

CITY OF SALEM

**LAYOFF INFORMATION
HANDBOOK**

FOR

AFSCME

**CAREER
&
PART-TIME CAREER
EMPLOYEES**

Human Resources Department
January 2012

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INTRODUCTION

This handbook is prepared for full-time and part-time career employees facing layoff. Part-time exempt employees represented by AFSCME are exempt from the layoff procedures covered in this handbook. This handbook summarizes key portions of the labor contract which deal with layoff. It also includes information about your insurance benefits, retirement plan membership, and filing for unemployment benefits. Answers to frequently asked questions about layoff are also given in this handbook.

This information is intended only as a general guide. Detailed layoff provisions governing rights of employees and the responsibilities of the City, the employee, and labor organizations are found in the labor contract, and City Human Resources Rules.

Please direct any questions you have about your layoff to your supervisor or the Human Resources Department (503-588-6162).

Constance L. Munnell
Human Resources Director

FREQUENTLY ASKED QUESTIONS

1. If a layoff occurs, which employees are laid off first?

ANSWER: Layoffs are made by classification within a department by division. Employees are laid off in inverse order of their seniority. Seniority is determined by length of continuous service with the City. In a few specific classifications (Building Inspector, Plans Examiner, and Fleet Services Technician), layoff will be determined based upon the number of certifications held by each employee and the need to retain employees to fulfill required service needs. (AFSCME Contract, Articles 16.1(a), (b), and 16.2)

The City may retain certain less-senior employees who serve on the Hazardous Materials Response Emergency Team. (AFSCME Contract, Article 16.2)

Your Department/Division Head, or a member of Human Resources, has information pertaining to seniority.

2. If I started working for the City at the same time as another employee in the same classification in my department, who will be laid off first?

ANSWER: If two employees have the same continuous service date, the employee whose application was filed first shall be the senior employee. If continuous service and application dates are also the same, seniority shall be determined by lot. (AFSCME Contract, Article 16.1(a))

3. Where can I see a copy of the seniority list for my Department and classification?

ANSWER: A copy is available for review from your supervisor, Department Head, or in the Human Resources Department.

4. If I am to be laid off, can I “bump” other City employees?

ANSWER: The laid off employee may bump a part-time exempt, or a seasonal employee within a work division (e.g. Water Division within the Public Works Department), and within the same, or lower classification, for the remainder of the seasonal or part-time exempt appointment. You do not lose your recall rights if you accept a part-time exempt or seasonal position. (AFSCME Contract, Article 16.2)

5. What is a "layoff eligible list"?

ANSWER: A layoff eligible list is a list of all career status employees laid off from one job classification. A layoff eligible list will be prepared for each job classification from which an employee is laid off. The layoff eligible list determines the order in which employees are recalled to a vacancy in the job classification, with the most senior employee listed first. (AFSCME Contract, Articles 16.3 and 16.4)

6. How is my name put on a layoff eligible list?

ANSWER: The names of all career status employees who are laid off will automatically be placed on the layoff eligible list for their job classification.

Placement on the layoff eligible list is determined by date of layoff with employees having the most seniority listed first. (AFSCME Contract, Articles 16.3 and 16.4)

It is very important that laid off employees inform the Human Resources Department of any change in address and telephone number during their absence in order to ensure prompt notice of recall. (AFSCME Contract, Articles 16.3(c))

7. If I am a permanent part-time career status employee and I am laid off, will my name be placed on a layoff eligible list for my job classification?

ANSWER: Yes. Your seniority and placement on the list will be determined by your continuous service date. (AFSCME Contract, Articles 16.3 and 16.4)

8. I am a part-time exempt employee who is represented by AFSCME. If I am laid off, will my name be placed on the layoff eligible list for my job classification?

ANSWER: No. Part-time exempt employees may not use the layoff procedures. (AFSCME Contract, Article 16.7)

9. If I am recalled to City employment, will I be hired back in my old job?

ANSWER: It is possible, but not likely. Laid off employees are placed on a layoff eligible list for the job classification from which they were laid off, not a department list. If a position becomes vacant and there is a layoff eligible list for that job classification, the recall shall be made in order of the date of layoff. (AFSCME Contract, Article 16.4(b))

10. If I am recalled to the same job classification by another division or section, will I have to start another probationary period?

ANSWER: No, as long as you are rehired in the same job classification.

