



SEATTLE HUMAN RESOURCES LAYOFF GUIDELINES FOR MANAGEMENT

Disclaimer: These guidelines reflect the City's layoff policies and procedures as provided by the Seattle Municipal Code and the Personnel Rules. If these policies and procedures are inconsistent with the layoff provisions of a particular collective bargaining agreement, the collective bargaining agreement prevails relative to members of the bargaining unit.

A GLOSSARY OF LAYOFF TERMINOLOGY

It may be helpful to review some common employment and layoff terms and phrases before getting started:

Abrogation (of a position) – the elimination of a position by legislative action, usually in connection with the adoption of a budget.

Bumping – the transfer of a regular employee to a position in the same class or lower class in the class series, resulting in the displacement of a less senior employee.

Classified Service – all employment positions in the City that are not excluded by ordinance, City Charter, or state law from the provisions of Seattle Municipal Code Chapter 4.04 and Personnel Rules related to selection, discipline, termination, and appeals of Human Resources actions to the Civil Service Commission.

Employing Unit – any City department and, within the Executive and Legislative Departments, any office created by ordinance.

Incumbent – an employee who has been appointed to an exempt or classified service position.

Order of Layoff – an official seniority ranking prepared by the Seattle Human Resources Director showing service credit for all affected employees in a particular class.

Probationary Employee – an individual who has not completed a one-year period of probation with the City.

Reduction – the movement of an employee from one position to another position in the same employing unit with a lower maximum rate of pay.

Regular Employee – an individual who has completed a one-year period of probation with the City.

Reinstatement – the re-employment of an individual who has been laid off, within 12 months of such layoff, to a position in the same class as the position from which he or she was laid off.

Seniority – a regular employee’s length of continuous service in his or her present class and all higher-paying classes since original appointment to the present class.

Temporary Employee – an individual who is employed to fill a temporary, interim absence or vacancy, short-term, less than half time, term-limited need, with no guaranteed minimum number of hours of employment. The term includes seasonal, intermittent, on-call workers and workers employed less than 20 hours per week.

Transfer – the movement of an employee from one position to another position within the same employing unit in the same classification or with the same maximum pay rate.

Trial Service Employee – an individual who has completed a one-year probationary period in another classification, but has not yet completed one year in the current classification.

What is a layoff?

Layoff is the discontinuation of employment and suspension of pay of any regular or probationary employee:

- Because of lack of work, or
- Because of lack of funds, or
- Because reorganization has resulted in a duplication of positions or functions or otherwise made a position unnecessary.

Layoff occurs in a classification and a classification series within the entire employing unit (a department or, within the Executive and Legislative Departments, any office created by ordinance). Laid-off employees who were enrolled in City benefit plans may continue some of their coverages if they self-pay the required premiums; information on continuing coverage normally will be sent by the Benefits unit following the layoff. An employee who has been laid off has no guarantee of re-employment with the City.

Civil service exempt employees are not subject to layoff. Employees in titles exempt from the civil service serve at the discretion of the appointing authority. If the appointing authority decides to abrogate or un-fund an exempt position, or assign the work elsewhere, the affected employee’s exempt appointment simply ends. He or she has no bumping rights, but may have return rights to the classified service.

Temporary workers are not subject to layoff and may be separated at any time. However, temporary workers assigned to the job title in which

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Revised December 2017

a layoff is contemplated *must be separated* before any probationary, trial service, or regular employee is laid off.

SENIORITY

There are several categories of employees to consider in a layoff scenario.

1. Probationary employees – those who have not yet completed their first year of service with the City.
2. Trial service employees – those who have completed a one-year probationary period in another classification, but have not yet completed one year in their current classification.
3. Regular employees – those who have completed a one-year probationary or trial service period in their current classification.

Probationary employees, and then trial service employees, in a classification within the employing unit (a department or, within the Executive and Legislative Departments, any office created by ordinance) are laid off before regular employees. If there is more than one probationary or trial service employee in the affected classification, the order of layoff among them is at the appointing authority's discretion.

