



## **CITY OF SEATTLE SEATTLE DEPARTMENT OF HUMAN RESOURCES EMPLOYEE LAYOFF GUIDELINES**

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Confused about potential layoffs and what they might mean to you? Here is information about the City of Seattle layoff process to answer some of your questions.

This is an informational guide to layoff for City employees. As you read, keep in mind that this guide does not replace or supersede the relevant ordinances and Personnel Rules. This guide may not reflect the terms and conditions of layoff for represented employees, who should consult their collective bargaining agreements for additional information. Included in this information are several examples of potential situations. These examples use real job titles, but the employees and the situations described are fictitious and are meant to be examples.

You should direct specific questions about the potential for layoff in your department and how you may be affected to your Human Resources staff.

### **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.



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

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

**Probationary employee** – an individual who has not completed a 1-year period of probation in their current title.

**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 1-year period of probation in the class to which he or she is appointed.

**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 and 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.



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## **What Is Layoff And Who Is Affected?**

Layoff is the discontinuation of work and pay due to lack of work, lack of funds, or reorganization of an employing unit.

- Only employees who are appointed to positions in the classified service are subject to layoff.
- Temporary employees are required to be separated from employment prior to the layoff of any classified service employee in the same job title and department.
- Exempt employees may be separated from employment due to lack of work, lack of funds, or reorganization of an employing unit, but technically they are not subject to layoff. They do not have seniority or reinstatement rights in the exempt title. However, if they were appointed to the exempt position from the classified service, they have the right to return to the same or a like position in the classified service.

Reduction of work hours does not constitute a layoff, unless the reduction is to fewer than 20 hours per workweek. An employee who is assigned to work less than 20 hours per week is considered temporary, so a reduction of that magnitude would result in the abrogation of the employee's regular position and require a layoff.

## **Order of Layoff**

When layoffs are expected, the City must determine which employees might be laid off in accordance with certain measures of service credit. This is called "order of layoff". The order of layoff within a classification and department is probationary employees first and then regular employees in reverse seniority order (those with least seniority are laid off first). For example:



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Mike's first regular appointment is to Planning and Development Specialist I. After 3 years, he is promoted to Senior Planning and Development Specialist. Four years later, he is reduced to Planning and Development Specialist I. In an order of layoff for Planning and Development Specialist I, his seniority consists of the first 3 years in the Planning and Development Specialist I position, 4 years in the Senior Planning and Development Specialist position, and all time since his return to Planning and Development Specialist I.

Mary was originally appointed to Planning and Development Specialist I and promoted after five years to Senior Planning and Development Specialist. After a year, she is reduced to Planning and Development Specialist II. In an order of layoff for Planning and Development Specialist II, her seniority is limited to the period of time she has worked as a Planning and Development Specialist II.

Although layoff is implemented within an employing unit, seniority includes all time served in the current classification in any department.

Joan has been a Personnel Specialist at Department X for 4 years. Prior to her current appointment, she was a Personnel Specialist at Department B for 7 years. Her co-worker, Tim, has been a Personnel Specialist at Department X for 5 years, with no prior service elsewhere. In a layoff affecting Personnel Specialists at Department X, Joan would have 11 years seniority and Tim would have 5 years

Please note that all of your City service might not be counted in the seniority calculation. If you have been promoted, only the service in your current title will be included.



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Will was originally appointed as a Truck Driver, and he worked in that title for 22 years. He was then promoted to Construction & Maintenance Equipment Operator, and he worked in that title for 3 years. In an order of layoff for Equipment Operator, his seniority would be limited to the 3 years in that title.

Seniority consists of regular pay hours. Overtime hours do not count but paid vacation, sick leave, and holidays do. Seniority is adjusted to reflect part-time work schedules.

An employee who works out-of-class accrues seniority in his or her primary classification, not in the out-of-class title.

Pete was regularly appointed to Complaint Investigator on January 1, 1990 but he has worked out-of-class as a Conservation Policy Analyst full-time since January 1, 1991. As a January 1, 2002, Pete has 12 years seniority as a Complaint Investigator.

Any period of unpaid leave, except military leave, that is 15 days or longer is deducted in its entirety from an employee's seniority:

Sarah has worked full-time as a Senior Finance Analyst for 10 years. In 1995, she took 8 days of unpaid leave. In 1996, she took 25 days of unpaid leave. In 1999, she took 3 unpaid leaves – 7 days, 14 days and 30 days. Her seniority is 10 years less 55 days – for the 25 and 30 day leaves. The individual periods of unpaid leave for 8, 7, and 14 days are not deducted from her seniority.



