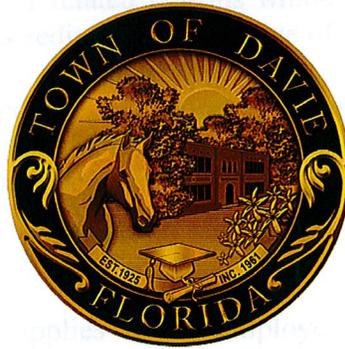


**TOWN OF DAVIE
HUMAN RESOURCES DEPARTMENT**



**LAYOFF
SOP #21-012**

September 19, 2012

SUMMARY OF REVISED, DELETED, OR ADDED MATERIAL

This operating procedure shall replace the Personnel Rules and Regulations and Policies enacted prior to the effective date of this Operating Procedure.

Revision	Date	Responsible Department	Description of Change
1	May 18, 2011	Human Resources	Initial Release
2	June 20, 2012	Human Resources	Revision

APPROVALS:

Stacy H. Hesser

Author

9/24/12

Date

Burt Burch

Town Administrator

9-24-12

Date

1-1. POLICY.

It is the intent of the Town of Davie to provide a fair and systematic procedure in the event that a layoff of staff becomes necessary. Layoffs may be necessary due to a shortage of funds or work, the abolition of the position or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee.

Layoffs shall be determined by giving due consideration to the status (i.e. temporary, probationary period, regular) of the employee, the seniority of an employee, and the relative efficiency of the employee.

1-2. SCOPE.

This operating procedure applies to all employees of the Town of Davie (Town) regardless of probationary or other status, as well as all Executive, Part-Time, Temporary, and Seasonal employees.

1-3. PROCEDURE.

a. Jurisdiction and Order of Layoff -

- 1.** Whenever it becomes necessary because of lack of work, lack of funds, changes in organization or for other reasons, to separate employees from the Town Service, the Town Administrator shall determine the organizational unit and the class under his/her jurisdiction in which the reduction can best be accomplished. Layoff/displacements will generally only occur within the organizational units designated and under the affected Department Director, unless otherwise approved by the Town Administrator. The order in which the layoffs will be made is as follows:
 - (i)** Temporary employees.
 - (ii)** New probationary period employees.
 - (iii)** Probationary period employees promoted from a lower class shall be returned to such lower class.
 - (iv)** Regular employees.
 - 2.** The order of layoff of all employees within a particular status of employment shall be determined by the Department Director after giving due consideration to all relevant factors which shall include, but not be limited to, seniority and the relative efficiency of the employee. For purposes of this paragraph, seniority shall be defined as the total length of continuous service in the affected department immediately prior to layoff.
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b. Displacement

1. To the extent practical, as determined by the Town Administrator, displacements may occur across departmental units. Subject to the approval of the Town Administrator, any regular status employee who would otherwise be laid off may displace an employee of lesser seniority in the same or lower pay grade provided:
 - (i) The employee has previously served satisfactorily in the classification of the displaced employee and is certified as capable of immediately being able to perform in that classification.
 - (ii) The classification of the displaced employee is at a lower level in the same job series as the classification occupied by the senior employee, e.g., Clerk Typist III, Clerk Typist II, Clerk Typist is a job series.
 - (iii) The classification of the displaced employee is at a lower level in a normal promotional path leading to the classification occupied by the senior employee and the employee can immediately perform the function of the classification.
2. The certification of capability to perform in the class of the displaced employee and normal promotional path as provided in subparagraphs (1-3)(b)(1), shall be determined solely by the Department Director. For purposes of displacement, seniority shall be determined by an employee's length of continuous regular employment under the Personnel System classification in the same job series or normal promotional path.

c. Rights of Laid Off Employees

1. Any employee who is to be laid off will be given a minimum of fifteen (15) working days written notice of the pending layoff.
 2. All employees who are laid off, except regular employees, shall have their names reinstated for no more than six (6) months to the applicant register from which they were employed.
 3. Regular status employees shall be placed on the layoff section of the class from which they are laid off for a period of one (1) year, and they shall be given first opportunity for re-employment in the class from which they are laid off in the reverse order from which the layoffs occurred.
 4. Laid off employees with one or more years of service shall be paid for one half of their remaining sick leave balance in accordance with the appropriate provision.
 5. Employees who are laid off shall be able to continue their health care benefits in accordance with COBRA and the Town of Davie Group Insurance Policy. In
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addition, pension benefits shall be in compliance with the provisions of the applicable Employee Pension Plan.

6. Laid off employees who are re-employed within one (1) year from the date of layoff shall be credited with the remaining one half sick leave balance accrued at the time of layoff and shall not have their eligibility for earning leave interrupted.
- d. The Department Director will have the Town Administrator's approval prior to initiating any layoff.
 - e. Severance
 1. Under certain circumstances, severance may be provided in lieu of requiring the employee to continue to work until the employment end date. All severance pay must be approved by the Human Resources Director and Town Administrator or designee.
 2. Where severance is approved in lieu of continuation of work, a letter shall be provided to the employee advising them of the amount of their severance and their benefit termination date, which shall be determined by the Human Resources Director. A copy of such letter shall be provided to payroll and the department shall designate it as severance on the time sheet.
 3. All leave accruals will cease during any severance period, unless approved by the Town Administrator or designee. Retirement contributions will be made in accordance with current regulations.
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