Regular employees (i.e., those who have completed a probationary period) in a classification are laid off in order of reverse seniority. For purposes of service credit for layoff:

SENIORITY is all regular, straight-time pay hours accumulated in the current classification since original (non-temporary) appointment to that classification, and any regular, straight-time pay hours accumulated in any higher-paying classification(s) since original appointment to the current classification, including any regular straight-time pay hours accumulated while employed in another City employing unit.

SENIORITY in the current classification includes:

- *Any straight-time hours paid for an out-of-class assignment while regularly appointed to the current classification or a higher-paying classification since original appointment to the current classification; and*
- *All compensated hours on workers' compensation time loss while in the current classification or in a higher-paying*

classification since original appointment to the current classification; and

- *Any period(s) of unpaid military leave of absence, regardless of length, while in the current classification or in a higher-paying classification, since original appointment to the current classification.*

In the case of a tie in seniority among two or more regular employees, veterans' preference, as provided by RCW 73.16.010, shall be applied as a tie-breaker. If a tie continues to exist after the application of veterans' preference, the order of layoff will be at the discretion of the appointing authority.

You may request a seniority list from the Seattle Department of Human Resources Information Management unit as soon as you know which classifications in your employing unit may be affected by layoff. A seniority list is an *unofficial* order of layoff for all incumbents in an identified classification within your employing unit. A seniority list can be a useful resource for understanding how the abrogation of any given position in that classification may impact the rest of your organization. However, you should be aware that it is not an official order of layoff and should not be used for discussion purposes with employees.

EFFECT OF CLASSIFICATION CHANGE ON SENIORITY

When a position is reclassified with no change in duties (i.e., retitled), the incumbent brings any seniority earned in the old classification forward into the new classification. All employees who became Managers or Strategic Advisors on January 7, 1998, for example, were retitled and brought their seniority forward from the classification they were in immediately prior to that action. The same is true of Information Technology Professionals who were retitled into the ITP Compensation Program on January 5, 2000. Managers, Strategic Advisors, and Information Technology Professionals who were subsequently appointed to positions in those programs post-implementation began earning seniority on the date their appointment was effective.

If the incumbent in a reclassified position is given "probationary" status, a probationary period must be completed before he or she will earn seniority, but once the incumbent completes the probationary period his or her seniority calculation will include the probationary year. If a position is reallocated because of a prospective change in duties, the appointee to the position must pass a qualifications audit and will be a probationary or trial service employee unless he or she has prior standing in the classification.

Compensation changes that occur without a change in title do not affect seniority.

SERVICE CREDIT CONSIDERATIONS IN DISCRETIONARY PAY PROGRAMS

Manager and Strategic Advisor Program. The Manager and Strategic Advisor Programs each consist of 11 occupational categories which constitute the class series for each program. Those occupational groups are:

- *Customer Service, Public Information, and Promotion*
- *Human Services*
- *General Government*
- *Courts, Legal, and Public Safety*
- *Finance, Budget, and Accounting*
- *Engineering and Plans Review*
- *Utilities*
- *Purchasing, Contracting, and Risk Management*
- *Property and Facility Management*
- *Parks and Recreation*
- *Information Technology*

The pay zone constitutes a particular job classification within each class series. For example, Manager 1/Utilities, Manager 2/Utilities, Manager 3/Utilities comprise a class series consisting of three classes. Strategic Advisor 1/Utilities, Strategic Advisor 2/Utilities, Strategic Advisor 3/Utilities comprise a separate class series consisting of three classes. Seniority is earned in the classification, just like it is in the traditional classification program.

If the appointing authority were to propose the layoff of a Manager position, you would need to identify the occupational group and the pay zone—for example, Manager 3/General Government. The affected incumbent, if he or she were not the least senior, would have bumping rights within the pay zone. If the affected incumbent or the incumbent displaced by bumping has prior standing as a Manager 2/General Government or Manager 1/General Government he or she may be eligible to bump into that pay zone, depending on his or her seniority relative to incumbents in the pay zone.

Manager 1-Exempt, Manager 2-Exempt, and Manager 3-Exempt, and Strategic Advisor 1-Exempt, Strategic Advisor 2-Exempt, and Strategic Advisor 3-Exempt are not classified service titles and are not subject to layoff rules.

For more information, see Executive, Manager, and Strategic Advisor layoff FAQs.

