



# Medina County Policy Manual



|   |  |                       |
|---|--|-----------------------|
| <b>Policy:</b> Layoff & Recall-Classified | <b>Section:</b> Employment                       | <b>Number:</b> 2.060  |
| <b>Issued:</b> 09/17/07                   | <b>Reviewed/Revised:</b> 04/06/10 – Res. 10-1151 | <b>Page #:</b> 1 of 6 |

Previous Res. 07-900, 09-0410  
 ORC 124.321  
 OAC 123:1-41-09, OAC 123:1-41-18, OAC 123:1-47-01

- A. A layoff of classified employees may become necessary due to a lack of funds, lack of work, or the abolishment of position(s).
  
- B. When it is demonstrated that there is reason to reduce staffing levels, the Board of Commissioners shall determine the number of positions and the classifications in which layoffs will occur. The Board shall also prepare a retention point listing of all employees who have been appointed to the classification(s) selected for the layoff where displacement may occur. Such lists shall be posted in a conspicuous location, for employee inspection, at the time layoff notices are delivered.
  - 1. Retention points are based on length of service. Employees shall be assigned a base of one hundred retention points. Computation of retention points for continuous full-time service shall be made by crediting each employee with one retention point for each bi-weekly pay period of continuous service.
  - 2. For the purposes of calculating retention points, full-time service shall include service as a full-time permanent, full-time seasonal, full-time interim or full-time temporary employee. For full-time seasonal or full-time temporary service, credit will be given only for those pay periods in which the employee was scheduled to work. If an employee is in a full-time position at any time during a pay period, they are considered full-time for the entire pay period.
  - 3. Retention points for continuous service for other than full-time service shall be calculated on the basis of one-half (0.50) point for each bi-weekly pay period of continuous service.
  - 4. Retention points computed for full-time continuous service and other than full-time continuous service, whenever applicable, shall be combined to determine an employee's total retention points.
  - 5. Overtime shall not be considered for purposes of computation of retention points for continuous service. For purposes of determining continuous service of employment:

|   |  |                       |
|---|--|-----------------------|
| <b>Policy: Layoff &amp; Recall-Classified</b> | <b>Section: Employment</b>                       | <b>Number: 2.060</b>  |
| <b>Issued: 09/17/07</b>                       | <b>Reviewed/Revised: 04/06/10 – Res. 10-1151</b> | <b>Page #: 2 of 6</b> |

- a. An employee employee's length of continuous service will be deemed unbroken so long as no break in service occurs from one layoff jurisdiction to another.
  - b. In the event an employee has transferred from one appointing authority to another or receives an appointment with another appointing authority, e.g., from one state agency to another, from a county office to a state agency, from a state agency to a state-supported college or university, etc., the employee's length of continuous service will be deemed unbroken so long as no break in service occurs from one appointing authority to another.
- C. Employees to be laid off shall be sent a written notice by certified mail (return receipt requested) of their layoff or displacement by another employee at least 14 calendar days prior to the layoff or displacement by another employee. The written notice shall include:
- 1. The effective date of layoff;
  - 2. The employee's retention points;
  - 3. Information as to displacement rights and how to exercise those rights; and,
  - 4. The reason for the layoff.
- D. Employees may appeal the action to the State Personnel Board of Review (SPBR) within ten (10) days after the effective date of the action. Such appeal must be in writing.
- E. Layoff List
- 1. In accordance with Ohio Administrative Code 123:1-41-01, Order of layoff of employees, the order of layoff will proceed with the appointment categories of part time probationary, part time permanent, full time probationary and full time permanent employees within the classification series the Board determines the layoff will occur and the number of employees to be laid off within each classification.
  - 2. The layoff lists shall be developed separating employees into the above appointment types and listing employees in descending retention point order. The lists shall indicate which employees are to be laid off.

|   |  |                       |
|---|--|-----------------------|
| <b>Policy: Layoff &amp; Recall-Classified</b> | <b>Section: Employment</b>                       | <b>Number: 2.060</b>  |
| <b>Issued: 09/17/07</b>                       | <b>Reviewed/Revised: 04/06/10 – Res. 10-1151</b> | <b>Page #: 3 of 6</b> |

3. In the event two or more employees have identical retention points as calculated by this policy, the tie shall be broken by utilizing the following methods, in the following order:

- a. First, employees having most recent date of continuous service from which no break in service has occurred shall be laid off or displaced first; and,
- b. Second, the appointing authority shall determine the employee to be laid off or displaced first.

F. Displacement Right to Lower Classification (**OAC: 123:1-7-17, 123:1-8-02**)

1. Laid off employees may be permitted to displace employees in the next lower classification and successively lower classifications within the classification series when:

- a. The lower classification(s) is within the same classification series;
- b. The employee has more retention points than an employee in the lower classification.

2. Employees may not displace to a higher classification, nor may they displace to a higher appointment type (i.e., intermittent employees may not displace part-time employees, nor shall part-time employees displace full-time employees, etc.)