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**“Bumping” to Avoid Layoff**

When faced with a layoff situation, department heads generally look for services they will no longer provide or work that can be redesigned and redistributed. Then they will identify the actual positions that will be abrogated. The incumbents of those positions may have more seniority than the incumbents of positions that are not being cut, triggering a “bumping” situation. *An example:*

Glenn’s position has been identified as the one that will be cut.

Title: Senior Finance Analyst

Employee Category	Order of Layoff	Name of Employee	Service (Years-Months-Days)
Temporary	None	None	None
Probationary	None	None	None
Regular	1	Harvey	02/10/15
Regular	2	Penny	02/10/17
Regular	3	Glenn	04/07/20
Regular	4	Louis	11/02/06

Glenn has the option of bumping into Harvey’s position, since Harvey is the least senior Senior Finance Analyst. If Glenn exercises this option, Harvey will be laid off.

Note: If Penny and Harvey had equal seniority, the appointing authority would decide whether Glenn would bump Penny or Harvey, except as provided by a collective bargaining agreement. But if Penny and Harvey had equal seniority and Penny was a veteran of the U.S. Armed Forces, Glenn would bump Harvey. Veteran’s status is used as a tie-breaker between employees with equal seniority.



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**Bumping – To a lower class in a class series**

An employee who is scheduled for layoff may bump an employee in the next lower classification in the same class series when 1) the employee has prior standing in the lower classification and 2) the employee has more seniority in the lower class than the employee they would bump.

Janice was appointed as a Finance Analyst in 2000. Carmen was appointed as a Finance Analyst in 2002. In 2004, Bill was hired as a Senior Finance Analyst – his first job with the City. In 2005, Janice was promoted to Senior Finance Analyst. In 2007, Bill's position and Janice's position are both abrogated. Janice can bump back down to Finance Analyst, because she has standing in that class, and because she has 7 years of seniority in the class series while Carmen has only 5 years. Bill cannot bump down – he has no prior standing in the lower title.

**Bumping – Part-time to Full-time or Vice Versa**

An employee whose position is being abrogated may bump to the position held by the least senior employee in that classification in that department. It does not matter whether the least senior employee is in a full-time or a part-time position. In the event a part-time employee bumps a full-time employee holding a full-time position, or vice versa, the appointing authority may require the bumping employee to work on the same part-time or full-time basis as the employee who is bumped.

**Layoff Process**

If you receive an official notice of layoff from your department head or designated management representative, you will have several official options:

- Transfer to avoid layoff (bumping) – assuming you are not the least senior employee in the classification within the employing unit;
- Accept layoff; or



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- Resign in lieu of layoff.

By rule, you must elect one of the above options and notify your department head within 3 working days to avoid being “construed” as a resignation. Your department head may extend that deadline at your request. Because of the potential for impacting other employees, your election is irrevocable once you have submitted it to your department head.

You may have a variety of “unofficial” options as well. With your department head’s approval, you could accept a transfer or voluntary reduction to a vacant position in your department for which you meet the minimum qualifications. You may elect to retire, if you meet the eligibility criteria. And you may apply for any job opportunity advertised in the Opportunity for Advancement bulletin, as long as you meet the qualifications described in the ad.

**Bumping:** If you are eligible to bump the least senior employee and elect to do so, you will be transferred into and assigned the duties associated with that position at the time the least senior employee is laid off. You will continue to accrue service credit in the classification.

**Layoff:** If you accept layoff, you may request that your department head nominate you to participate in Project Hire. If you are not hired into another position before your position is abrogated, you will be laid off from City employment. However, your name will be placed on a reinstatement list for the classification from which you are laid off. You will be referred to any vacancy within the City in that classification that occurs within 12 months of your layoff. You may also apply for available positions in other classifications for which you qualify and in which you are interested.

If you are reinstated to a position in the class from which you are laid off or if you are hired into another classification within 12 months of layoff, your seniority from your prior service will carry forward. Your salary placement will be at the step for which you would have been eligible had the appointment occurred at the time you were laid off (assuming you are appointed to a position with normal step progression).



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Oliver is laid off from his Associate Transportation Planner position on December 31, 2002. He has been at 3<sup>rd</sup> step of the assigned salary range for 1,560 hours, with an increase to 4<sup>th</sup> step due in 528 hours. On July 1, 2003, he is reinstated to an Associate Transportation Planner position and placed at 3<sup>rd</sup> step, with an increase to 4<sup>th</sup> step due in 528 hours.

Rupert is laid off from his Associate Transportation Planner position on December 31, 2002. He is at top step of the salary range. In April 2003 he applies for a Senior Transportation Planner position and he is appointed to the position on June 1 2003. He is placed at 3<sup>rd</sup> step in accordance with the promotion rule.