Information Technology Professional Compensation Program. Information Technology Professional is the single class series in this program. The three pay zones—A, B, and C—represent the classifications within the series. If you were to propose the layoff of an Information Technology Professional B, all ITP B's in the employing unit would be included in the order of layoff.

Information Technology Professional A-Exempt, Information Technology Professional B-Exempt, and Information Technology Professional C-Exempt are not classified service titles and are not subject to layoff rules.

CHOOSING POSITIONS TO ABROGATE

The appointing authority has the discretion to identify the position(s) in a classification which will be abrogated. He or she may select the position with the least senior incumbent, or may select the position associated with a work program that is being eliminated or reduced.

If a position(s) selected is being under-filled (i.e., its incumbent has a lower rank than the position calls for, such as when a Manager 2 is in a Manager 3 position), it is the in-lieu-of title (Manager 2 title in this example) for which the layoff will be prepared.

ORDER OF LAYOFF

Once you have decided on the classification(s) in which you will eliminate or unfund positions and the number of positions so affected, you must submit an order of layoff request (or requests) to the Seattle Human Resources Director with a copy to the HR Information Management Supervisor. The order of layoff request is a signed memorandum from the department appointing authority that provides the titles of positions that will be abrogated or unfunded and the effective date of the action.

A variety of Human Resources transactions can affect the accuracy of the layoff order:

- *Before submitting a request for an order of layoff, be sure that your department has input into the City's HRIS system any unpaid leave of absence for the employees in the affected class. (Remember that employees who are on military leave of absence currently will be included in the order of layoff.)*
- *If any employee in the affected class works less than full-time, your request will need to project the number of hours to be worked by him or her between the date of the request and the effective date of the layoff.*
- *If any employee is in a position that has been allocated to the affected class and the classification determination indicated that a qualifications audit is necessary to determine status, he or she must complete that process before an order of layoff can be issued.*

If you are unfunding positions rather than abrogating them, your order of layoff request must include a signed statement confirming that the appointing authority does not intend to request funding for and/or fill the positions in the foreseeable future.

The Information Management staff will prepare a confidential order of layoff that will be transmitted to you under the Seattle Human Resources Director's signature.

EFFECT ON EMPLOYEES

Notification. The Personnel Rules require you to give employees 30 calendar days' notice of layoff when possible, and a minimum of 15 calendar days' notice unless:

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Revised December 2017

- *Delaying the layoff would cause the employing unit to exceed its revenue for personal services for the affected work program; or*
- *The layoff is one of a number of layoffs and delaying it would cause serious financial harm to the City; or*
- *The layoff is caused by natural disaster, a strike, or any other such event that could not reasonably have been predicted, or by preemptory state or federal legislation.*

Formal notification to the affected employee should be in writing, accompanied by a layoff option selection form. A sample notification letter is attached to these guidelines. The layoff option selection form will accompany the official order of layoff.

EMPLOYEE OPTIONS

An employee who has been notified that he or she is to be laid off must complete a layoff option selection form and submit it to the appointing authority within three working days. The formal options are:

- **Transfer to avoid layoff (bumping)**—*the employee elects to displace the least senior employee in the same classification within the employing unit;*
- **Accept layoff**—*the employee elects to be laid off and have his or her name placed on a reinstatement list for the classification from which the layoff occurs.*
- **Resign** in lieu of layoff

By rule, an employee must elect an option and submit the form within three working days to avoid being construed as a resignation. The appointing authority may extend that deadline if mutually agreeable. Once the employee has signed and submitted the layoff option form, his or her decision is irrevocable insofar as it affects the position that is subject to un-funding or abrogation.

Bumping. Assuming that the employee whose position is being abrogated or unfunded is *not* the least senior employee in the affected classification within the employing unit, he or she may opt to bump the least senior employee in the classification and transfer into the vacated position.

Bumping, like layoff, is restricted to a specific employing unit, and within the employing unit is restricted first to a specific classification and then to lower-paying classifications within the class series. Each position that is bumped requires a separate order of layoff.

EXAMPLE 1

The Department of Popular Culture has requested an order of layoff for Senior Novelist.

