

## **CHAPTER FOURTEEN**

### **REDUCTION IN FORCE**

In the event that the Court determines that a layoff for organizational necessity within the meaning of Government Code section 71652 will occur, the following procedures will apply:

The Court will determine whether the layoff will occur on a Court-wide basis or in one or more units or classifications. Once the scope of the layoff is determined, employees will be laid off by seniority in the following order:

1. Temporary employees;
2. Limited-term employees;
3. Probationary employees; and
4. Regular employees.

For purposes of this policy, seniority is defined as length of service with the Court/Stanislaus County, including leaves of absence but not including periods of layoff. A coin toss will break any ties in seniority.

#### **14.1 Written Notice**

Written notice of layoff shall be served on affected employees in person or by certified letter mailed to the last address on file with the Court. Notice will be served or mailed at least 21 calendar days prior to the effective date of the separation. Notice shall be deemed served upon return of a delivery receipt or receipt showing attempted delivery.

#### **14.2 Bumping**

A regular employee who is laid off shall have the right to "bump" a less senior employee in a lower classification (e.g., one with a lower salary/wage range) in which the employee who is bumping had previously achieved regular status. Bumping may occur within Superior Court classifications only. The employee who is bumped shall be the employee with the least seniority in the lower classification. An employee who is bumped shall also have the right to bump a less senior employee in a lower classification in which the employee who is bumping had previously achieved regular status. Any employee who exercises bumping rights shall enjoy the pay, benefits, and terms and conditions of employment of the classification to which he or she bumps and shall have no rights under the "Recall" section of this policy.

In order to exercise these options, the employee affected must so advise the Executive Officer/designee in writing no later than seven (7) working days after receiving notice of layoff.

### **14.3 Benefits**

Employees who are laid off shall receive all accrued vacation pay.

Employees on layoff shall not accrue any benefits during a layoff (such as vacation or sick leave) and will not be eligible for holiday pay while on layoff. Employees shall not accrue seniority while on a layoff.

### **14.4 Recall**

The names of employees laid off pursuant to this policy shall be placed on a re-employment list for a period of one year from the effective date of the layoff. If a position is vacated or established in the classification from which the employee was laid off, such position will be offered to employees on the re-employment list in the reverse order from which the employees were laid off, prior to the position being posted.

To be eligible for recall, an employee must keep the Court notified as to his/her current address. Recall notices will be sent by certified mail to the employee's last known address as reflected in the Court's records. The employee must, within seven calendar days from the date the notice was mailed, notify the Court of his or her intent to return to work on the date specified in the recall notice and must thereafter return to work on such date. Such re-employment would be at the same salary step or the salary range assigned such classification and with the same seniority as the employee had earned at the time of layoff. Benefits paid out at the time of separation such as vacation or sick leave may be bought back at employee expense. If an employee accepts a recall and reports to work on the specified date, the employee's anniversary date will be adjusted to reflect the period of layoff.

If an employee refuses a recall offer, does not respond to a recall offer within the time specified in this policy, or does not return to work on the date specified in the recall offer, he/she will be removed from the re-employment list and will not be eligible for further recalls.

### **14.5 Exclusions**

Subordinate judicial officers, as well as confidential, professional, managerial, temporary, and limited-term employees are excluded from this policy.