

# **EMPLOYEE LAYOFF INFORMATION**

## **City and County of San Francisco**



Micki Callahan  
Human Resources Director

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## Introduction

This booklet outlines some of the basic provisions of the Civil Service Commission Rules governing layoffs, and summarizes some of the services and benefits which are available to employees who are separated from employment due to a reduction in force. Please read it carefully.

Not every policy, rule or procedure related to layoffs is included in this booklet. For more specific information regarding your rights and benefits, refer to Civil Service Commission Rules and to your collective bargaining agreement.

Much of the information contained in this booklet applies to employees who are separated from Permanent Civil Service and Provisional appointments. If you are separated from a different appointment type (i.e., Temporary Civil Service), some of your holdover and return-to-duty rights may be different. Exempt employees do not have any holdover or return-to-duty employment rights.

If you have questions, your supervisor or department's Layoff Coordinator can either answer your questions or get the answers for you. Please keep this booklet for your future reference.

**IMPORTANT NOTE:** This booklet is for informational purposes only. If there is any inconsistency between this booklet and the Civil Service Rules, collective bargaining agreements, or other local laws, the latter shall govern.

**Micki Callahan**  
**Human Resources Director**

## **EMPLOYEE LAYOFF INFORMATION**

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### **How Was the Separation Process Applied to Me?**

Positions may be eliminated due to the lack of work, lack of funds, or the anticipated lack of funds. Employees may also be separated from employment if another separated employee with more seniority “bumps” an employee with less seniority.

#### **ORDER OF LAYOFF IN A JOB CLASS**

1. Provisional
2. Temporary from an eligible list
3. Probationary
4. Permanent

As a general rule, within each department, separations in a job class due to reduction in force occur in the above order. All employees in each status type listed above must be separated before separations occur in the next status type. Within the Provisional status type, employees without prior permanent City service are separated before employees with prior permanent service. Within each of the other status types, separations occur according to seniority, with the least senior employee in a department separated first.

#### **SENIORITY**

If you are a permanent, probationary, or temporary from an eligible list employee, your seniority is calculated from your “certification date.” Your certification date is the date that the Department of Human Resources certified your name from an eligible list to a department that resulted in your appointment. If you were appointed by reinstatement, voluntary transfer, or by reappointment, seniority is calculated from the date of the notice from the Department of Human Resources. If you have questions concerning your seniority, contact your department personnel office.

#### **DISPLACEMENT**

You may have been displaced (“bumped”) by an employee with more seniority who was separated from a position in another department, or reassigned from another position in the same department. The most common ways that this can happen are:

1. A permanent employee who is separated due to a reduction in force may displace (“bump”) another employee in the classification with less citywide seniority. This provision does not apply to employees in classes in the Management (“M”) and Executive Management (“EM”) bargaining units including “Management Unrepresented” classes covered in the Unrepresented Ordinance.
2. A permanent employee who is separated due to a reduction in force may reinstate (return) to his/her previous permanent classification in his/her most recent department, and may displace (“bump”) the least senior employee in that class and department.



## What is the difference between "Involuntary Leave" and "Involuntary Layoff"?

Generally, two types of separations are used: "Involuntary Leave" and "Involuntary Layoff." The type of separation that is used depends on whether the employee has permanent civil service status in the class from which separated, and whether the employee wishes to separate from City service and "cash out" contributions to the Retirement System and unused vacation credits.

Permanent and Probationary Civil Service employees who are placed on **Involuntary Leave**:

- Must continue membership in the Retirement System.
- May not cash out any earned and unused vacation.
- Maintain status as a holdover in the class for up to five years. Provisional and Exempt employees cannot be placed on involuntary leave.
- Upon reemployment, will not be required to contribute 2% of compensation to the Retiree Health Care Trust Fund.