Title: Senior Novelist

Employee Category	Order of Layoff	Name of Employee	Service (YY/MM/DD)
Temporary	None	None	None
Probationary	None	None	None
Trial Service	None	None	None
Regular	1	Walter	03/01/12
Regular	2	Elmore	03/06/01
Regular	3	Barbara	04/07/20
Regular	4	Gloria	05/11/03
Regular	5	Wally	06/00/01

Barbara's position has been identified for abrogation. On her layoff option form, Barbara indicates that she wants to "bump" to avoid layoff. Walter is the least senior Senior Novelist in the classification, with 3 years, 1 month and 12 days of service. Barbara will bump Walter and will be assigned the duties and responsibilities associated with Walter's position.

EXAMPLE 2

Now let's assume that Walter has prior standing in the lower-paying Novelist class, and he opts to exercise his bumping rights into that class. You must request a supplemental order of layoff for Novelist. Walter's seniority in the Novelist class includes time served in the class prior to his promotion to Senior Novelist as well as his accumulated regular straight-time hours as a Senior Novelist.

Title: Novelist

Employee Category	Order of Layoff	Name of Employee	Service (YY/MM/DD)
Temporary	None	None	None

Probationary None		None	
Trial Service None		None	None
Regular	1	Stephen	02/10/15
Regular	2	John	02/10/17
Regular	3	Walter	04/07/20
Regular	4	Louis	11/02/06

Walter bumps Stephen and assumes the duties and responsibilities associated with his position as a regular Novelist. As the least senior Novelist, Stephen will be laid off. He does not have the option to bump into a lower-paying classification because Novelist is the base classification in the series.

Accept layoff. Stephen accepts the layoff with placement of his name on a reinstatement list for Novelist. The Seattle Human Resources Recruitment and Retention Unit will send this reinstatement list to employing units that have a Novelist vacancy within 12 months of Stephen’s layoff. The appointing authority can decide not to appoint Stephen to any available vacancy with the Seattle Human Resources Director’s concurrence that he is not qualified to perform the duties of the position.

OTHER OPTIONS

Reduction. An employee who is at risk of layoff may opt to reduce to a lower-paying vacant position within the employing unit, with the approval of the appointing authority. If the employee doesn’t have prior standing in the lower-paying classification, he or she must undergo a qualifications audit first.

Layoff transfer. Some represented employees may be eligible for layoff transfer to a vacant position in the same classification in another employing unit. The employee must pass a qualifications audit for the vacant position, even if he or she has regular standing in the classification. If two or more employees are eligible for a layoff transfer, the most senior employee will be transferred first.

The Seattle Department of Human Resources Recruitment and Retention unit will notify an employing unit that seeks to advertise a vacancy if there are at-risk employees who are eligible for layoff transfer to the class.

If there is a reinstatement list for the classification that includes the names of employees who have been laid off from the department that has the vacancy, the employees on the reinstatement list have priority over the employee who opts for a layoff transfer.

Resignation in lieu of layoff. Stephen may opt to resign rather than accept the layoff. He loses his reinstatement rights and is ineligible for Project Hire assistance. If Stephen eventually returns to City employment, he will be treated as a new employee for purposes of service credit, step placement, and restoration of sick leave. (It is presumed that this option would only be viable if Stephen wants to leave before the layoff is to take effect.)

LAYOFF OUT-OF-ORDER FOR SKILLS

SMC 4.04.220 (B) provides that the Seattle Human Resources Director may approve an exception to a seniority-based layoff order when the appointing authority demonstrates that the exception is required to retain an employee who has some unique experience, training, or skill that is necessary to the performance of the work, and the employee who would otherwise be retained does not possess the necessary qualification(s).

The goal of layoff out-of-order for skills is to mitigate the effect of employee bumping by ensuring that the essential functions of a specific position will continue to be performed at a satisfactory level. Two elements must be evaluated: the position requirements, and the knowledge, skills, and abilities that are required to carry out the duties of the position.

Department heads may request a layoff out-of-order for skills if they believe the person who would bump into a position does not possess the knowledge, skills and ability to perform the job at a reasonably acceptable level and could not perform the job at an acceptable level after a reasonable familiarization period.

A request for a layoff out-of-order must include documented evidence of the skill requirements for the job, the skills of the employee currently in the job, and the skill proficiency of the employee who would bump into the job. Such evidence should be demonstrated through existing documentation.

