

Rule 5. Reduction in Force

A. General Provisions

1. The provisions of this Rule apply to layoffs and displacements within the Classified Service.
2. A reduction in force means separation of employees from the Classified Service as a result of:
 - a lack of funds,
 - a lack of work,
 - abolition of a position, or
 - material changes in duties or organization.
3. When a reduction in force is necessary, the Appointing Authority implementing the reduction in force will determine the:
 - organizational unit(s) under his/her jurisdiction in which the reduction can best be accomplished,
 - job classifications within those organizational unit(s) from which the reduction will occur, and
 - positions within the job classifications that will be eliminated.

B. Reduction in Force Plan

1. Notice

The Appointing Authority implementing a reduction in force will file notice of his/her Reduction in Force Plan with the Unified Personnel Board at least 21 days prior to its effective date. The notice will include the factors, weights, and methodology to be used in calculating retention scores, the organizational unit and job classes from which the reduction will be made and the positions to be eliminated.

2. Retention Scores

The layoff order of regular status classified employees within a job classification designated for reduction within a so designated organizational unit will be determined by the retention scores calculated for each employee within the designated job classification within the designated organizational unit. The employee with the lowest retention score will be laid off first. At a minimum, the retention score will give due consideration to the following factors:

- organizational need,
- seniority,
- veterans' preference,
- proficiency of the employee as measured by evaluations of performance and disciplinary actions.

3. Displacements

The reduction in force plan will also indicate whether the Appointing Authority will consider displacements of employees designated for layoff to lower level job classifications as described in section C of this rule.

4. Before any non-probationary, regular status employee in a job classification being reduced is laid off, temporary employees within that job classification in the organizational unit will be laid off.
5. Prior to implementation of the layoff plan, the following employees who are serving in a position to be reduced within the organizational unit will be returned to the lower class position in which the employee was serving:
 - employees temporarily promoted,
 - employees provisionally promoted,
 - promoted employees who have not completed six months of satisfactory service following the promotion.
6. A regular status classified employee offered displacement in lieu of layoff who rejects the displacement offer will be laid off.

C. Displacement

1. If an Appointing Authority is allowing displacements in the reduction in force, any regular status employee who would otherwise be laid off may fill a vacant position or displace an employee in a lower pay classification in the same selected organizational unit provided:
 - the regular status employee has successfully encumbered a position within the lower level job classification,
 - the Appointing Authority certifies that the regular status employee meets the minimum qualifications of the classification and the position and is capable of performing in that classification and position; and
 - the regular status employee who would otherwise be laid off has a retention score for the position in the lower level job classification from which he/she would displace another employee that is equal to or greater than the retention score of the employee he/she would displace.
2. An employee who is placed in a lower level/pay grade position as result of the displacement process shall retain his/her base rate of pay not to exceed 10% above the maximum of the pay grade of the job classification to which he/she is displaced.
3. An employee displaced to a lower level/pay grade position will have his/her name placed on the list of qualified applicants for the job classification from which he/she was displaced for one year and shall, along with laid off employees, receive all due consideration prior to the consideration of other applicants.
4. Notwithstanding any other Rule, an employee displaced under this Rule who is promoted within one year of the effective date of displacement is eligible for a pay rate adjustment as follows:
 - a. An employee promoted to a position within the job classification or the pay grade from which the employee was displaced shall be restored to the pay rate he/she was earning on the date of displacement.

- b. An employee promoted to a position at a lower pay grade than that from which the employee was displaced shall be placed at the pay rate the employee would have received if he/she had been displaced directly into that position.
- c. An employee promoted to a higher pay grade than that from which the employee was displaced shall be entitled to a salary adjustment in accordance with Rule 2, except that the salary adjustment will be applied as though the employee was still in the position from which he/she was displaced.

Pay rate adjustments for promotions which occur more than one year after the effective date of displacement will be made in accordance with the normal promotional pay rate adjustments of the County at the time of promotion.