Employees who elect **Involuntary Layoff** status:

- Must make a decision about his/her contribution into the Retirement System within 90-days of the separation date. The Retirement System will notify the employee of the available options and specific requirements for reporting his/her decision. Should the individual return to City service after a layoff, he/she will be placed in the retirement plan that became effective in November 1976.
- Separate from City service and must cash out all earned and unused vacation.
- If Permanent Civil Service, maintain status as a holdover in the class for up to five years. Provisional and Exempt employees do not have holdover rights.
- Upon reemployment, will be required to contribute 2% of compensation to the Retiree Health Care Trust Fund.

**Permanent and Probationary** employees may be placed on either Involuntary Leave or Involuntary Layoff status. If you are a permanent or probationary employee, and do not indicate which status you prefer, you will automatically be placed on "Involuntary Leave" status. You may wish to discuss your choice with your Department Personnel Office.

**Provisional employees and Temporary employees from an eligible list** must be placed on Involuntary Layoff status.

<b>Employee Status</b>	<b>Involuntary Leave</b>	<b>Involuntary Layoff</b>
Provisional		X
Temporary from an eligible list		X
Probationary	X	X
Permanent	X	X

### What Are My Reemployment Rights?

1. If you are a **Permanent or Probationary** employee who is separated from your position due to a reduction in force, you are a "**Permanent Holdover.**" You have been placed on a "Permanent Holdover Roster" in order of your total permanent seniority in the class from which you were separated. With the exception of employees in classes in the Management ("M") and Executive Management ("EM") bargaining units including "Management Unrepresented" classes covered in the Unrepresented Ordinance, as a Permanent holdover, you may displace the least senior permanent employee in the class citywide unless that employee has more seniority than you do.
2. **Permanent holdovers** are given preference for reemployment in vacant positions ahead of employees requesting transfer, voluntary reinstatement, reappointment, or eligibles awaiting appointment from Civil Service Eligible Lists. Permanent holdovers may remain on the Permanent Holdover Roster for up to five (5) years.
3. **Permanent Holdover Rosters** are used to fill both permanent and certain temporary positions. **Temporary Holdover Rosters** are used to fill positions on a temporary basis only. Permanent holdovers will be offered certain temporary employment before Temporary Holdovers.
4. If you are a **Permanent Holdover**, and a position becomes available and your name is reached on the Permanent Holdover roster, you will be sent an official offer of reemployment by the Department of Human Resources.
  - a) If you refuse an offer of reemployment to a full-time permanent position in the class and department from which laid off, you will be removed from the Holdover Roster for that class. Your refusal of reemployment is considered a resignation.
  - b) If you refuse an offer of reemployment to a full-time permanent position in a different department from which laid off, you will be placed under departmental waiver for all future offers of employment for that department, and under general waiver for all positions in the class until all other holdovers have been considered for placement. Requests to lift a general waiver (reestablish eligibility) must be made in writing to the Human Resources Director. (Refer to #5 below)
  - c) If you are offered a permanent part-time position in any department, you will remain eligible for future full-time positions as they become available regardless of whether you accept or refuse the part-time position.
  - d) When you have been officially notified that your name has been reached for reemployment, you will have five (5) business days from the notification date to respond to the department and to the Department of Human Resources.
  - e) Failure to respond to a notice of return to duty will be considered a refusal of an offer of reemployment, and may result in the removal of your name from the Holdover Roster(s) and/or eligible lists.



5. If you are placed under **general waiver** due to non-response or refusal of a position, you will be ineligible for all positions in your permanent class in all departments, and your eligibility can be reestablished only by the express approval of the Human Resources Director. Requests to lift a general waiver (reestablish eligibility) must be made in writing to the Human Resources Director.
6. If your **general waiver** has been lifted and you are eligible to be considered for placement, you will only be considered for placement into vacant positions. You will not be allowed to displace another permanent or provisional employee.
7. If you are a **Promotive** employee in a permanent position, and cannot be placed in a position in the class from which separated, you have the right to reinstate to your permanent position in the class and department from which you promoted. If necessary, you may “bump” another employee with less seniority than you in that department.
8. **Provisional** and **Exempt** employees have no reemployment rights in the class from which separated. However, if you are separated from a Provisional or Exempt position, and are on leave from another permanent position, you have the right to return to the class and department from which you are on leave. (If you are separated from a position while on leave from a permanent position, you must immediately contact the department where you have permanent status to arrange a return-to-duty date.)