Examples of documents that might be used to evaluate the job requirements include a current position description questionnaire, performance evaluation standards, departmental job description, or a recent job announcement. If the documentation provided to describe the job differs from the Position Description Questionnaire on file in the Classification and Compensation Unit, such documentation shall become the job description of record.

Documentation that might demonstrate an employee's job skills include a resume, descriptions of jobs he or she has held, certifications or licenses, or similar records.

If the Seattle Human Resources Director approves an out-of-order layoff, the employee who lacks the skills necessary to bump the least senior person will bump the next least senior employee.

EXAMPLE 3

The Department of Popular Culture proposes to abrogate Barbara's position. Barbara would typically have the option of bumping Walter. If the department were determined to retain a Senior Novelist who specializes in Los Angeles as a locale, the appointing authority might submit a contract to publish three novels in 2005 that are set in Los Angeles in order to demonstrate the need for that skill. He or she might also submit Walter's and Barbara's novels and biographies to demonstrate that Walter's familiarity with Los Angeles and his ability to convey its climate, geography, and demographics convincingly are superior to Barbara's. If the Seattle Human Resources Director agrees that Barbara could not learn to write about Los Angeles as Walter within a reasonable period of time, he or she may approve the retention of Walter as a Senior Novelist. Barbara would then have the option to bump Elmore, unless the appointing authority makes a compelling case to the Seattle Human Resources Director that Elmore must be retained for his critical skills.

Title: Senior Novelist

Employee Category	Order of Layoff	Name of Employee	Service (YY/MM/DD)
Temporary	None	None	None
Probationary	None	None	None
Trial Service	None	None	None
Regular	1	Walter	03/01/12
Regular	2	Elmore	03/06/01
Regular	3	Barbara	04/07/20
Regular	4	Gloria	05/11/03
Regular	5	Wally	06/00/01

VOLUNTARY LAYOFF

It is possible to circumvent a layoff situation if there are regularly appointed employees in the affected classification who intend to separate from City employment on or before a layoff becomes effective. Or, an employee may volunteer to be laid off, which has these advantages to them:

- **Project Hire assistance** — *If his or her primary interest is in employment elsewhere in the City, a voluntary layoff gives the employee access to Project Hire assistance.*
- **The reinstatement safety net** — *He or she is eligible for reinstatement within 12 months, if there is an appropriate vacancy.*
- **Unemployment benefits** — *If the employee is otherwise qualified for unemployment benefits, the City will not dispute a decision by the Employment Security Department to award benefits.*

RETURN OF EXEMPT EMPLOYEE TO CLASSIFIED SERVICE

As noted earlier, exempt employees are not subject to layoff but their exempt appointments may be terminated for the same reasons—lack of work, lack of funds, or reorganization. An exempt employee who was appointed to his or her current position from a classified service position has the right to return to the “same or like position” in the classification upon termination of the exempt appointment if the following conditions are met:

- *The employee had regular status in the classified service position immediately prior to the exempt appointment that is being terminated;*
- *The classified service position and the exempt position are in the same employing unit; or*
- *The exempt appointment is not being terminated for cause.*

If there is no vacancy in the classification to which the employee may be “returned,” you must request an order of layoff for the classification in which the employee last held regular status. The returning employee’s seniority is calculated from the date of appointment to the classified service position until the date of appointment to the exempt position. For future seniority calculations, the employee’s service in the classified service position before and after the exempt appointment will be counted. Time worked in the exempt position will not be included.

If the classification in which the employee held standing prior to the exempt appointment no longer exists, the Seattle Human Resources Director will determine whether the employee has rights to return to a similar or subsequent classification.

PROJECT HIRE

Employees who are at risk of layoff are eligible to participate in Project Hire. Project Hire is a program administered by the Seattle Department of Human Resources to assist regularly appointed classified employees who are at risk of being laid off to find alternate placement within the City before their employment and reinstatement eligibility ends. Project Hire guidelines are attached to this document.

BENEFITS INFORMATION

Employees who separate from the City for layoff may be directed to information about leaving City employment at <http://sdhrweb/benefits/leavingthecity.asp>.

