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CIVIL SERVICE DEPT.

October 30, 2012

Long Beach Civil Service Commission

APPEAL OF ORDER OF LAYOFF

I received a memo, dated October 18, 2012 (attached), from Kenneth A. Walker, Manager Personnel Operations, Human Resources, regarding **New Job Assignment**, informing me that according to the Order of Layoff prepared by the Civil Service Commission on October 10, 2012, I was one of the least senior classified Clerk Typist and would be bumping a Clerk Typist position in the Harbor Department, and that I was to report to the Harbor Department on Monday, October 29, 2012.

Before this memo, the only correspondence I received from Human Resources regarding the Order of Layoff, was a generic memo dated August 10, 2012, which was sent to City employees regarding staffing reduction due to the budget, and that over 152 positions would be eliminated, which **could** impact my position (attached).

Although Human Resources knew that my position would definitely be eliminated, I was never informed of that fact. The first time Human Resources informed me that my position was being eliminated was in the memo from Mr. Walker on October 18, 2012, informing me that I was being transferred to the Harbor Department.

When I was told to report to the Harbor Department, I was very surprised, because according to the Civil Service Rules and Regulations, Section 93(2), an employee with the most seniority bumps the employee with the less seniority in their department first, and if there is no one with less seniority, then that person bumps the least senior person in that classification citywide. My situation was a little confusing to me, as I, having worked for the City for over 25 years, had more seniority than the classified Clerk Typist in Human Resources.

When I received this memo, I contacted Mr. Walker to inquire about the situation, and he stated that the position I was talking about in Human Resources was an unclassified position. This was puzzling to me, as your Order of Layoff indicated that I was to bump a classified Clerk Typist in Human Resources.

As a result of this action that has been taken against me, which I believe to be unfair. I am appealing the Order of Layoff as it relates to my being transferred out of my department and allowing the least senior person to remain in the department.

As of the writing of this correspondence, I have begun working at the Harbor Department as a Clerk Typist II, downgraded from a Clerk Typist III. I appreciate the opportunity to work at the Harbor Department and although I have just been here two days, it seems to be a great place to work. However, my concern is the method Human Resources used to initiate this transfer. I believe this was unfair to me and that all City employees should be valued and treated fairly.

Thank you Commissioners for considering my request.

Respectfully submitted,


Diana Foxx

Attachments



City of Long Beach
Working Together to Serve

Memorandum

Date: October 18, 2012

To: Dianna Foxx, Clerk Typist, Human Resources Department

From: Kenneth A. Walker,  Manager Personnel Operations

Subject: NEW JOB ASSIGNMENT

Based on the Order of Layoff that was prepared by the Civil Service Department on Wednesday October 10, 2012, you were one of the least senior classified Clerk Typist. Therefore you will be bumping an employee in the Harbor Department, whose budgeted position is a Clerk Typist II.

Therefore you are to report to the Harbor Department at 925 Harbor Plaza on Monday October 29, 2012 at 8:00 a.m. Please ask for Stacey Lewis. Your new assignment will be as a Clerk Typist II.

If you have any additional questions, you can contact me at (562) 570-6243. I appreciate your service and dedication to the City and wish you the best of luck in your future endeavors.

KAW:cjc
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cc: Administrative Officer(s)



CITY OF LONG BEACH

DEPARTMENT OF HUMAN RESOURCES

333 West Ocean Boulevard 13th Floor • Long Beach, CA 90802 • (562) 570-6621

August 10, 2012

Dear City Employee:

SUBJECT: STAFFING REDUCTION

On August 1, 2012, the proposed Fiscal Year 2013 Budget was released. The proposed Fiscal Year 2013 Budget addresses a \$17.2 million dollar budget deficit and, unfortunately, includes the elimination of over 152 filled positions in a broad range of classifications. This could impact your position.

In the City Manager's letter to employees dated May 31, 2012 (attached), the City Manager committed to hosting informational meetings for employees so that they might better understand how their classifications could be impacted by the Order of Layoff and the bumping process. You are in one of the impacted classifications and could be affected as a result of the layoff and bumping process.

The Civil Service layoff process is by classification, not recognizing grade levels, and due to the nature of the bumping process, other classifications may also be impacted. In order to get information to employees as quickly as possible, we are notifying all employees in the impacted classifications that have been identified at this time. (see attached list). Coordinating with your supervisor, please plan to attend one of the informational meetings that are scheduled for:

<p>Tuesday August 21, 2012</p> <p>Civic Center Main Library Auditorium 101 Pacific Avenue</p> <p>11:30 a.m.</p>	<p>Thursday August 30, 2012</p> <p>Environmental Services Building ESB Assembly Room 2929 E. Willow</p> <p>6:30 to 7:30 a.m. 11:00 to 12:00 p.m. 2:30 to 3:30 p.m.</p>
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If you have any additional questions, please do not hesitate to contact your Department's Administrative Officer.

Deborah R. Mills
Director of Human Resources

Attachment
DRM:cjc

cc: Administrative Officers

a violation of Federal or State law, Charter Provisions, City Ordinances, duly authorized and adopted written departmental rules and regulations, or City Administrative Directives, dismissal shall accomplish a separation from both the classified and unclassified service of the City and the employee shall have no right of appeal to the Commission.

