

Background Information and Contract Language on Layoffs

Historical Perspective - Layoffs at Local 21

Historically, our union has not experienced large workforce reductions amongst our members in San Francisco. Since 2000, the City has experienced two years where they reduced the workforce by approximately 1,500 positions. In 2003, this resulted in approximately 130 layoff notices to Local 21-represented employees; in 2004, approximately 150 notices were sent to our members. Both years, we activated an Internal Placement Committee to meet with the City to discuss the impact these layoffs would have on both the laid-off employees and on the remaining employees who would pick up the additional workload. The Internal Placement Committee was established in 2003 and written into our Agreement with the City (see Article I, D. 3 Internal Placement Committee). The language reads "*A joint DHR/Local 21 committee created in 2003-4 shall continue for the duration of this agreement and shall meet monthly, or as otherwise agreed to by the parties, to review scheduled and anticipated displacements and to review reappointment and alternative internal placement plans and options.*"

Through the Internal Placement Committee we were able to greatly reduce the total number of layoffs of Local 21-represented employees (approximately 16 people in 2003 and 25 people in 2004).

The Employer has an Obligation to Meet with the Union

The employer is obligated under Article II, G. of our Agreement to meet regarding a reduction in the workforce or other plans to reorganize that would result in a change in working conditions. The language reads:

Article II.G. WORKFORCE REDUCTION

1. Obligation to Meet & Confer on Employee Workloads

- 107 The City and Union acknowledge that there has been and may continue to be a reduction in the City workforce primarily as a result of reduced revenue and inflation.
- 108 The City recognizes its legal obligation to meet and confer in good faith and endeavor to reach agreement on employee workloads.

Other language in our Agreement pertaining to the City's obligation to meet and negotiate in good faith:

Article VI. A. SCOPE OF AGREEMENT

484. . . . the city and county of San Francisco, through its duly authorized representatives, and recognized employee organizations representing classifications of employees covered by this part ***shall have the mutual obligation to bargain in good faith on all matters within the scope of representation as defined by Government Code section 3504, relating to the wages, hours, benefits and other terms and conditions of city and county employment.*** (emphasis added)

Advance Notice of Layoff

Under our contract, the City is required to give an employee sixty (60) days notice of an impending lay off. They are also obligated to notify Local 21 of the layoff. This 60 day notice gives us more time to try to place the employee in another position or resolve the layoff in a mutually acceptable manner. We negotiated this longer notice period in our 2003 contract because the City had problems giving adequate advance notice to our members.

Article II.G. WORKFORCE REDUCTION

2. Advance Notice of Pending Layoffs

- 110 Any employee who is to be laid off due to the lack of work or funds shall be notified, in writing, with as much advance notice as possible but not less than sixty (60) calendar days prior to the effective date of the layoff. Such sixty (60) calendar day minimum advance notice of layoff shall not apply should layoff in a shorter period be beyond the control of the City. The Union shall receive copies of any layoff notice. The provisions of this Section shall not apply to "as needed", or intermittent employees or employees hired for a specific period of time or for the duration of a specific project or employees who are bumped from their position.

Seniority

Layoffs occur in order of seniority (with the least senior person being the first one laid off). DHR-created seniority lists are available on the Local 21 website, under the "CCSF chapters" page: http://www.ifpte21.org/chp_sfc/layoff-SF.shtml. Most Local 21-represented classifications can be found on the *Local 21-Other Units* list; if your job class is in the A-P or A-PC unit, you have a separate list. (There are also seniority lists for SFUSD and City College.) If you have questions regarding the accuracy of your seniority, please contact your *departmental* Human Resources staff. If your department cannot correct the problem, please contact your Local 21 representative for assistance.

To understand how the City computes seniority, please look at Appendix E (Civil Service Rules & Glossary, Leaves of Absence Provision) of our Agreement with the City. (Link to it online at: http://www.ifpte21.org/ccsf/L21-CCSF_MOU-FY06-09.pdf.)

In the past, we have not experienced serious problems with the computation of seniority, and we do not foresee problems with seniority at this time.

What is the difference between "Involuntary Layoff" and "Involuntary Leave"?

Generally, two types of separations are used: "Involuntary Layoff" and "Involuntary Leave." The type of separation used depends on whether the employee has permanent civil service status in the class from which separated, and whether the employee wishes to "cash out" contributions to the Retirement System and unused vacation credits.

Employees who are placed on **Involuntary Leave**:

- Must continue membership in the Retirement System.
- May not cash out any earned and unused vacation.

Employees who are placed on **Involuntary Layoff** status:

- Must make a decision about his/her contribution into the Retirement System within 90-days of the separation date, the Retirement System will notify the employee of the available options and specific requirements for reporting his/her decision. Should the individual return to City service after a layoff, he/she will be placed in the retirement plan that became effective in November 1976.
- Must cash out all earned, unused vacation if completely separated from City service.

Holdover Rights and the Order of Layoff

Most people who receive a layoff notice will be placed on involuntary leave, with holdover rights to re-employment in their current classification should a position open up. For more information on Holdover Rights, go to the DHR Employee Layoff Information guidebook posted on the Local 21 website:

http://www.ifpte21.org/chp_sfc/SF_LayoffUpdates/EmpLayoffInforRev1-17-08.pdf. This guidebook contains other useful information related to layoffs.

The Internal Placement Committee carefully reviews holdover rights and the order of layoff to make sure that any reduction in the work force is done equitably and fairly.

Information Meetings for Local 21 Members

We held two general information meetings earlier this spring regarding the layoff procedure and the City's budget. We will hold additional meetings, as needed, specifically for those employees who have received layoff notices. Check the Local 21 website (either "CCSF Layoff Information" or "SF Budget Information") for updates on layoffs and the City's budget situation.



Professional & Technical Engineers, Local 21
1182 Market Street, Rm 425 • San Francisco, CA 94102
Ph. 415.864.2100 • www.ifpte21.org