You should share the following information with employees who are at risk of layoff:

Employees who are laid off or separated from employment due to budget reductions or reorganization are eligible for unemployment compensation insurance. The exact level of benefit an individual is eligible to receive is based on the employee's earnings during the previous five quarters worked. Unemployment claims can be filed on-line by going to <https://secure.esd.wa.gov/home/>. Claims can also be filed using the telecenter at 1-800-318-6022. There is no benefit eligibility for the first week of unemployment. Additional information regarding Washington State Unemployment Compensation Insurance is available at <https://esd.wa.gov/>.

REINSTATEMENT

The names of employees who are laid off from classified service positions will be placed on a reinstatement list for reappointment to a position in the classification from which the employee was laid off. The reinstatement list is managed by the Seattle Department of Human Resources Recruitment and Retention unit and is valid for 12 months following layoff. Employees who are not reinstated within 12 months are taken off layoff status and formally separated from City employment.

If an employing unit advertises a job in a classification for which a reinstatement list exists, the Seattle Department of Human Resources will forward the list to the appointing authority. The appointing authority may refuse to make an appointment from the reinstatement list only with the Seattle Human Resources Director's concurrence that the individual is not qualified for the position.

An individual who is on a reinstatement list is required to respond to offers of employment in order to maintain his or her eligibility. Any individual on a reinstatement list who refuses an offer of employment in the classification from which he or she was laid off shall be removed from the reinstatement list unless the Seattle Human Resources Director approves his or her continued eligibility.

An employee who is reinstated within 12 months of layoff, to the same or different classification or in the same or different employing unit:

- *Shall have his or her salary step placement calculated based on his or her step placement at the time of separation, provided the classification is compensated in the Step Progression Pay Program;*
- *Shall have any unused sick leave balance restored;*
- *Is not required to work six months to be eligible to take vacation, unless the layoff occurred before he or she had completed a six-month eligibility period for vacation use;*
- *Shall accrue vacation at the rate that was in effect at the time of his or her layoff;*
- *Shall have the opportunity to repay his or her retirement contributions, if he or she withdrew those funds upon layoff.*

If an individual accepts appointment to a position in a classification other than that to which he or she has reinstatement rights, those reinstatement rights are terminated.

If rehire occurs more than 12 months after layoff, the employee is treated as an initial hire for purposes of salary step placement and seniority for layoff purposes. Sick leave would not be restored, but the employee's vacation accrual rate would reflect prior service.

Guidelines for utilization of the layoff reinstatement list are attached to this document.

PROJECT HIRE GUIDELINES

Project Hire is a job referral program for classified service or classified service exempt employees who are at risk of losing their jobs due to budget reductions or reorganizations.

The goal of Project Hire is to assist eligible employees to obtain alternate positions within the City system before their employment ends, or within one year of the end of their employment. An alternate position is defined by Project Hire as one that pays the same or less than the position from which an eligible employee has been or will be separated.

Project Hire is administered by the Seattle Department of Human Resources Recruitment and Retention unit.

An employee is eligible for Project Hire participation if he or she is at risk of layoff or termination of exempt appointment by reason of lack of work, lack of funds, or reorganization. This determination is made by the appointing authority, who, in the case of classified service employees, will request an order of layoff from the Seattle Human Resources Director.

An employee is at risk of layoff if his or her position has been identified for abrogation (or un-funded). If that employee is not the least senior person on the order of layoff, the least senior person is also considered to be at risk. The Department Head or department Human Resources Manager should nominate these persons for the Project Hire program with the Seattle Human Resources Director and send a copy to Recruitment and Retention.

Within available City resources, Project Hire candidates may receive training and consultation in resume-writing and interview skills, and other support services, such as access to skill assessment and job-search strategies. Training and support services may be provided by the Seattle Department of Human Resources staff.

Project Hire is not a job placement or job search program. Project Hire cannot and does not guarantee a job placement for eligible employees. When eligible employees identify advertised job opportunities that match their interests and qualifications, they should apply directly to the employing unit and provide Project Hire staff with notification they have done so. Project Hire staff will provide all departments with up-to-date participant rosters verifying that candidates are entitled to full and fair consideration for the positions, including an interview.