- (1) Prior to accepting employment in the unclassified service of the City, all permanent, classified employees shall sign an acknowledgment and waiver that states the employee recognizes the new position is unclassified, that acceptance of the position will result in a waiver of all rights to appeal a dismissal to the Commission, and that this is done voluntarily.

Rev. July 20, 1993

REDUCTION IN FORCE

Sec. 92. For reasons of economy or due to a lack of work or funds, an appointing authority may reorganize or eliminate any department, bureau, or division, or may abolish any position under its direct jurisdiction, and/or reduce the number of, or the hours worked by City employees. When any such action causes a layoff of employees, the selection of those to be laid off shall be made under the following:

- (1) To decrease the work force in any department, the appointing authority shall specify to the Commission the number and classification of employees to be laid off, together with the department, bureau, and division in which the layoff is to be made. The Commission shall then determine, under these rules, the particular employees to be laid off, and advise the appointing authority of its finding.
- (2) For purposes of this Article, the term "layoff" shall include removal from City employment, reassignment to a former classification, reduction from full-time to part-time status or permanent assignment to another classification in order to avoid layoff. The term "seniority" shall refer to length of service in a particular classification regardless of grade designation.

ORDER OF LAYOFFS

Sec. 93. Layoffs in each classification shall be made in the following order: first, provisional employees; second, probationary employees; and third, permanent employees who have completed their probationary periods.

- (1) When one or more probationary or permanent employees must be laid off, those who are laid off shall be those with the lowest seniority, under these rules, from all the departments, bureaus, and divisions of the City.

However, the Commission may, upon the recommendation of the appointing authority, order the layoff to be effective City-wide or confined to one or more departments, bureaus, or divisions if, in its judgment, the best interests of the City will be served.

- (2) If an employee who is laid off in a department in which a reduction in force is made has greater seniority in the classification affected by layoff than an employee in that same classification in another department, the employee in the latter department with the lowest seniority in the classification shall be laid off and the employee with the greater seniority shall be transferred to fill the position made vacant by the layoff.
- (3) Where the layoff is limited to provisional employees, the appointing authority may determine which of the employees within the particular classification shall be laid off.
- (4) In the event two or more permanent employees have the same seniority, the person who placed lowest on the eligible list seniority shall be laid off first.
- (5) In the event two or more employees occupy the same placement on the eligible list, the person to be laid off shall be determined by the order in which their applications were filed.
- (6) Employees hired through "selective certification" shall be laid off only upon an approved order of layoff specifying the reduction of "selective certification" employees.

Rev. August 21, 2001

REDUCTION IN FORCE SEASONAL AND RECURRENT EMPLOYEES

Sec. 94. The provisions of this Article shall apply to and govern classified "seasonal and/or recurrent" positions of City employment provided, however, that should layoffs occur in classifications, which encompass classified "seasonal and/or recurrent" positions of employment, then the incumbents occupying such positions shall be laid off prior to applying the provisions of Section 93. Upon the reemployment of employees affected by the layoff, all employees laid off from permanent positions of employment within the subject classification shall be reappointed before the reappointment of employees laid off from "seasonal and/or recurrent" positions.

SENIORITY IN LAYOFFS

Sec. 95. Seniority in layoffs shall be calculated by adding together the following periods of service:

OBJECTION TO AND APPEAL OF LAYOFF

Sec. 99. Any laid off probationary or permanent employee may object to his/her layoff on grounds that the seniority calculation was incorrect or that the layoff action was the result of an improper or illegal employment practice. The employee may do so by filing an appeal within ten days after being either personally served with a notice of layoff by the appointing authority, or after receiving a certified or first-class letter informing him/her of the pending layoff. The Commission shall determine the method of its review and may conduct its own investigation, call witnesses, review documents, and/or proceed in the same manner it would for a hearing under these rules. After either a review or hearing, the Commission shall make a final determination. If the employee who is laid off fails to make a timely protest and/or objection to his/her layoff, the layoff shall be effective as of the date specified in the notice of layoff. However, the Commission may correct an error in seniority calculations at any time and may make appropriate adjustments in an order of layoff or a priority list ranking due to the correction.

OUT OF ORDER LAYOFF

Sec. 100. After receiving either a written request from an employee and the subsequent consent of the appropriate appointing authority, or after being furnished with good cause, the Commission may approve an employee's layoff either ahead of or in place of some other employee with lower seniority. However, the Commission shall not grant approval of an out-of-order layoff, if it is determined that good cause has not been shown, or that the employee requesting an out-of order layoff was either doing so under duress, or was making the request to avoid disciplinary action.

RESIGNATION

Sec. 101. Any employee who desires to terminate his/her employment with the City must convey one of the following to the appointing authority:

- (1) a signed letter of resignation.
- (2) verbal notification of resignation not withdrawn within three scheduled working days.

Pending acceptance of 1 or 2 above by the appointing authority and subsequent filing with the Commission, the resignation shall become effective. Notwithstanding 1 or 2 above, an employee's absence without authorization for three or more consecutive workdays, wherein the employee fails to show up for work, call in, and/or provide documentation of a disability or legitimate absence, shall be deemed an abandonment of his/her position and an automatic resignation from City service.