

Rule 121

Layoff

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

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Article I: Rules Prescribed - Authority

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

Sec. 121.1 **Rules Prescribed - Authority**

- 121.1.1** Under the authority of Section 10.101 of the Charter of the City and County of San Francisco, the Civil Service Commission of the City and County of San Francisco does prescribe and adopt the following Rule which shall have the force and effect of law.
- 121.1.2** The Human Resources Director shall be responsible for administering and making effective the provisions of this Rule, and establishing such administrative controls as may be necessary.
- 121.1.3** In all matters pertaining to interpretation of this Rule, the decision of the Commission shall be final.

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Article II: Seniority

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

Sec. 121.2 **Determination of Seniority**

121.2.1 Except as may otherwise be provided in this Rule, seniority shall be determined as follows:

1) Permanent

Seniority for permanent appointees shall be determined by the date of certification which resulted in a permanent appointment to a position in a class in a department. Seniority for appointees granted status or permanent tenure to a class shall be determined by the date of certification in the class from which status or permanent tenure was granted.

2) Temporary from Eligible List

Seniority for temporary employees appointed from an eligible list shall be determined by the date of certification which resulted in a temporary appointment to a position in a class in a department.

3) Limited Tenure

Section 121.2.1-3 shall apply only to employees in classes represented by the Transport Workers Union (TWU), Local 200 and 250A, excluding MTA Service-Critical classes.

Seniority for limited tenure appointees shall be determined by the date an appointee starts to work in a current continuous limited tenure appointment in a department. Seniority in the event of ties shall be determined by the appointing officer whose decision shall be final. For purposes of calculating the seniority of non-civil service or limited tenure employees, all periods of time served in the most recent continuous temporary or limited tenure appointment shall be combined and the cumulative total derived thereby shall be used to determine seniority.

Sec. 121.2 **Determination of Seniority (cont.)**

- 121.2.2** Excluding involuntary leave as provided elsewhere in this Rule, seniority shall not be affected or reduced by current or previous periods of authorized leave of absence or authorized reduction in work schedules.
- 121.2.3** In calculating permanent seniority in a class, temporary seniority in the same class shall not be added to permanent seniority in a class.
- 121.2.4** In calculating temporary seniority in a class, permanent seniority in the same class shall be added to temporary seniority in a class.
- 121.2.5** Seniority acquired in a recognized craft apprenticeship program with the City and County shall be added to seniority in the journey-level class.

Sec. 121.3 **Tie Scores in Seniority**

- 121.3.1** In the event of ties, seniority of civil service appointees shall be determined by rank on the eligible list. In determining rank, earlier eligible lists have priority over later eligible lists and promotive lists have absolute priority over entrance lists.
- 121.3.2** In the event of a tie in rank among appointees from lists of eligibles adopted on or after December 6, 1991, the methods listed below shall be used to determine seniority in the following order of priority until the tie is broken. First, the appointee with the longest continuous service in the class under permanent civil service appointment regardless of department shall be ranked above appointees with lesser service in the class; then, the appointee with the longest continuous citywide service under permanent civil service appointment regardless of class shall be ranked above appointees with lesser citywide service; finally, if the tie has not been broken by the preceding methods, it shall be broken by lot in the manner prescribed by the Human Resources Director and conducted under the supervision of the Human Resources Director or a designee. The decision of the Human Resources Director shall be final and shall not be reconsidered by the Commission. In no case shall service before resignation and reappointment or discharge and reemployment be included in determining length of service for the purposes of this section.

Sec. 121.4 **Establishment and Verification of Seniority Roster**

- 121.4.1** When a layoff is imminent, an appointing officer shall notify the Department of Human Resources as to the class or classes affected.

- 121.4.2** If requested by the Human Resources Director, the appointing officer shall provide a seniority roster including, but not limited to, the name, status, certification date, and rank on eligible list of all employees in the affected classes and the number of such employees to be laid off.

- 121.4.3** The Human Resources Director, upon verification of the seniority roster, shall notify the appointing officer of the names of those employees to be laid off.

- 121.4.4** Whenever possible the appointing officer must notify affected employees sufficiently in advance of a layoff.