Project Hire may facilitate lateral transfers to vacant positions that have the same maximum pay rate and reductions to vacant positions with a lower pay rate. Transfers and reductions may be made between employing units, and the advertising requirement may be waived in order to avoid layoff.

Project Hire may provide additional support services, referrals, and resources depending on the number of employees at risk of layoff, the job titles involved, and similar considerations.

Project Hire benefits are available to an employee until 365 days after the nomination. After the actual layoff, Project Hire candidates will receive and can apply for all positions advertised in the Opportunities for Advancement as if they were currently employed by the City. You may also find listings of jobs open to the public at <http://www.cityofseattle.net/personnel/jobs/>.

GUIDELINES FOR UTILIZATION OF THE LAYOFF REINSTATEMENT LIST

DISCLAIMER: These guidelines reflect the City's policies and procedures as provided by the Seattle Municipal Code and the Personnel Rules. If these policies and procedures are inconsistent with the reinstatement provisions of a collective bargaining agreement, the collective bargaining agreement prevails relative to members of the bargaining unit.

Classified service employees who are laid off have reinstatement rights that are provided for in the Personnel Rules and applicable collective bargaining agreements. Employees are eligible for reinstatement for 12 months following layoff.

Reinstatement rights are much more comprehensive than the rights conferred by Project Hire. Essentially, if you are filling a vacancy and there is an individual on the reinstatement list who was laid off from the same classification or title as your vacancy, you must hire that individual unless he or she:

- *Does not respond to your documented attempt to make contact and offer consideration to the position.*
- *Does not possess the documented skills for the position and would not be able to obtain such skills within a reasonable period of time.*
- *Does not wish to be considered for the position for a valid reason, such as shift, working conditions, or nature of the duties.*
- *Rejects an outright job offer.*

When you initiate a selection process and receive a copy of the layoff reinstatement list from the Recruitment and Selection unit for the position vacancy:

1. We assume that employees on the reinstatement list are qualified for any position in the classification or title from which they were laid off.

Lack of required qualifications is the only legitimate reason not to hire from the reinstatement list. All persons in a class of work are presumed to possess the same basic qualifications and perform essentially the same level of duties and responsibilities. If the position you are filling requires qualifications that are not ordinarily found among persons in the classification, you must have pre-existing documentation of that requirement. A previous advertisement that includes the special qualifications in a statement of required qualifications may suffice, as might a position description questionnaire that has been reviewed by Comp/Class for position allocation to the current classification.

If the need for the specialized qualifications has evolved since the position was last advertised or classified, you will need to provide documentation to show how and why the need evolved and how the previous incumbent was able to satisfy that need.

Your appeal not to hire an eligible from the reinstatement list for lack of qualifications must include an explanatory cover memorandum to the Seattle Human Resources Director signed by the appointing authority. Documentation of the special qualifications needed and of the reinstatement-eligible individual's lack thereof must be attached. The Seattle Human Resources Director must concur with your assessment in order to void the reinstatement list for your vacancy.

2. Employees who are referred from the reinstatement list do not have to compete for the vacancy.

You may require a reinstatement list eligible employee to meet with the hiring supervisor for an informational interview to discuss working conditions and job requirements. You may require the individual to provide an up-to-date resume for this meeting. You should advise the individual of any special qualifications required for the position so that he or she has the opportunity to address those qualifications in the resume.

You may require the individual to undergo any criminal backgrounding or drug testing that is normally required of finalists for the classification to which he or she would be appointed.

3. If more than one individual is referred from the reinstatement list, refer to the Personnel Rules or applicable collective bargaining agreement for order of preference.

The Personnel Rules provide that you may conduct a competitive selection process involving the individuals on the reinstatement list to determine who will be appointed. Many collective bargaining agreements include provisions that give preference to an employee laid off from the hiring department and otherwise provide for reinstatement in seniority order. Please refer to the applicable collective bargaining agreement for specific information.

4. Refusal to accept an offer of employment generally shall result in removal from the reinstatement list.

Unless an individual refuses an offer of employment for reasons protected by law (e.g., inability of the employer to reasonably accommodate a disability), he or she will be removed from future consideration for reinstatement opportunities. **Please include this warning in your communication with persons who have been referred from the reinstatement list.** This is a new experience for them, as well, and they may not be aware of the impact of refusing a job offer.