</b> 05/31/17

### I. Policy Statement

The County has established procedures to respond to demotions, reductions in force and voluntary resignations.

### II. Applicability

All Lewis and Clark County employees.

### III. Definitions

None.

### IV. Directives

#### A. Demotion Process

1. Demotions occur in the following situations:
  - a. when the employee is involuntarily assigned to a position in a lower pay grade; or
  - b. in a promotion situation where the employee is unable to perform the requirements of the new position satisfactorily.
2. The demoted employee may be required to serve a new trial period at the time of the demotion.
3. The trial period will not affect the accrued benefits.
4. Within seven (7) calendar days of the demotion, the Human Resource Director will notify the demoted employee of the County's grievance procedure which provides the opportunity for employee to appeal the demotion. The County will supply the demoted employee with a copy of the procedures. The Human Resource Director or

Human Resource Department staff designee will notify the appropriate agent in those cases where an employee represented by a labor union is demoted.

## **B. Reductions in Force**

1. Layoffs or reductions in force generally involve multiple, involuntary employee terminations for reasons other than misconduct or poor performance. Terminations resulting from layoffs can be permanent or temporary and may involve the reassignment of laid-off employees' duties and responsibilities to remaining employees.
2. Reductions in force may result from:
  - a. unfavorable revenue conditions;
  - b. duplication and redundancy of services;
  - c. relocation of organization units or operations; or
  - d. reorganization.
3. Reductions in Force Procedure
  - a. Employees may be laid off, without prejudice, at any time due to lack of funds or curtailment of work. No Regular full-time employee may be laid off when there are Seasonal, Probationary, Temporary, or part-time employees employed in the same position, title and work unit affected by the reduction in work force.
  - b. Discussions for a reduction in force begin with a consultation between the elected official/department director, the Chief Administrative Officer and the Human Resource Director. Considerations for reductions in force will include the following:
    - i. the mandated functions the department is required to fulfill;
    - ii. knowledge skills and abilities of individual employees; and
    - iii. length of service of the affected employees.
  - c. Discussions will result in a written recommendation from the affected department. The CAO will authorize the recommendation.
  - d. The elected official/department director will provide the Human Resource Department with a list of employees that the department proposes to lay off. The list will include information used to arrive at the reduction in force recommendation.
  - e. Following consultation with the Human Resource Department staff, the elected official/department director will draft letters providing a brief statement about the staff reduction and providing dates of the reduction in force. The Human Resource Department staff must approve letters.
  - f. The elected official/department director will provide the affected employees with the approved letters at least ten (10) working days prior to the effective date of layoff. Copies of the letters will be forwarded to the Human Resource Department for inclusion in the employees' personnel files.
  - g. The department will forward to the Human Resource Department a list of all employees laid off due to the reduction in force.
  - h. The Human Resource Department staff will ensure that employees affected by the reduction in force will receive notice of benefits and reinstatement rights within five (5) working days of receipt of notice from the department.

4. Rights and Benefits for Affected Employees:
  - a. The County will allow an affected employee to continue to participate in the County health plan for a period of eighteen (18) months, in accordance with “Consolidated Omnibus Budget Reconciliation Act of 1985” (COBRA) provisions. Laid off employees are responsible for their own health plan contributions.
  - b. The employee may withdraw contributions to the State retirement system by filing the appropriate PERS form with the Human Resource Department staff.
  - c. Employees subject to a reduction in force action will have the following rights:
    - i. Reinstatement to the same position when open within the same department based upon “last out/first returned” basis for a period of twelve (12) months from the effective date of the reduction in force. If the employee is reinstated, he/she will be assigned to the same step in the pay grade that he/she was assigned to at the time of the reduction in force.
    - ii. Employment preference in hiring for available positions in the County, provided that the employee is qualified for the positions and the employee completes all requirements for application, including but not limited to completion of a County application and any other required supplementary materials.
  - d. If the employee is offered an available position different from the position occupied prior to the reduction in force he/she will be assigned to the entry step in the new pay grade.
  - e. Reinstatement preference will last for twelve (12) months from the effective date of the reduction in force unless the employee accepts another County position.
  - f. All reduction in force benefits end with the acceptance of a County position.
5. Accrued Leave for Laid Off Employees
  - a. Employees subject to a reduction in force action may retain all accrued sick leave credits and may retain, cash out or use accrued vacation leave credits to extend the employee’s effective date of lay-off.
  - b. Employees who have been laid off may choose to "bank" their credits until they accept Regular status employment with the County.
  - c. The employee will be cashed out when the employee exhausts the employee’s rights outlined above.
  - d. Accrual credits are not transferred if an employee accepts Seasonal, Temporary or Short-term status employment with the County.

### **C. Voluntary Resignation and Retirement**

1. Employees leaving County employment, due to resignation or retirement, who desire to leave the service in good standing will submit a written resignation to their elected official/department director two weeks before leaving.
  - a. Written resignations will be dated, signed, and contain the effective date of resignation.
  - b. Employees terminated through resignation or retirement will be paid any compensation owed to them on the next regular payday or within the next fifteen (15) days, whichever occurs first.
2. All County employees leaving County employment will turn in all County property in their possession, including keys, on or before their last day of work.

3. Within seven (7) calendar days of termination, the Human Resource Director will provide the terminating employee with a copy of the County's grievance procedure. The Human Resource Director will notify the appropriate agent in those cases where the terminating employee is represented by a labor union.

V. **Closing**

Provisions of this policy will be followed unless they conflict with negotiated labor contracts which will take precedence to the extent applicable.

Questions concerning this policy should be directed to the Human Resource Department.

VI. **References**

None

VII. **Attachments**

None