



**CITY OF SEATTLE
PERSONNEL DEPARTMENT
SENIOR LEVEL POSITIONS – FREQUENTLY ASKED QUESTIONS REGARDING LAYOFF**

These guidelines reflect the City's layoff policies and procedures as provided for by the Seattle Municipal Code and the Personnel Rules. The purpose of this resource is to provide clarification on how those policies and procedures are applied to positions in the classifications of Executive, Manager, and Strategic Advisor. This discussion is organized into two sections: the first is for positions that are in the classified service, and the second is for positions that are exempt from the classified service.

Please note: This discussion is presented in general terms, and the examples that are provided are meant to illustrate typical situations that may arise. As actual position abrogations are proposed, each one will be analyzed and administered on a case-by-case basis to determine the specific factors that are relevant to each situation.

CLASSIFICATION STRUCTURE

It is important to know the exact classification that you are currently appointed to. That title is shown on your timesheet in the Job Code field. If you have any questions about your current classification, please contact your departmental Human Resources unit.

The Manager and Strategic Advisor Programs each consist of eleven occupational categories, which represent separate and distinct classification titles. Those classifications are

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



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Each of these categories is then assembled into a class series with three levels, for example Manager 1-Utilities, Manager 2-Utilities, and Manager 3-Utilities. Each of these class series is separate and distinct for purposes of calculating service credit and determining order of layoff and bumping options.

What is the order of layoff?

If a position is to be abrogated – cut from the budget – the department head will request an official Order Of Layoff. The Personnel Department's Information Management Unit will prepare a list of all employees in that department who are currently appointed to that title. The order that employees appear on the list will be calculated from payroll records and hiring and classification documents. The order in which employees will be laid off is:

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 the current classification.
3. Regular employees – those who have completed a one-year probationary or trial service period in the current classification.

Probationary and Trial Service employees will be listed with equal standing. Regular employees will be listed in the order of their seniority in the classification.

How is seniority calculated?

Payroll records are reviewed to determine the number of straight-time paid hours – up to 40 per workweek – that the employee has recorded in the current classification. Seniority includes time in the current classification and all higher classifications since original appointment to the current classification, including any hours accumulated while employed in another City department.



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Example: Here is the City employment history for Lois

- January 1, 2000 – appointed Strategic Advisor 1, GG – Water Department
- July 1, 2001 – appointed Strategic Advisor 2, GG – Water Department
- January 1, 2003 – appointed Manager 3, P&FM – Utilities Department
- January 1, 2009 – reduced to Strategic Advisor 2, GG – Utilities Department

If the Utilities Department requested an Order of Layoff for Strategic Advisor 2, GG, for a January 1, 2010 layoff date, Lois would have 8 years and 6 months of seniority.

Example: Here is the City employment history for Clark

- January 1, 2000 – appointed Strategic Advisor 1, P&FM – Utilities Department
- July 1, 2001 – appointed Strategic Advisor 2, P&FM – Utilities Department
- January 1, 2003 – appointed Manager 3, P&FM – Utilities Department
- January 1, 2009 – reduced to Strategic Advisor 2, GG – Utilities Department

If the Utilities Department requested an Order of Layoff for Strategic Advisor 2, GG, for a January 1, 2010 layoff date, Clark would have 1 year of seniority.

How does Reclassification affect seniority?

It is important to make the distinction between three different types of classification actions:

1. Retitling – when the classification title of a position is changed without a change in duties or responsibilities, the employee's service credit carries forward into the new classification. For example, all employees who were placed in the new titles of Manager and Strategic Advisor on January 7, 1998, brought their seniority forward from the classification they were in immediately prior to that action. As the Manager and Strategic Advisor titles have been in effect since that date, there have been no further retitling actions to those classifications. (Note: The retitling of a classification does not occur often, and is usually the outcome of a comprehensive classification study.)
2. Reclassification – when a position is reclassified because of a gradual change in duties, the employee's seniority in the new title starts on the effective date of the classification determination. Seniority in the previous title does not carry forward,



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unless the original position title is covered by a collective bargaining agreement that provides for service carry over.