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Article III: Order of Layoff

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

Sec. 121.5 **Order of Layoff**

Except as may otherwise be provided in this Rule, layoff of employees shall be by inverse order of seniority in a class and department in the following order of absolute priority:

- 121.5.1 Provisional
- 121.5.2 Temporary From Eligible List
- 121.5.3 Probationary
- 121.5.4 Permanent

Sec. 121.6 **Order of Layoff for Employees Covered by Section 121.6**

Section 121.6 shall apply only to employees in classes represented by the Transport Workers Union (TWU), Local 200 and 250A, excluding MTA Service-Critical classes.

Except as may otherwise be provided in this Rule, layoff of employees shall be by inverse order of seniority in a class and department in the following order of absolute priority:

- 121.6.1 Provisional/ Non-Civil Service/Limited Tenure
- 121.6.2 Temporary From Eligible List
- 121.6.3 Probationary
- 121.6.4 Permanent

Sec. 121.7 **Exceptions to Order of Layoff**

- 121.7.1** Provisional or limited tenure employees, who qualified for their positions as a result of meeting specific hiring criteria and who are appointed under specific funding guidelines which limit the duration of employment shall be laid off at the end of their designated tenure without effect on any other employees.
- 121.7.2** Persons appointed to positions requiring special qualifications or skills shall be laid off when the work requiring such special qualifications or skills is completed, providing such appointees shall have rights to continue employment within their class in positions where the special qualifications or skills are not required if their name has been reached for certification to a regular position.
- 121.7.3** In the event of a layoff, a person appointed to a position requiring special qualifications or skills as approved by the Human Resources Director shall continue in the position unless a more senior employee or holdover in the class in which the layoff occurs possesses the same qualifications and skills. The Human Resources Director may administer such tests as deemed necessary to determine possession of special qualifications and skills.
- 121.7.4** All exceptions to the order of layoff shall require the express approval of the Human Resources Director.

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Article IV: Layoff - Provisional and Temporary Appointees

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

Sec. 121.8 Layoff - Provisional Appointees

Except as provided, provisional appointees shall be laid off at the discretion of the appointing officer; except that entrance provisional employees shall be laid off prior to the layoff of any promotive provisional appointees in the same class. Provisional appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

Sec. 121.9 Layoff - Non-Civil Service Appointees

Section 121.9 shall apply only to employees in classes represented by the Transport Workers Union (TWU), Locals 200 and 250A, excluding MTA Service-Critical classes.

Non-civil service appointees shall be laid off at the discretion of the appointing officer. Non-civil service employees who were previously limited tenure or temporary civil service in a current continuous appointment shall be treated as limited tenure for the purposes of layoff.

Sec. 121.10 Layoff - Limited Tenure Appointees

Section 121.10 shall apply only to classes represented by the Transport Workers Union (TWU), Locals 200 and 250A, excluding MTA Service-Critical classes.

The layoff of a limited tenure appointee shall be governed by the following provisions:

- 121.10.1** The limited tenure appointee with the least seniority in the class in the department shall be laid off first except if a more senior limited tenure appointee elects to be laid off. In the event of a conflict, the limited tenure appointee with the greater seniority shall have preference.

Sec. 121.10 **Layoff - Limited Tenure Appointees (cont.)**

121.10.2 Entrance limited tenure employees shall be laid off prior to the layoff of any promotional limited tenure appointees in the same class.

121.10.3 Limited tenure appointees who hold permanent status in another class and who are laid off shall revert to their permanent positions.

Sec. 121.11 **Temporary Appointees from Eligible List**

121.11.1 Order of layoff for temporary appointees shall be by class within a department, by inverse order of seniority except if a more senior temporary appointee elects to be laid off. In the event of a conflict, the temporary appointee with the greater seniority shall have preference.

121.11.2 The names of temporary appointees who are laid off shall be returned to the eligible lists from which appointed for further certification if such lists are still in existence.

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Article V: Layoff - Probationary Appointees

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

Sec. 121.12 Layoff - Probationary Appointees

- 121.12.1** Probationary appointees shall be laid off in inverse order of the date of permanent certification, except if a more senior probationary or permanent appointee elects to be laid off. In the event of a conflict, the probationary or permanent appointee with the greater seniority shall have preference.
- 121.12.2** As provided elsewhere in these Rules, a probationary appointee, regardless of length of service, may displace any temporary appointee including part-time exempt, in the same class in any department.

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Article VI: Layoff - Permanent Appointees

Applicability: Rule 121 shall apply to officers and employees in all classes, except the Uniformed Ranks of the Police and Fire Departments and MTA Service-Critical classes; or as noted or as specifically excluded, or except as may be superceded by a collective bargaining agreement for those employees subject to Charter Section 8.409. However, all definitions in Rule 121 are applicable to employees in all classes; excluding only the Uniformed Ranks of the Police and Fire Departments and the MTA Service Critical classes as covered in Volumes II, III and IV.