11. If I am recalled to a position in the same job classification, must I accept it?

ANSWER: No. However, if you reject it, your name will be removed from the layoff eligible list and you will have no further rights to recall. (AFSCME Contract, Article 16.4)

12. If I am laid off, and later accept a seasonal or part-time exempt position, does this affect my recall rights?

ANSWER: No. Career employees who accept seasonal or part-time work are kept on the layoff list. (Article 16.4(b))

13. How long can I remain on a layoff eligible list?

ANSWER: A maximum of two years. (AFSCME Contract, Article 16.3(a))

14. If I am a probationary employee, will my name be placed on a layoff eligible list?

ANSWER: No. Your name will not be placed on a layoff eligible list if you are on probation to the City and have not attained career status. However, if you are on promotional probation to the classification then your name will be placed on a layoff eligible list for the promotional classification. (Article 15.5(a))

15. If I am laid off, will I qualify for unemployment insurance?

ANSWER: Probably, but this depends on how long you have worked and the amount of your earnings. Read page 9—*Unemployment Insurance*, of this handbook for details on how to apply, or you may inquire at the Oregon State Employment Division in Salem.

16. If I am laid off, when will my health benefits cease?

ANSWER: Your City-paid health benefits will terminate on the last day of the month in which you were laid off. You can purchase health benefits by making arrangements to pay the monthly premium. Details are available on pages 6 and 7, *City Insurance Benefits and Retirement*, of this handbook.

17. If I am laid off, do I receive payment for my accrued but unused compensatory time, holiday time, and vacation time?

ANSWER: Yes, for all such accrued leaves except accrued SICK LEAVE. (AFSCME Contract, Article 16.3(d))

18. Does the City provide any type of severance pay to laid off employees?

ANSWER: No. Employees laid off will receive only the dollar value of their accumulated vacation, compensatory time, and holiday time in their last paycheck.

19. If I worked with the City for a couple years and then resigned for a couple years and returned to the City, will my first employment period with the City count towards my total seniority?

ANSWER: No. Termination of employment voids the employee's continuous service date. Thereby, your continuous service date reflects the date of your most recent hire. (AFSCME Contract, Article 16.1(b))

20. If I know I am going to be laid off, but I resign to take another job before that layoff occurs, am I eligible to be put on the layoff list?

ANSWER: No.

21. If I am on a layoff eligible list for a job classification, can I accept a job in a vacant, but lower level classification if I have never held that job before?

ANSWER: Yes. An employee on layoff status may apply for a position with the City in a job classification other than the one from which the employee was laid off. Such applications from laid off employees who are equally qualified as determined by the City will be considered in order of seniority. Acceptance of employment in a lower level job classification with a lower pay scale other than the employee's former classification shall not be cause to remove the employee's name from the layoff eligible list. Rejection of replacement employment shall not be grounds for removal. (AFSCME Contract, Article 16.5(a) and (b))

22. If I am laid off and rehired in the same job classification, what will my salary be?

ANSWER: You will be rehired at the same step you were on when laid off.

23. Do I get my seniority back if I am rehired after a layoff?

ANSWER: Yes. Your continuous service date will be adjusted only so it does not include the time you were on layoff. If necessary, your anniversary date and salary review date will also be adjusted. (AFSCME Contract, Article 16.1(b))

24. If I am recalled to work with the City after a layoff, do I get my accumulated sick leave back?

ANSWER: Yes, upon recall from a layoff, you will be credited with the accrued but unused sick leave balance recorded when you were laid off. (AFSCME Contract, Article 16.4(c))

25. If I am a promotional probationary employee (on probation to the classification) and I am laid off and recalled, do I have to start my promotional probationary period over again?

ANSWER: No. Career status employees in the Career Service who are laid off and recalled will only have to complete the balance of their promotional probationary time remaining when the layoff occurred.

26. If I am laid off and recalled to a position in a different division, how can I return to my former division?

ANSWER: When an opening in your former division occurs, you may apply and be considered with all other applicants. Watch for a job-vacancy listing in the weekly Job Opportunities announcement.

27. When should I go to the Unemployment Office to file a claim for unemployment benefits?

ANSWER: You should file a claim as soon as you are laid off. If you file a claim prior to being laid off, you will receive the level of benefits in effect at the time you originally file. If the benefit level is increased at the time you are laid off and you have previously completed the forms, you may not be eligible for the increase in benefit level.

CITY INSURANCE BENEFITS AND RETIREMENT

A. HEALTH BENEFITS

In compliance with the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) provisions, you are entitled to continue health benefit coverage for yourself and/or your enrolled dependents.

The City will continue your coverage until the end of the month in which you were laid off if you are currently enrolled in the City of Salem's health benefit program. You have the option to continue this coverage for a period of up to 18 months.