## **Will I Be Required to Serve a New Probationary Period When I Am Returned to Duty?**

1. If you return to the same class but in a different department, you will be required to serve a new **probationary period**. Refer to the applicable collective bargaining agreement for information on the length of the probationary period following layoff and reemployment. You will not be required to serve a new probationary period if you are reemployed in a permanent position in the class and department from which you were laid off. Employees who are serving a probationary period at the time of separation and later reemployed in the same class and department from which laid off, will receive credit for the period of probation served prior to layoff.
2. If you are returned to duty from a holdover roster, and are subsequently released from probation, or resign during the probationary period, you may request that the Human Resources Director return you to available status as a holdover. If approved, you will be placed back on the holdover roster in the order of your original seniority in the class, and will only be eligible to be returned to vacant approved positions as they become available.

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### What Will Be My Salary When I am Rehired?

1. If you are returned to duty in the same class from which you were laid off, and in a department other than the Unified School District and the Community College District, you will be returned at the same salary step you were at when you were laid off. Eligibility for any pay premiums, differentials or other adjustments above base salary will need to be reestablished based on the work performed in the new position and in accordance with the collective bargaining agreement provisions.
2. If you are returned to duty in a different class from which you were laid off, and in a department other than the Unified School District and the Community College District, you will be returned at the salary step whose pay rate is closest to, but not less than, the base pay rate you were receiving prior to being laid off. Your pay rate in the new class, however, cannot exceed the maximum scheduled pay rate for the new class.
3. If you are returned to duty in a position at the Unified School District or the Community College District, you will be placed at a salary step determined by the two districts. Please note, however, that the salary schedules for positions at the two districts may differ significantly from positions in the same classes in other City departments. Benefits may also be different. Please refer to the Salary Comparison Chart located at the DHR Layoff Information Webpage ([www.sfgov.org/layoff](http://www.sfgov.org/layoff)).

### What Happens To My Vacation and Sick Leave Balances, Floating Holidays and Comp Time Credits?

1. Permanent employees who are placed on **Involuntary Leave** status retain the sick leave and vacation credits they have accrued before they were separated. No sick leave or vacation credits are earned for the period when the employee is not on paid status.
2. Permanent, Provisional and Exempt employees who elect to be placed on **Involuntary Layoff** status and therefore completely separated from City service will be paid out all earned and unused vacation, and may not regain vacation credits upon reemployment. Unused compensatory time off and floating holidays will be paid out if authorized by the applicable collective bargaining agreement.
3. Permanent employees who are placed on **Involuntary Layoff** retain their sick leave credits. No sick leave credits are earned for the period when the employee is not on paid status.
4. Provisional and Exempt employees who elect to be placed on **Involuntary Layoff** status and are reemployed within six (6) months from the date of layoff may regain sick leave credits. No sick leave credits are earned for the period when the employee is not on paid status.



## How is My Retirement Affected?

If you are separated from your position due to a reduction in force, or “bumped”, and have questions about your retirement eligibility or membership benefits, you should contact the Retirement System. The Retirement System is located at 30 Van Ness Avenue, Suite 3000 (3<sup>rd</sup> Floor), San Francisco, CA 94102. Call (415) 554-1500 for general retirement information.

### **IF AN EMPLOYEE IS A MEMBER OF THE SAN FRANCISCO EMPLOYEES’ RETIREMENT SYSTEM WHO IS PLACED ON “INVOLUNTARY LAYOFF” STATUS AND SEPARATED FROM CITY EMPLOYMENT:**