3. Reallocation - when management deliberately assigns a new and different body of work to a position that results in a classification change, it is treated the same way as an appointment to a new title, and the employee's seniority in the new title starts on the effective date of that appointment. Seniority in the previous title does not carry forward.

To summarize, if your position was retitled to Manager or Strategic Advisor as part of the project in 1998, and you have not been reclassified since that action, you would have over 12 years of seniority in the class in 2010. If your position has been reclassified or reallocated to Manager or Strategic Advisor since 1998, your seniority is calculated from the effective date of the most recent classification action.

Example:

- David started working for the City in 1990 as an Administrative Staff Analyst with the Parks Department. In 1998, his position was retitled to Strategic Advisor 1, GG, and he is still in that position.
- Joan started with the City in 1990 as an Administrative Staff Analyst with the Parks Department. In 1998, her position was retitled to the new class of Strategic Advisor 1, P&R. In 2007, her position was reallocated to Strategic Advisor 1, GG.
- Darwyn was also originally appointed as an Administrative Staff Analyst with the Parks Department in 1990. In 2005, his position was reclassified to Strategic Advisor 1, GG.
- Florence started her career with the City in 2002 as a Strategic Advisor 1, GG with the Parks Department.

If the Parks Department requested an Order of Layoff for Strategic Advisor 1, GG, for a January 1, 2010 layoff date, David would have 20 years of seniority, Joan would have 3 years of seniority, Darwyn would have 5 years of seniority, and Florence would have 8 years of seniority.



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I was reclassified from a represented title to Strategic Advisor. The provisions in the bargaining agreement for my previous title state that if I was recognized with regular standing as part of the classification determination, then my service credit would carry forward. Does my current seniority include my service in both classes?

Yes.

If my position is selected for abrogation, do I automatically have bumping rights?

Bumping rights are determined by your seniority in your current classification, and by any prior service that you have in a lower title in your current class series. If your position is going to be cut, you may bump the least senior employee in your classification in your department. If you are the least senior employee in your classification, you may be able to bump down to a lower level in the class series if you have standing in the lower title – your seniority will then be recalculated for the lower title to determine the order of layoff in that classification.

Let's say that I'm the most senior employee in my classification in my department, and that there are ten employees below me on the Order of Layoff. Can I bump to the position that would be the best job fit for me?

No, you can only bump to the position occupied by the least senior employee. If you had the option of bumping employee #9, for example, that employee would then be at-risk of layoff, and could elect to bump employee #8, and so on down the line. That would place the entire group of employees under the stress and pressure of the layoff situation instead of just you and the least senior employee. It would also drag the process out for several additional months of uncertainty. And the end result would ultimately be the same – the least senior employee would be the one who gets laid off. Also note that after you have bumped the least senior employee and the layoff has been completed, management does have the option of transferring employees around in the classification to improve overall job fit and assignments.

I started off as a Manager 1, GG, with City Light, and then advanced to Manager 2, GG, at SPU. Can I bump back down?



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They are in the same class series, so if SPU has Manager 1, GG, positions, you could bump down.

I was originally hired by SDOT as a Strategic Advisor 1, E&PR, and was then promoted to Strategic Advisor 2, FB&A at SDOT. Can I bump back down?

No. They are not in the same class series.

What's this I hear about Out-of-Order layoff for skills? Do you mean to say that a department can protect a new hire by stating that he's more qualified than somebody who's been around here for over twenty years?

It's not up to the department – the Personnel Director must approve any exceptions to the seniority-based layoff order. Any request for an out-of-order layoff must include thorough documentation, including:

1. evidence of the specialized requirements of the job, such as the published job announcement;
2. the skills that establish the competency of the employee who is currently in the job;
3. a demonstration that the employee in the job was recruited or trained specifically for those competencies;
4. the critically necessary qualifications that the more senior employee does not possess;
5. an estimate of the time period and training activities that would be required in order for the more senior employee to acquire the critical skills necessary to perform the full functions of the position, and whether that time period is reasonable for the operating needs of the department; and
6. a showing that the more senior employee was given the opportunity to provide additional information on how their background qualifies them for the position.