You must complete the enrollment form and return it to the City of Salem within 60 days of the end of your City provided group coverage if you elect to continue your health benefits. Your COBRA benefits will commence on the first day after your active group health benefits ends provided you have submitted the enrollment form and premium payments in a timely manner.

Future premiums are due on the first of each month thereafter and should be mailed on or before the due date. Failure to pay premiums by the premium due dates may terminate your participation in the City's health insurance plans.

A complete COBRA packet will be given to you at your exit interview or mailed to you if you choose not to participate in an exit interview.

For current monthly premium rates for health benefits, or if you have any questions regarding the information outlined above, please refer to the attached rate sheet or contact the Human Resources Benefits Division at 588-6162, ext. 7244, or the Internet:

<http://www.cityofsalem.net/Departments/HumanResources/Benefits/AFSCME/Pages/default.aspx>

B. RETIREMENT - Oregon Public Employees Retirement System (PERS) or Oregon Public Service Retirement Plan (OPSRP)

Your PERS or OPSRP membership will be affected by layoff. When an employee is laid off from City service, the City notifies PERS of the change in status.

You must contact PERS for the available options, since participation with other jurisdictions who provide PERS coverage would affect the options available to you. Please contact:

PERS in Salem

Public Employees Retirement System
800 Summer Street NE, Suite 200
Salem, Oregon 97301
503-378-3730
<http://www.pershealth.com>

PERS in Tigard

Public Employees Retirement System
PO Box 23700
Tigard, Oregon 97281-3700
503-598-7377, or
Toll-free: 888-320-PERS (7377)

You may continue to remain in PERS or OPSRP as a vested member if you have made contributions in any part of five (5) calendar years: or were at least age 50

while working. Even as a vested member, however, you may elect a refund of your employee contribution plus interest.

If you were not vested in PERS or OPSRP as outlined above, then at any time you may withdraw your employee contribution with interest earned from PERS. You may also leave the monies in PERS, where they will continue to earn interest for not longer than five years.

Refunds are not automatic whether vested or not. You must contact PERS to obtain a request form for cash withdrawal.

C. DEFERRED COMPENSATION

You are eligible to withdraw your deferred compensation funds at any time following your termination from City employment. You will be taxed on any funds that you choose to withdraw. You may also leave your funds in the deferred plan that you are enrolled in or transfer such funds to an IRA or other eligible plan.

We recommend that you contact your deferred compensation representative for details explaining your options in full.

<u>ICMA</u>	<u>Nationwide</u>	<u>VALIC</u>
1-800-735-7202	503-364-5805	503-585-1301

D. EMPLOYEE ASSISTANCE PROGRAM

The City will continue your coverage until the end of the month in which you are laid off.

UNEMPLOYMENT INSURANCE

Unemployment insurance provides benefits to workers who are unemployed through no fault of their own. The Oregon State Employment Service issues unemployment insurance payments and helps people find jobs. The City pays the costs of the unemployment insurance to provide you with a regular income when you are out of work through no fault of your own.

Filing Your Claim

As soon as you are unemployed, contact the Oregon Employment Department at a phone number below, and say you would like to register for work and file a claim for unemployment insurance. A claims taker will discuss your rights and responsibilities with you.

Metro UI Center
PO Box 14135
Salem, OR 97309-5068

Toll free Phone: 877-877-1781
Phone: 503-451-2400
Toll Free Fax: 866-345-1878

You may also visit the Oregon Employment Department. The address in Salem is 605 Cottage Street NE. When going to the Employment Division, you need to have with you:

1. Your Social Security Number.
2. Name and address of the City (as your last employer):
City of Salem, 555 Liberty Street SE, Salem, Oregon 97301
3. Names and addresses of all of your employers during the last 24 months.

Who May Claim Benefits

In order to receive benefits you must be:

1. Able to work—You must have the physical ability to do the type of work you are seeking under conditions normal for workers in that occupation.
2. Available for work—You must be ready and willing to accept work which is suitable for you.
3. Actively seeking work—Your search for work must be made in a manner that will result in your return to work at the earliest possible date. Registration for work with the Oregon Employment Department is not, in itself, sufficient to satisfy this requirement.

You must make all reasonable efforts to find work or you cannot be paid benefits. Each week when you claim benefits, you will be asked to certify that you have sought work. At regular intervals, you will be interviewed to verify how many employers you have contacted. The conditions that affect your eligibility will be explained to you by a claims taker when you file a claim for unemployment. Benefits are normally paid up to 26 weeks, providing you meet eligibility requirements.