- 5. Determinations relating to displacement under this Rule are not grievable and may not be appealed except to the Appointing Authority as described in D.2.

D. Rights of Laid Off Employees

- 1. An employee separated by layoff shall be given at least 21 calendar days notice of the layoff.
- 2. An employee to be laid off who objects to the layoff decision shall have recourse by requesting within seven calendar days of notification to meet with the Department Director to discuss the determination of the retention. After such meeting(s), if the employee continues to object to the layoff decision, he/she shall have the right to meet with his/her Appointing Authority or designee to discuss his/her objection to the layoff decision and request a change in the layoff decision. The request must be made within seven calendar days of the conclusion of the prior meeting(s). The decision of the Appointing Authority following that meeting shall be made within seven calendar days and shall be final.
- 3. Upon separation, in accordance with applicable Unified Personnel System rules, the laid off employee shall be paid for his/her accumulated Extended Illness Leave and Annual Leave, and shall be paid all accrued compensatory time. There is no entitlement to pay for unused Floating Holidays or Personal Days.
- 4. Re-employment:
 - a. A regular status employee who is laid off shall have his/her name placed on the list of eligible candidates for the job classification from which the employee was laid off.
 - b. To the extent possible, recruitments for positions within job classifications impacted by layoff will be filled from a Layoff Register. Individuals on the Layoff Register will be given all due consideration before any other applicants.
 - c. A laid off employee who is re-employed within one year from the effective date of layoff shall:
 - i. be credited with his/her Annual Leave and Extended Illness leave balances which were accrued but not paid at the time of layoff;
 - ii. accrue Annual Leave at the same accrual rate the employee was accruing at the time of layoff; and
 - iii. if re-employed within the same job classification from which he/she was laid off, be placed in the same pay grade and pay rate he/she was in at the time of layoff, or the minimum of the pay rate of the job classification, whichever is greater, and shall not be required to serve a probationary period in that position.

- d. A laid off employee who is rehired into a job classification other than the one from which he/she was laid off, or who is rehired after more than one year from the effective date of the layoff, shall be hired at a salary commensurate with the hiring practices of the County at the time of hire and serve a probationary period as defined in applicable Rules.

E. Grievance Procedure for Layoff or Displacement

A regular status Classified Service employee displaced or laid off under this rule who believes that the Appointing Authority has wrongfully applied this rule may file a grievance on that sole issue as follows:

1. The aggrieved employee shall place the grievance in written form and submit it to the Director of Human Resources with a request for an informal hearing before an Informal Grievance Committee within 14 calendar days of notification of the action grieved. Failure of an employee to timely initiate a grievance will result in rejection of the grievance without further action.
2. The employee shall use the Layoff Grievance form available in the Human Resources Department or on its website for this purpose and shall state the specific reason(s) for his or her claim that the Appointing Authority has wrongfully applied Personnel Rule 5.
3. The Director of Human Resources shall determine if the grievance meets the requirements of this rule; and if not, reject the grievance without further action. This determination shall be final. If the grievance meets the requirements of this Rule it shall be forwarded to the Informal Grievance Committee.
4. The Informal Grievance Committee shall be a three member Committee composed of the Appointing Authority or designee, the Director of Human Resources or designee and a classified employee selected by the Director of Human Resources and the Appointing Authority.
5. The informal hearing shall be arranged by the Director of Human Resources and shall be held within fourteen calendar days from the date the written request was received from the aggrieved employee. At the hearing, each party will be allowed 15 minutes to present argument(s) in support of his/her position. Each party is responsible for obtaining his/her own exhibits, if any, and bringing four copies of each exhibit to the hearing. Each of the three Committee members and the opposing party shall receive a copy of each exhibit presented or referred to in the argument.
6. The burden shall be on the employee to establish violation of this rule by a preponderance of the evidence.
7. The hearing shall be held in the sunshine as required by Florida Statutes Chapter 286.011 and a decision shall be rendered at the conclusion of the hearing. That decision shall be final.