1. The employee may voluntarily retire for service if he/she has: 20 or more years credited service and is at least 50 years of age, or 10 or more years of credited service and is at least 60 years of age; or for disability if he/she has 10 or more years of credited service and suffers from a condition the Retirement System considers as disabling.
2. An employee must file an application for service or disability retirement during the calendar month in which his/her retirement will become effective.
3. An employee who is eligible for a service retirement may not defer his/her service retirement. If the employee does not file an application for retirement within 90 days of the employee’s separation from City employment, the Retirement System will begin processing the employee’s refund of contributions.
4. An employee who retires from City service may not reenter covered City employment except under specific conditions. You should check with the Retirement System prior to accepting City employment after retirement.
5. If neither an application for retirement nor an application for refund has been filed with the Retirement System within 90 days of the employee’s separation from City employment, the Retirement System will process an automatic refund of the employee’s retirement contributions and mail the refund check to the employee’s last known address.
6. Refunds and roll-overs may be subject to federal and state tax liens, Family Support Orders and community property claims.
7. Applications for refund are normally processed within eight (8) weeks of verification of separation from City employment.
8. Any contributions that are withdrawn from the Retirement System may be eligible for redeposit upon the employee’s rehire into covered City employment and again becoming a member of the Retirement System.
9. NOTE: Those employees who have less than five (5) years of Plan service credit must withdraw their contributions, as they are not eligible for either a service retirement or a vesting allowance. The pre-tax portion of Plan contributions are eligible for rollover treatment (e.g. tax-deferred roll over to an IRA) upon refund to the member.

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### **IF AN EMPLOYEE IS A MEMBER OF THE SAN FRANCISCO EMPLOYEES' RETIREMENT SYSTEM WHO ELECTS TO BE PLACED IN "INVOLUNTARY LEAVE" STATUS:**

1. The employee remains a member of the Retirement System.
2. If the employee is eligible for a service retirement, he/she may file an application for voluntary service retirement with the Retirement System at any time during his/her leave. The retirement application must be filed during the calendar month in which the employee elects to retire.
3. The employee is not eligible to refund or roll over his retirement contributions.

**Under provisions of the Retirement System, loans are not allowed against retirement contributions.**



## How are My Health Benefits Affected?

Employees who are separated from City service and are placed on a **Holdover Roster**, may be eligible to continue receiving their health and dental benefits (including covered dependents) for up to five (5) years, as long as they meet the following requirements:

1. Employees must certify that they are unable to obtain health coverage from another source; and
2. Employees must complete and submit a **Certification of Eligibility Form** to the Department of Human Resources Health Service System Office on an annual basis. The Certification of Eligibility Form will be sent to employees by the Health Service System.
3. Employees will be required to continue paying the “**employee portion**” of any premium payments they paid while active employees.

This city-subsidized benefit includes the continued payment of all medical and dental benefit premiums that were paid on behalf of the employee and dependents by the City at the time of the layoff.

Employees who are separated from all City service and have **no holdover rights**, and who are members of the Health Service System at the time of separation, may be eligible for an extension of health coverage under the Federal Consolidated Omnibus Budget Reconciliation Act of 1986 (**COBRA**). You will be notified by the Health Service System of your right to COBRA coverage.

**Frequently Asked Questions** regarding the continuation of employee health benefits upon separation due to reduction in force are attached to this booklet as **Appendix A**. **Answer about questions regarding COBRA can be found at [www.myhss.org](http://www.myhss.org).**

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### **What Do I Do in the Meantime?**

#### **UNEMPLOYMENT INSURANCE**

If you are separated from City service or have your hours reduced through no fault of your own, contact the California State Employment Development Department (EDD) as soon as possible ((800) 300-5616 or [www.edd.ca.gov](http://www.edd.ca.gov)). You may be entitled to State Unemployment Insurance benefits starting one week after the date of actual separation or reduction in hours. Delay in filing may cause you to lose benefits.

#### **OTHER EMPLOYMENT**

Permanent and Temporary Holdovers who obtain employment outside of the San Francisco City and County Civil Service will NOT lose standing on the Holdover Roster.

#### **MAINTAIN JOB QUALIFICATIONS**

Permanent and Temporary Holdovers must maintain any qualifications, such as certificates, specialized skills or licenses required by law and by the terms of the examination announcement(s) under which they qualified for employment.