Sec. 121.13 **Layoff - Permanent Appointees**

121.13.1 Layoff of permanent appointees shall be by class in a department in inverse order of seniority except if a more senior permanent appointee elects to be laid off. In the event of a conflict, the permanent appointee with the greater seniority shall have preference.

121.13.2 Layoff shall be treated separately under each appointing officer except that permanent and probationary employees may displace other permanent or probationary employees in the same class with less seniority in any department.

Sec. 121.14 **Reinstatement from Entrance Appointment**

An employee laid off from an entrance appointment shall be either:

121.14.1 Restored to a position in a class and department which the employee held on a permanent basis immediately prior to appointment in the class from which laid off. If necessary, layoffs in the classes affected shall follow;

121.14.2 or, as directed by the Human Resources Director, appointed in rank order of seniority to a position not filled by a permanent employee in any other City department in the class held on a permanent basis immediately prior to appointment in the class from which laid off;

Sec. 121.14 Reinstatement from Entrance Appointment (cont.)

121.14.3 or, if options 1 and 2 are exhausted or if the employee had no permanent status prior to appointment in the class from which laid off; the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred provided such action shall not adversely affect an incumbent certified from an eligible list. The Human Resources Director shall designate and recommend such classes to the Commission.

Sec. 121.15 Requirement for Probationary Period

Reinstatement to a position other than the position in the class and department in which permanently employed immediately prior to appointment in the class from which laid off shall require the appointee to serve a new probationary period.

Sec. 121.16 Seniority Date Upon Reinstatement

121.16.1 Employees who are reinstated to a position held on a permanent basis immediately prior to appointment in the class from which laid off shall return with their original seniority date in the class.

121.16.2 Employees who are reinstated to a position in which they have had no prior permanent service shall have seniority calculated from the date of certification to the class from which laid off.

Sec. 121.17 Layoff - Promotive Appointees

An employee laid off from a promotive appointment shall be either:

121.17.1 Restored to a position in the class and department from which promoted. If necessary, layoffs in the classes affected shall follow;

121.17.2 Or, as directed by the Human Resources Director, appointed in rank order of seniority in the class to a position not filled by a permanent appointee in the class from which promoted in any other City department;

121.17.3 Or, if options 1 and 2 are exhausted, the employee, subject to the approval of the Commission, may be appointed to a position in a class similarly related to the class from which the layoff occurred or to an appropriate lower rank class provided such action shall not adversely affect the permanent incumbents. The Human Resources Director shall designate and recommend such classes to the Commission.

Sec. 121.17 Layoff - Promotive Appointees (cont.)

- 121.17.4** An employee who has completed the probationary period in a promotive appointment that is two or more steps higher in an occupational series than the permanent position from which promoted may be returned to a position in the City and County service in the next lower ranks. If necessary, layoffs in the classes affected shall follow.
- 121.17.5** For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of certification in the higher class or in a class designated by the Human Resources Director as similarly related to the intermediate class.
- 121.17.6** If the employee laid off is the least senior employee in the intermediate rank(s), the employee shall be placed on holdover list(s) for such intermediate rank(s) and shall be restored to the class from which promoted.
- 121.17.7** Promotive employees who do not wish to be reinstated to a former class, a similarly-related class, or an intermediate class may waive such reinstatement and elect to be laid off or placed on involuntary leave. Such waiver shall not affect the employee's status on a holdover roster for the class from which laid off.

Sec. 121.18 Higher Class Not Filled by Promotional Examination

- 121.18.1** The Commission may order that the provisions of this Rule shall apply to appointees in higher classes in a class series even though the examination for such higher class was not held as a promotive examination or where appointees were blanketed in to such higher classes. If necessary, layoffs in the classes affected shall follow.
- 121.18.2** For the purposes of this section, seniority in the intermediate class or classes shall be calculated from the date of certification in the higher class or in a class designated by the Human Resources Director, as similarly related to the intermediate class.

Sec. 121.19 Requirement for Probationary Period

Reinstatement to a position other than the position in the class and department from which promoted shall require the appointee to serve a new probationary period.

Sec. 121.20 Reinstatement with Employee's Original Seniority in the Class

Employees who are reinstated from a promotive appointment are restored with their original seniority in the class, if any.