

CITY OF SALEM

**LAYOFF INFORMATION
HANDBOOK**

FOR

UNREPRESENTED EMPLOYEES

Prepared by the Human Resources Department
February 2008

This handbook excludes employees represented
by AFSCME, IAFF, PCEA, or SPEU.

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INTRODUCTION

This handbook has been prepared for full-time and part-time career status employees facing layoff. It contains a summary of portions of the Human Resources Rules that deal with layoff as it pertains to unrepresented employees. The provisions of this handbook do not apply to part-time exempt or seasonal employees, interns or student workers. This handbook 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 and the employee are defined in the City Human Resources Rules.

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

Constance L. Munnell
Human Resources Director

FREQUENTLY ASKED QUESTIONS

1. In case of a layoff, which employees are laid off first?

Answer: Layoffs will be made by classification within a department.

Layoffs will be determined by performance. If performance is not decisive, then seniority will be used. (Human Resources Rule 9.02(A)) Seniority is based on your continuous service date, which is the date a new employee is appointed or the date designated by the City in recognition of prior service credit. (Human Resources Rules 6.01 and 6.03)

The seniority lists can be obtained from your Department/Division Head or from Human Resources.

2. What is a "layoff eligible list?"

Answer: A layoff eligible list is a list of all career status employees laid off from a 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. (Human Resources Rule 9.02(C))

3. How do I get my name on a layoff eligible list?

Answer: The names of employees who have a satisfactory employment record and who have been recommended for reemployment by their department head shall be placed on a layoff eligible list and shall have recall rights to vacant positions in the classification in which they were laid off for a period of one year following the date of layoff. The order of names on layoff eligible lists shall be determined by seniority of service based on continuous service date, with the most senior employee listed first. Laid off employees who have been notified in writing that they are being recalled to a vacant position must report to work within 14 calendar days or their names will be removed from the layoff eligible list. If the City attempts to contact the employee by certified mail to the last address listed in the employee's personnel file and the letter is returned unclaimed, the employee's name will be removed from the layoff eligible list. (Human Resources Rule 9.02(C))

4. 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, if your Department Head recommends you for re-employment and your employment record is satisfactory. Your seniority is determined by your continuous service date. (Human Resources Rule 9.02(A) and (C))

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

Answer: It is possible, but not likely unless there is only one position in your classification. Laid off employees are placed on a layoff eligible list for a job

classification, not a department. If a position becomes vacant and there is a layoff eligible list for the job classification, the laid off employee with the most seniority on the layoff eligible list will be recalled. (Human Resources Rule 9.02(C))

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

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

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

Answer: No. If your classification is confidential, supervisory, or management, you may reject a position. You may remain on the layoff eligible list if you do not feel you are qualified, and if the department head and Human Resources Director agree that you are not qualified. If the department head does not concur with the employee, subject to the approval by the Human Resources Director, then rejection of the appointment shall result in removal of the employees name for the layoff list. (Human Resources Rule 9.02(D))

8. How long does my name remain on the layoff eligible list?

Answer: One year. (Human Resources Rule 9.02(C))

9. 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.

10. If I am laid off, do I qualify for unemployment insurance?

Answer: Probably, but this depends on how long you have worked and the amount of your earnings. Please read page 8, *Unemployment Insurance*, of this handbook for details about how to apply or inquire at the Oregon Employment Department in Salem.

11. 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 will be able to purchase continued health benefits by making arrangements to pay the monthly premium. Details are available on page 6, *City Insurance Benefits and Retirement*, of this handbook. The rate sheet for continued coverage is on page 13.

12. If I am laid off, do I receive payment for my accrued but unused compensatory time, holiday vacation time or administrative leave?

Answer: Yes, you will be paid for all such accrued leaves except accrued sick leave and administrative leave. Sick leave would be credited whenever an employee is recalled to City employment. The administrative leave balance will be credited only if an employee returns within the fiscal year in which the employee left City employment. (Human Resources Rule 9.02(E))

13. 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. (Human Resources Rule 9.02(E))

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

Answer: No. Laid off employees will receive only the dollar value of their accumulated vacation, compensatory time, and holiday time in their last paycheck.

15. If I worked with the City for a couple years, 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. Your continuous service date reflects the date of your most recent hire. (Human Resources Rule 6.01 and 6.08 (B))

16. 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.

17. 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, but: (1) you must apply for the position and meet the minimum qualifications; (2) the hiring supervisor must wish to hire you; and (3) there must be no layoff eligible list for the lower level job class. You will have a probationary period for this lower level job class. Acceptance of the job will remove your name from the layoff eligible list.

18. 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 at when laid off.

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

Answer: Yes. Your continuous service date will be adjusted so it does not include the time you were on layoff. If necessary, your anniversary date and salary review date will also be adjusted. (Human Resources Rule 6.01 ad 6.08)

20. 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 who are laid off and recalled will only have to complete the balance of their promotional probationary time remaining.

21. 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 is posted in the weekly Employment Opportunities announcement, you may apply and be considered with all other candidates.

22. When should I go to the Unemployment Office to file a claim?

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.

23. 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 with the approval of the Department Head or the Human Resources Director.

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: www.cityofsalem.net/departments/sperson1/Benefits/

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 that 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.

ICMA
1-800-735-7202

Nationwide
503-364-5805

VALIC
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; and
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.

HUMAN RESOURCES RULES

SECTION 9 — RESIGNATIONS AND LAYOFFS

9.01 RESIGNATIONS

Any employee may resign from the service by presenting a resignation in writing to the department head. To resign in good standing, an employee must give the department head at least two weeks' notice unless, because of extenuating circumstances, the department head agrees to permit a shorter period of notice. Resignations shall be promptly forwarded to the Human Resources Director by the department head.