We encourage you to file your unemployment claim immediately upon layoff. The sooner you file your claim, the sooner you will be eligible to begin receiving benefit checks.

AFSCME CONTRACT PROVISIONS 2011-2013

ARTICLE 16 – LAYOFF

16.1 Definitions

(a) For purposes of this contract, "seniority" means length of continuous service as an employee of the City, computed from the date of the employee's original hire. Such date shall be known as the employee's "continuous service date." Where two employees have the same continuous service date, the employee whose application was first filed shall be deemed the senior employee. Where continuous service dates and application dates are the same, seniority shall be determined by lot.

(b) As used in this section, "continuous service" includes all authorized paid leaves of absence and unpaid leaves of absence for less than fifteen (15) consecutive calendar days, but does not include any period between an employee's layoff and recall nor unpaid leaves of absence for more than fifteen (15) consecutive calendar days. In the event of layoff and recall, the employee's continuous service date shall be adjusted to reflect a total length of continuous service. Termination of employment shall void the employee's continuous service date. If the employee should subsequently be hired again by the City, the most recent date of hire shall become the employee's Continuous service date.

(c) If a current Part-Time Exempt Employee (PTE) is hired into a career position within the same job classification as their current PTE employment, they will be given continuous service "seniority" based upon their time in service.

16.2 Order of Layoff

In the event of a reduction in force in a department or division, layoffs shall be made in the affected classifications in inverse order of seniority (with the exception of those employees covered within Article 5.1, where layoff will be determined based upon the number of certification(s) held by each employee. The City may elect to alter this order of layoff obligation for employees covered by Article 5.1 when it determines that retaining an employee with particular certification(s), and/or skill sets is necessary in order for that work unit to fulfill required service needs. The laid off employee may also bump a part-time exempt, or a seasonal employee within a work division (e.g. water division within the Public Works Department), and within the same, or lower classification, for the remainder of the seasonal or part-time exempt appointment.

While on layoff status, career employees may apply for seasonal or part-time exempt work. If an employee is laid off from a career classification and later accepts a seasonal or part-time exempt position, this would not change any of the provisions in this Article.

Employees who bump to a part-time exempt or seasonal position will be subject to recall under Articles 16.3 and 16.4. Employees who bump to a part-time exempt or a seasonal position will be placed at the same or closest existing hourly rate of pay, with no loss in pay, not to exceed the top step of the pay range for the part-time exempt or seasonal position. When an employee bumps to a part-time exempt position, for the purposes of step increases, the review date begins on the date the employee assumes the new position pursuant to Article 5.6.

The City may retain a less senior employee who serves on the Hazardous Materials Response Emergency team. This exception may not be exercised for more than three employees per fiscal year. If a layoff requires the transfer of a more senior employee in the department to a different work section or location, the least senior employee in the affected location shall be transferred, unless the parties to the labor contract agree otherwise.

16.3 Layoff Status

(a) For a period of two (2) years following the date of layoff, an employee shall be classified as on "layoff status," and the employee's name maintained on a layoff eligible list. The order of names on the layoff eligible list shall be in inverse order of layoff. At the end of the two (2) year period, or sooner if the employee so requests, the employee's name shall be removed from the list and the employee shall be deemed fully terminated.

(b) An employee on layoff status shall not be entitled to any pay, status, benefits, or employment rights other than those specifically provided herein.

(c) An employee on layoff status shall promptly inform the Human Resources Director of any change of address, and shall be deemed terminated if a letter mailed to the last address recorded with the City is returned unclaimed.

(d) An employee being laid off shall be paid for the total accrued vacation, holiday (if any) and compensatory time existing at the time of the layoff date.

16.4 Order of Recall

(a) An employee on the recall list shall be offered a seasonal position, if available, if the employee is qualified for the position, as determined by the City.

(b) Recall of employees to active employment shall be made in order of their names on the layoff eligible list for job classifications from which they were laid off.

Career employees who are on a layoff list (as defined by Article 16.3) will be eligible for employment in a vacant seasonal or part-time exempt position. Career employees who accept seasonal or part-time exempt work shall be retained on the layoff list. Failure to accept seasonal or part-time exempt work will not affect the employee's

standing on the layoff list. An employee shall be deemed terminated if the employee does not report for work within ten (10) City business days of written notice of recall via registered mail for a career position. Except as provided in this section, no person shall be hired to fill any position from which an employee was laid off as long as there is an employee within that job classification on the layoff eligible list.

