

position in the same or comparable class. If the transfer involves a change from the jurisdiction of one department or office to another, the prior consent of the head of each department or office shall be required unless the City Manager orders the transfer for the purposes of economy or efficiency. Transfer shall not be utilized to effectuate promotion, advancement, reduction in job class or disciplinary action; provided, however, that the City Manager may transfer an employee to a position of comparable or higher job class in the event that the employee's current position is being eliminated from City service. No employee shall be transferred to a position for which the employee does not possess the desired qualifications. If an employee is involuntarily transferred, the employee may file a grievance to appeal such transfer in the manner as provided for in Section 2R.72.240 of this chapter.

- C. Promotion. Vacancies may be filled by promotion from within the classified service or by open competitive examination. Appropriate examinations shall be used to develop an employment list for determining qualified promotional candidates. The decision as to whether a particular examination shall be on a competitive or on a promotional basis shall be made by the Personnel Director, after consultation with the affected department head, subject to the approval of the City Manager, based upon the determination as to how best the position can be filled to satisfactorily meet the needs of the service.
- D. Reduction in Job Class.
1. Upon request of the employee, and with the prior consent of the prospective department or office head, a reduction in job class may be made to a vacant position.
 2. The City Manager may place an employee in a vacant position of a lower job class in lieu of layoff for reasons of economy or efficiency, provided, however, that an employee may voluntarily elect to be laid off and placed on a layoff reinstatement list in lieu of reduction in job class.
 3. No employee shall be placed in a lower job class for which the employee does not possess the desired qualifications.
- E. Layoff. The City Manager may lay off an employee or employees in the classified service because of a shortage of work or funds, curtailment or elimination of a public service activity, or organizational restructuring which results in a reduction in force. In such cases, the Personnel Reduction Procedure shall be utilized.
- F. Personnel Reduction Procedure.
1. Notification. Written notice of layoff and the availability of displacement rights, including available positions, shall be given to the affected employee(s), and the employee organization or group representing such employee(s), by the Personnel office at least thirty (30) calendar days prior to the effective date of layoff. The Personnel office shall also notify all employees who will be subject to the exercise of displacement rights by more senior employees. Written notice to employees subject to layoff shall be made by certified mail to the employee's address on file with the Personnel office, or hand-delivered in person to the employee. Notice to employee organizations and groups, and notice to employees subject to displacement may be made by regular mail and/or other similar means of communication.
 2. Order of Layoff. Layoffs shall be by classification, with probationary employees being laid off before permanent employees. The order of layoff for permanent employees shall be that the employee with the least seniority in the classification

subject to layoff shall be laid off first.

3. Seniority.
 - a. For the purpose of layoff only, employees in a higher classification within a career ladder shall have seniority rights over other employees in the next lower job classification in the career ladder provided that such employee previously held permanent full-time status in the lower classification. Temporary and acting appointments to a classification shall not be construed as service in such classification, and unpaid leaves of absence shall not be included in calculating time of service to determine seniority.
 - b. Whenever the effective date of appointment to a classification is the same for two or more employees, probationary and permanent full-time service from the date of appointment to the classification, adjusted for unpaid leaves, shall be used to determine which employee had greater seniority within the classification. If classification seniority is still the same, the original date of hire with the City, adjusted for unpaid leaves, shall be used to determine seniority. If a tie still remains, the department head shall make a recommendation to the City Manager based on the particular employees' overall performance, and the City Manager shall make the final determination.
4. Displacement.
 - a. Permanent and promotional probationary full-time employees shall have the right to displace (bump) employees with less seniority in a lower classification provided that the employee previously held permanent full-time status in the lower classification. Clerical employees from other City departments displacing clerical employees in the Police Department will be required to successfully complete a background investigation conducted by Police Department personnel.
 - b. A permanent full-time employee hired directly into a higher job classification in a classification series may displace an employee in a lower classification within the classification series if the employee occupying the higher job classification has more seniority within the classification series than the employee occupying the lower level job classification.
 - c. Displacement rights afforded to an employee shall include access to those classifications in which the employee has previously served but which may since have been retitled but where, as determined by the Personnel Director, no substantive changes have been made in the duties or qualifications for the classification(s) in question.
 - d. To qualify for displacement to a classification in which the employee has previously served, the employee must be able to meet the desired qualifications therefor at the time of displacement or within a reasonable period thereafter, as determined by the Personnel Director.
 - e. Should an employee subject to layoff or displacement have prior City service in one or more classifications outside their career ladder at the time of layoff or displacement, such employee shall have the right to exercise displacement rights in their current career ladder, or in the career ladder of a prior classification. Such decision exercising displacement rights shall be made within the time limits as set forth hereinbelow and shall not be revocable or subject to change by the employee. For employees exercising displacement rights to a prior classification career ladder, only years of service in such

career ladder may be used to determine seniority for the purposes of displacement to classifications contained therein.