#### **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The Employee Assistance Program (EAP) provides cost-free, confidential counseling to employees and their families for up to 30 days after separation from City employment. The Employee Assistance Program is located at 1145 Market Street, Suite 200 (between 7th Street and 8th Street; Civic Center Muni/Bart Station), San Francisco, CA 94103, or you can call (415) 554-9580.



## Important Reminders

1. It is important that you check the notice letter you received to make sure that the **name and address** as shown are current. If information is incorrect or missing, have your department update your personal information in the City's PeopleSoft system. If you move after being separated, you must immediately notify the Department of Human Resources, Referral Office, One South Van Ness, 4<sup>th</sup> Floor, San Francisco, CA 94103, in writing by submitting a change of address form or a letter which includes your name, former job code and title, your new address, and your signature. All contact with you for holdover and/or reinstatement purposes is done by mail. **If we do not have your current address, you may miss out on a job opportunity as well as important communications regarding your health benefits.**
2. Employees who are reinstated will receive instructions from the Department of Human Resources by mail concerning the reinstatement opportunity and the departmental contact for the position.
3. When you have been officially notified that your name has been reached for reemployment, you have **five (5) business days** from the notification date **to respond** to the department and to the Department of Human Resources.
4. **Failure to respond** to a notice of return to duty may result in the removal of your name from the Holdover Roster(s) and/or eligible lists.



City and County of San Francisco  
Health Service System

## **Frequently Asked Questions Regarding the Continuation of Employee Health Benefits Upon Separation Due to Reduction in Force**

**I have just been separated by my Department due to a reduction in force. I do not have any prior service with the City and County of San Francisco and do not qualify to be placed on a Holdover Roster. I expect to be out of a job.**

- ***What happens to my health and dental insurance?***
  - All health and dental benefits for you and your covered dependents will end on the last day of the pay period in which your employment ends. However, you may elect to continue your medical and dental insurance, at your expense, as allowed under the federal law known as the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).
  - The COBRA Administrator for the City and County of San Francisco will send a COBRA Enrollment Packet to your home address on file with the Health Service System at the time of your separation. You will generally receive this information within 14 days after your separation date.
  - The COBRA Enrollment Packet will contain detailed information on your rights and responsibilities with respect to COBRA continuation coverage. Read the information carefully to ensure that you take advantage of the options available to you and your covered dependents.
  
- ***How much will my COBRA benefits cost?***
  - You will be responsible for the timely payment of the full cost of the medical or dental premium and you may be charged an administrative fee. Failure to make timely payments will result in discontinuation of coverage.
  - Congress recently passed important legislation providing for extensions and subsidies of COBRA benefits for which you may be eligible. For more information, contact the City's COBRA benefits administrator, Fringe Benefits Management Company (FBMC), at (800) 342-8017.
  
- ***How long will I be eligible for COBRA benefits?***
  - COBRA provides for continued coverage for 18 months and may be continued up to 36 months under some conditions.

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- ***Can I make changes to my medical and dental plans (add or remove dependents) while on COBRA?***
  - Yes, however changes to plans may only be made during an annual open enrollment period or as a result of a qualified change in family status, e.g., birth or adoption of a child, marriage, divorce.

**I have just been separated or “bumped” and placed on a Holdover Roster but have not been placed into a City position. I expect to be out of a job.**

- ***What happens to my health and dental?***
  - All health and dental benefits for you and your covered dependents may be continued for up to five (5) years as long as you meet the requirements for this City-subsidized benefit. This means that all medical and dental benefit premiums that were paid for by the City on your behalf may continue. You will be required to continue any premium payments you made for your coverage while an active employee. Failure to keep your premiums timely paid will result in discontinuation of medical/dental coverage.
- ***What are the requirements for this City-subsidized benefit?***
  - You must meet all of the following requirements in order to be eligible for this benefit:
    - You must be an employee on active Holdover Roster.
    - You must complete and submit a Certification of Eligibility Form to the Health Service System Office on an annual basis. The Certification of Eligibility Form will be sent to you by the Health Service System.