G. Displacement into Available Vacancy

1. Whenever staffing reductions are due to job abolishment, employees have the right to displace into an available vacancy if the vacancy is so designated by the County Administrator, in addition to the rights to displace other employees as follows:

- a. If a vacancy is designated as being available at the classification of layoff, the employee shall first displace to that vacancy regardless of seniority within the classification.
- b. If a vacancy is designated as being available at a lower level, or successively lower level, the employee shall displace to that vacancy before he or she displaces another employee, if he or she has the least retention points at the classification of layoff.
- c. Employees shall not be required to displace to lesser appointment types under this provision, unless they are the least senior employees in the classification series of that appointment type.

|   |  |                            |                       |
|---|--|----------------------------|-----------------------|
| <b>Policy: Layoff &amp; Recall-Classified</b> |  | <b>Section: Employment</b> | <b>Number: 2.060</b>  |
| <b>Issued: 09/17/07</b>                       | <b>Reviewed/Revised: 04/06/10 – Res. 10-1151</b> |                            | <b>Page #: 4 of 6</b> |

2. Employees must notify the Human Resources Department in writing of their intention to exercise their displacement rights within five (5) calendar days of when the layoff notice is posted as referenced in Section B above.

#### H. Recall List

1. The Human Resources Department shall establish a recall list, and employees shall be eligible for reinstatement for one (1) year following layoff.
2. Employees shall be offered positions that become available at their classification level or lower classification levels within their classifications series, according to their retention points. The recall list shall be prepared for all laid off or displaced employees, and shall be in the inverse order of layoff by classification (e.g., the employee with the most retention points shall be first on the recall list).
3. An employee who does not respond to recall or does not report to work within ten (10) calendar days from the date of receipt of the letter to return to work shall be deemed to have declined reinstatement or reemployment and the employee's name shall be removed from consideration for reinstatement or reemployment.  
*(Rev. 04-06-10, Res. 10-1151)*
4. In the event of extenuating circumstances (e.g., illness, injury, absence or other good cause as determined by the County Administrator) preventing the employee from returning within the above time limit, the Board of Commissioners shall grant a reasonable extension, not to exceed sixty (60) calendar days. *(Added 04-06-10, Res. 10-1151)*

#### I. Definitions

1. **Abolishment of positions:** Employees may be laid off as a result of abolishment of positions. Abolishment means the deletion of a position or positions from the organization or structure of an appointing authority. An appointing authority may abolish positions for any one or any combination of the following reasons: as a result of reorganization for the efficient operation of the appointing authority, for reasons of economy, or for lack of work.

|   |  |                       |
|---|--|-----------------------|
| <b>Policy: Layoff &amp; Recall-Classified</b> | <b>Section: Employment</b>                       | <b>Number: 2.060</b>  |
| <b>Issued: 09/17/07</b>                       | <b>Reviewed/Revised: 04/06/10 – Res. 10-1151</b> | <b>Page #: 5 of 6</b> |

2. **Break in service:** Means an employee has had a separation from service of thirty-one (31) days or more. An authorized leave of absence or any separation from service which carries with it the right to reinstatement, or reemployment as a result of a layoff, shall not constitute a break in service, provided the employee is reinstated or reemployed within the allowable time. The time the employee was separated shall not be counted towards the calculation of retention points for continuous service
3. **Classification:** means the official title assigned to a position or to the employee performing the duties of the position, as designated by the Ohio Department of Administrative Services.
4. **Classification Series:** means those classifications which are similar in duties and functions, and are described by identical terms except that they are distinguished as to their level by a numerical or supervisory destination. Classification series is determined by the Ohio Department of Administrative Services numbering system. If the first four (4) digits of the five (5) digit number are the same, classifications are in the same series.
5. **Continuous service:** Means the uninterrupted service of an employee with a state agency, a county office, or a state-supported college or university where no break in service occurs.
6. **Days:** Means calendar days unless specified otherwise
7. **Lack of Funds:** means that there is a current or projected temporary decrease in the finances supporting the position.
8. **Lack of Work:** means an appointing authority has a current or projected temporary decrease in the workload, expected to last less than one (1) year which requires a reduction of current or projected staffing levels.
9. **Length of Service:** means the continuous, uninterrupted service of the employee, where no separation has occurred. For purposes of this definition, separation lasting thirty (30) days or less shall not be deemed a separation. If an employee was separated, but was reinstated by specific action of the appointing authority within one (1) year, the service time prior to the separation will be included in the employees' length of service.
10. **Position:** means the group of job duties that an individual employee is expected to perform.

|                                    |   |                |
|------------------------------------|---|----------------|
| Policy: Layoff & Recall-Classified | Section: Employment                       | Number: 2.060  |
| Issued: 09/17/07                   | Reviewed/Revised: 04/06/10 – Res. 10-1151 | Page #: 6 of 6 |

11. ***Retention Points***: means the system of establishing points for length of service and in order to establish the order of layoff.