5. Request for Displacement and Determination of Salary. In order to displace to a previously held classification, an employee must request such action in writing to the Personnel Director within seven (7) calendar days of receipt of notice of layoff. The Personnel office will acknowledge in writing by regular mail the receipt of notification from the employee of the desire to exercise displacement rights. Employees may not exercise displacement rights subsequent to being laid off. An employee returning to a previously held lower classification shall be assigned to the step in the salary range for the lower classification for which they are qualified and that is closest to but does not exceed the employee's current rate of pay. In no case shall the salary be increased above that received by the employee in the job classification from which the employee is laid off.
6. Reinstatement List.
 - a. Order. The names of persons laid off or displaced in accordance with these procedures shall be entered upon a reinstatement list for the position in the inverse order in which the layoff or displacement occurred.
 - b. Duration. Names of persons laid off from their appointed position or displaced due to bumping shall be carried on the reinstatement list for the position for two years. Persons subsequently reemployed or reinstated to regular positions of the same classification and status as that from which they were laid off or displaced shall, upon such reemployment or reinstatement, be removed from the list. Persons reemployed in a lower classification or on an hourly exempt basis shall remain on the list for the higher permanent position.
 - c. Recall. Appointments shall be made from the reinstatement list in the order that they appear on the list when a vacancy arises in the same classification. Reemployment or reinstatement will be subject to the employee passing a medical examination, and physical agility test and/or psychological test if applicable to the job classification, if the layoff period exceeds 12 months. Any person who does not respond within 14 calendar days to a letter offering reemployment or reinstatement sent certified mail addressed to such person's last known address shall be removed from the list. If an employee elects to become reemployed, the employee shall report to work within 30 calendar days from the date notice is given to the City that the employee will return to work. A laid off employee, when offered reemployment, who is unable to accept due to medical reasons as certified by a physician, may be granted an additional 30 calendar days to report to work. When an employee is unable to return to work due to a medical condition within this 60 calendar day period, the City shall recall the next employee on the reinstatement list and the disabled employee's name shall remain on the list and eligible for recall for the remaining duration of the two year period. If an employee declines reemployment or reinstatement to a permanent position of the same classification and status, or fails to report to work within the 30 calendar day period, except for a medical condition as provided for above, the employee's name shall be removed from the reinstatement list and the City shall have no further obligation for employment.
7. Reinstatement Rights.
 - a. An employee reemployed or reinstated from a layoff reinstatement list within

- two years of the effective date of layoff shall retain cumulative service credited as of the date of layoff for purposes of determining seniority in the event of future layoffs.
- b. Upon reemployment, an employee shall resume accrual of vacation at the rate that corresponds to the employee's years of service on the date of separation from employment due to layoff. An employee's unused sick leave balance remaining on the date of such separation, after conversion to cash if applicable, shall be restored.
 - c. The period of time during which the employee is on unpaid status shall not count toward service credit.
 - d. Upon reemployment or reinstatement to the same classification from which laid off or displaced, an employee shall be placed at the same salary step which the employee occupied on the date of separation from employment or displacement, and shall be eligible for step increases on the same schedule or basis which existed on the date of layoff or displacement.
- G. Resignation. An employee wishing to resign in good standing shall file with the employee's supervisor at least two weeks before leaving the service a written resignation stating the effective date and reasons for leaving. Failure to comply with this rule shall be entered on the service record of the employee and may be cause for denying future employment by the City. The resignation shall be forwarded by the supervisor, through the department head, to the Personnel Director with a statement by the appointing authority or department head as to the resigned employee's service performance and other pertinent information concerning the cause for resignation. An employee who fails to give notice of resignation shall be reported to the Personnel Director by the department head immediately, and may not be eligible for reemployment. An employee who leaves the service in good standing may request reemployment rights through the Personnel Director as described by this chapter. An employee who is absent for one work week or more, as applicable to the position, without permission from the City, without cause, or without notice to the employee's department head, shall be deemed to have resigned the employee's position and shall not be eligible for reemployment.

(Res. No. 143 95-96; Res. No. 3 99-00, Res. No. 02 03-04, Res. No. 11 04-05 §3)

2R.72.150 Disciplinary action.

A. General Provisions.

1. The provisions of this section, including permitted disciplinary actions, and hearing and procedural requirements shall be available only to permanent classified employees and, except in cases of probationary rejection, to permanent classified employees on promotional probation.
2. City employees who are not permanent classified employees or employees on promotional probation shall have no right to the notice and hearing requirements set forth herein. Provided, however, that such employees shall be given a written notice of such disciplinary action and the opportunity to discuss the matter with the Personnel Director.
3. When disciplinary action against a permanent classified employee is first contemplated by a direct or indirect supervisor of such employee, the employee shall be advised of the employee's right to representation. Such advice may be given by the appointing authority or the Personnel Director.