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Who reviews that documentation?

The Personnel Department convenes a review committee that includes senior staff from the Employment, Classification/Compensation, Labor Relations, Information Management, and Policy units. If necessary, the committee may call in subject matter experts from outside agencies or from departments that are not involved in the request to provide technical review and assistance.

What happens to the senior employee if the Out-of-Order request is approved by the Personnel Director?

The senior employee would then have the option to bump the next least senior employee.

Example: The Astronomy Department has requested an order of layoff for Strategic Advisor 2, FB&A. The position identified for abrogation provides economic analysis and advice for management on revenue trends, budget forecasts, and rate-setting. The least senior employee was recently recruited to develop recommendations to improve policies, procedures, and internal controls related to General Ledger Accounting, Generally Accepted Accounting Principles, and guidance from the Governmental Accounting Standards Board. The employee in the economic analysis position has no background whatsoever with general accounting practices. If the Superintendent of Astronomy requested an Out-of-Order layoff based on the wide gap between those skill sets, and if the request was supported by thorough and compelling documentation, the request could be approved. (Note: If these two positions had a lower level of responsibility, they would have been allocated to lower level titles in the separate class series of Economist and Accountant instead of the same Strategic Advisor category.)

Example: The Department of Nuclear Energy has requested an order of layoff for Strategic Advisor 1, Utilities. The position identified for abrogation provides strategic advice to management on issues related to the Endangered Species Act, wildlife habitat restoration, aquatic ecology, and related environmental science issues. The least senior employee was recently recruited to provide security management planning to protect facilities, infrastructure, employees, information, and the public from natural disasters, theft, and emergencies. The employee in the environmental position has no background



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or certification in emergency management. If the Director of Nuclear Energy requested an Out-of-Order layoff based on the difference between the qualifications for the two positions, and if the request was supported by thorough and compelling evidence, the request could be approved. (Note: If these two positions had a lower level of responsibility, they would have been allocated to lower level titles in the separate class series of Environmental Analyst and Security Programs Specialist instead of the same Strategic Advisor category.)

If I am the least senior employee on the list, and I believe that the employee who is in position to bump me is not qualified to perform the duties of my position, can I request an Out-of-Order layoff?

No. An Out-of-Order layoff may only be requested by the Appointing Authority – the department head.

I am currently underfilling a position on an In-Lieu-Of basis. The position is budgeted as a Manager 2, IT, but I have been appointed as a Strategic Advisor 1, IT. Would my position be affected in a layoff at the Manager 2 level?

No, the order of layoff for Manager would not include any positions that are not currently being filled at that level. However, your position would be included if an order of layoff was requested for Strategic Advisor 1, IT.

What happens if I'm on loan from one department to another? I'm an employee of the Police Department, but I've been on loan to the Arts Commission for the past two years.

You would not be affected by any budget cuts or layoff actions in the Arts Commission. However, you would be subject to any order of layoff for your classification in your "parent" department, Police. And your seniority will be based on your total service in that classification, not on the location of your office space.



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Major budget cuts often include reorganizations or actions to merge departments. How will my seniority and placement on the Order of Layoff be affected if the small department I work in is merged into a larger one?

It depends on the timing. If the effective date of layoff occurs before the merged department is formally created by ordinance, there will be no change to the Order of Layoff. If the ordinance goes into effect before the layoff actually occurs, then the Order of Layoff will be revised to include all employees of the larger, merged department who are in that classification.

Beyond bumping, I understand that I can be provided with opportunities to transfer to other positions that have the same rate of pay, or to reduce to positions with a lower rate of pay, both in my current department and in other City departments. If I accept a transfer or a reduction, do I have to meet any requirements other than demonstrating that I'm qualified for the new classification?

The hiring department will require you to satisfy any background check, physical, or drug testing that is normally required for that classification in that department. If it is your first appointment to that classification, you may also be required to complete a probationary or trial service period.