(c) Upon recall, the employee shall have restored for authorized use all accrued sick leave hours as recorded by the City at the time of the layoff. This does apply to cases where the laid off employee returns to City work by being hired as a replacement as provided in Article 16.5(b) below. Time served in a seasonal or part-time exempt appointment will not be credited towards the recalled employee's continuous service date for the career position.

(d) If an employee accepts a position in a career classification, that employee will not be placed on the layoff list and shall have no rights to recall, with the exception of 16.5(b).

16.5 Replacement Employment

(a) An employee on layoff status may apply for a position with the City in a job classification other than the one from which the employee was laid off. Such applications from laid off employees who are equally qualified as determined by the City will be considered in order of seniority.

(b) Acceptance of employment in a lower level job classification with a lower pay scale other than the employee's former classification shall not be cause to remove the employee's name from the layoff eligible list. Rejection of replacement employment shall not be grounds for removal.

16.6 Integrity of Job Classifications

In the event that the substantial duties of a laid-off employee are subsequently assigned to an employee of a lower classification so that the employee is regularly working in a higher classification, the City shall recall an employee to fill the higher position. As used in this section, "substantial duties" means those duties, which distinguish the job classification from lower classifications of a similar nature.

16.7 Part-Time Exempt Employees Excluded

Part-time exempt employees may not avail themselves of this layoff procedure. Hours of work for this group of employees may be reduced or eliminated at will by the City.

COBRA INSURANCE RATES
 AFCSME Union Represented
 January 1, 2012

2012 PPO RATES

Number in Family	Vision and Dental Options	Medical Premium	Vision Premium	Dental Premium	Total Premium
1 Person	Traditional Vision and Incentive Dental Plan	\$ 513.78	\$ 7.66	\$ 53.14	\$ 574.59
1 Person	Traditional Vision and Traditional Dental Plan	\$ 513.78	\$ 7.66	\$ 55.31	\$ 576.75
1 Person	\$250 Vision and Incentive Dental Plan	\$ 513.78	\$ 15.31	\$ 53.14	\$ 582.24
1 Person	\$250 Vision and Traditional Dental Plan	\$ 513.78	\$ 15.31	\$ 55.31	\$ 584.40
2 Persons	Traditional Vision and Incentive Dental Plan	\$ 963.35	\$ 14.22	\$ 88.93	\$ 1,066.50
2 Persons	Traditional Vision and Traditional Dental Plan	\$ 963.35	\$ 14.22	\$ 94.35	\$ 1,071.92
2 Persons	\$250 Vision and Incentive Dental Plan	\$ 963.35	\$ 28.43	\$ 88.93	\$ 1,080.72
2 Persons	\$250 Vision and Traditional Dental Plan	\$ 963.35	\$ 28.43	\$ 94.35	\$ 1,086.14
3 or more Persons	Traditional Vision and Incentive Dental Plan	\$ 1,292.29	\$ 19.68	\$ 141.00	\$ 1,452.97
3 or more Persons	Traditional Vision and Traditional Dental Plan	\$ 1,292.29	\$ 19.68	\$ 149.67	\$ 1,461.65
3 or more Persons	\$250 Vision and Incentive Dental Plan	\$ 1,292.29	\$ 36.10	\$ 141.00	\$ 1,469.38
3 or more Persons	\$250 Vision and Traditional Dental Plan	\$ 1,292.29	\$ 36.10	\$ 149.67	\$ 1,478.06

2012 KAISER PERMANENTE RATES - Kaiser vision plan

Number in Family	Vision and Dental Options	Medical Premium	Vision Premium	Dental Premium	Total Premium
1 Person	\$250 Vision and Incentive Dental Plan	\$ 472.84	\$ 11.67	\$ 53.14	\$ 537.64
1 Person	\$250 Vision and Traditional Dental Plan	\$ 472.84	\$ 11.67	\$ 55.31	\$ 539.81
2 Persons	\$250 Vision and Incentive Dental Plan	\$ 884.20	\$ 21.81	\$ 88.93	\$ 994.95
2 Persons	\$250 Vision and Traditional Dental Plan	\$ 884.20	\$ 21.81	\$ 94.35	\$ 1,000.36
3 or more Persons	\$250 Vision and Incentive Dental Plan	\$ 1,205.72	\$ 29.76	\$ 141.00	\$ 1,376.47
3 or more Persons	\$250 Vision and Traditional Dental Plan	\$ 1,205.72	\$ 29.76	\$ 149.67	\$ 1,385.14