9.02 LAYOFFS

Layoff procedures are established by provisions of the collective bargaining contracts or the Civil Service Rules for all classifications assigned to a represented bargaining unit or governed by the Civil Service Rules. The following procedure shall govern employees in all other non-represented classifications who have attained career status. A department head may separate an employee without prejudice because of changes in duties in the organization, lack of funds, curtailment of work, or for any other legitimate reason as determined by the City, after giving notice of at least ten working days or ten days' pay if notice cannot be given to such employee. The conditions of reduction in forced layoff shall be as follows:

A. ORDER OF SEPARATION. Preference for retention shall be based first upon the following performance factors:

1. job knowledge and skills to do the required work;
2. attendance, safety and disciplinary records;
3. licenses, registrations and/or certifications;
4. efficiency of City operation;
5. the division, location and job

Evaluation of these facts is at the City's discretion. When all the factors are equal, the City will lay off or reduce the hours of the employee with the least length of service.

B. OFFER OF ALTERNATIVE EMPLOYMENT. A department head may, with the approval of the Human Resources Director, offer an employee who is laid off a vacant position in another classification for which, in the City's judgment, the employee is qualified. If the employee accepts such an appointment, the employee's name shall not be placed on the layoff eligible list for the employee's present classification. If the employee is offered a position and does not accept appointment in another classification, the employee's name shall, upon layoff, be placed on the layoff eligible list for the employee's present classification.

C. LAID OFF EMPLOYEES ON LAYOFF LIST. The names of employees who have a satisfactory employment record and who have been recommended for reemployment by their department head shall be placed on a layoff eligible list and shall have recall rights to vacant positions in the classification in which they were laid off for a period of one year following the date of layoff. The order of names on layoff eligible lists shall be determined by seniority of service as determined by continuous service date, with the most senior employee listed first. Laid off employees who have been notified in writing that they are being recalled to a vacant position must report to work within 14 calendar days or their names will be

removed from the layoff eligible list. If the City attempts to contact the employee by certified mail to the last address listed in the employee's personnel file and the letter is returned unclaimed, the employee's name will be removed from the layoff eligible list.

- D. REJECTION OF APPOINTMENT FROM LAYOFF LIST. An employee who is offered appointment to a vacant position in the laid off classification may reject such appointment if the employee does not believe they have the ability to perform the duties of the vacant position due to lack of required skills. The employee must notify the Human Resources Department within 10 days of being offered the position of the rejection of appointment. If the department head does not concur in the employee's judgment, subject to approval by the Human Resources Director, then rejection of the appointment shall result in removal of the employee's name from the layoff eligible list.
- E. RIGHTS UPON RECALL. When an employee on layoff status is recalled or rehired by the City, the amount of sick leave which that employee had accrued at the time of layoff shall be reinstated. This applies to employees returning to the job class from which they were laid off as well as to those accepting replacement employment. The period of being laid-off shall be treated as a leave of absence without pay for the purposes of adjustments of continuous service date and accrual of vacation leave.
- F. REFUSAL TO RE-EMPLOY FROM LAYOFF LIST. A department head may, with approval of the Human Resources Director, refuse to re-employ an employee from a layoff list when, in the judgment of the department head, the position to be filled requires knowledge, skills and abilities which the employee does not possess in sufficient amount to make it probable the employee can satisfactorily perform the duties. If an employee is refused re-employment under this Section F, such refusal shall not cause the employee's name to be removed from the layoff list.

9.03 SEPARATION FROM EMPLOYMENT PROCEDURES

- A. RETURN OF CITY PROPERTY. Upon termination of employment an employee must return all City property in the employee's possession by the last day of employment.
- B. FINAL PAYCHECK. The City requests two weeks' advance notice prior to any resignation or retirement. An employee who provides at least 48 hours' notice, excluding Saturdays, Sundays and holidays, will receive the final paycheck on the last day worked. If such notice is not given, the employee will receive the paycheck within five days, excluding Saturdays, Sundays and holidays, or on the next regularly scheduled payday, whichever first occurs. An employee will receive the final paycheck immediately if the separation is involuntary.
- C. LAST DAY WORKED. An employee's last actual day and hour of work is the effective date and hour of termination. Employees who resign may not use vacation, holiday, compensatory or unpaid leave to extend their date of termination past their last day actually worked. Employees on approved sick leave or injury leave who are unable to return to work at the expiration of all approved leave and are terminated shall have the expiration of the approved leave become the effective date of termination.

D. EXIT INTERVIEWS. Any employee separating from employment may be requested to participate in an exit interview conducted by the Human Resources Director or designee.

Human Resources Rules, July 2006

2008 Insurance Rates

COBRA Health Insurance Rates

NUMBER IN FAMILY (TIER)	PPO	KAISER PERMANENTE
1 Person	\$356.31	\$419.11
2 Persons	\$688.08	\$783.73
1 Person	\$896.20	\$1,068.73

COBRA Dental Insurance Rates

NUMBER IN FAMILY (TIER)	Incentive Dental Plan	Traditional Dental Plan
1 Person	\$50.00	\$52.00
2 Persons	\$84.00	\$89.00
Family (3+)	\$133.00	\$141.00

COBRA Vision Insurance Rates

NUMBER IN FAMILY (TIER)	Core Vision Plan	Buy Up Vision Plan
1 Person	\$7.43	\$14.85
2 Persons	\$13.79	\$27.28
Family (3+)	\$19.09	\$35.01