What do I need to know about Reinstatement?

On the effective date of layoff, your name will be entered on the Reinstatement Recall List for your classification title, such as Strategic Advisor 2, FB&A. Employees from all City departments who are laid off in that classification go on a single list, and that list will be used for Strategic Advisor 2, FB&A positions in all City departments. Your overall seniority in the classification will be reflected on the list, but as a non-represented title, the departments do not have to recall employees in seniority order. They may consider all of the employees on the list, and they may conduct a selection process. In broad classifications such as Strategic Advisor and Manager, not every employee will be a good match for every vacancy. The same issues will come up that we discussed in the Out-of-Order layoff section.



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The most important points for you to keep in mind are:

- If a department contacts you with a Reinstatement opportunity, please respond to them immediately. Let them know that they have a live connection.
- An opportunity to be considered for a position does not constitute a job offer. If the available position is not a good match for your background or your career goals, you may decline to be considered. Respond to the department promptly, and provide them with your reason.
- If you schedule an informational interview with the hiring manager, make sure to take an updated resume with you that addresses any special qualifications or requirements in the position description that they have provided.

INFORMATION FOR EMPLOYEES WHO ARE EXEMPT FROM THE CLASSIFIED SERVICE

All positions in the classification of Executive and some positions in the classifications of Manager and Strategic Advisor are exempt from the classified service. Exempt employees are not covered by the standard rules, policies, and procedures for layoff. If the appointing authority decides to abrogate or unfund an exempt position, the affected employee's exempt appointment simply ends. Seniority in the classification is not considered, and there is no official order of layoff or bumping in the classification.

Employees may have return rights to the classified service if two conditions are met:

1. If they held regular standing in the classified service immediately prior to the current exempt appointment; and
2. If the appointment from the classified service to the exempt position occurred within a single employing unit.

If the movement was from a classified service position in one department to an exempt position in another department, there are no return rights. The return rights apply only to the employee's first exempt appointment, so any subsequent exempt appointment would terminate the rights.



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Example: Frank, Dean, Sammy, and Peter are all exempt employees in the Department of Public Affairs. All four of their positions are being abrogated in the budget.

- Frank was a classified Manager 2, CL&PS, in the Department of Public Affairs when he was appointed as an Executive 1.
- Dean was a classified Manager 2, GG, in the Department of Public Affairs when he was appointed as an Executive 1, and he was subsequently appointed as an Executive 2.
- Sammy was a classified Manager 2, CSPI&P, in the Commerce Department when he was appointed as an Executive 1 in the Department of Public Affairs.
- Peter was not a City employee prior to his appointment as an Executive 2.

Frank has return rights to Manager 2, CL&PS, in the Department of Public Affairs. The other three have no return rights. Note: If the Department of Public Affairs does not have a vacant Manager 2, CL&PS, position, the appointing authority would request an Order of Layoff for that classification. Frank's seniority would be calculated from the date of his original appointment to that classification, but it would not include his service in the exempt position. Frank would then have the option of bumping the least senior employee.

Personnel Rule 6.2.4.B says that seniority will be counted for all higher classifications since original regular appointment to that title. Why doesn't Frank get to include his service in the higher level exempt title?

The provisions of Rule 6.2 on Layoff apply to employees who are regularly appointed to positions in the classified service, as stated in 6.2.2.A. Those provisions do not apply to exempt employees. Rule 2.2.8.A.3 further states that time served in the exempt position shall not be included in the service credit calculation.



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PROJECT HIRE SERVICES

Exempt employees who have their positions cut in the budget are not placed on a Reinstatement Recall list, but they are eligible for Project Hire services.

- Dean, Sammy, and Peter are all eligible for workshops and support services, and for competitive interview priority for advertised City positions.
- Dean and Sammy are also eligible for direct transfer and reduction to vacancies in any City department based on their prior regular standing in the classified service.

If you would like clarification on any of these issues, or if you have additional questions, please email careers@seattle.gov