




# OREGON DEPARTMENT OF FISH AND WILDLIFE POLICY

## Human Resources Division

<b>Title:</b>	<b>Management Service Layoff</b>	<b>HR_450_07</b>
<b>Supersedes:</b>	HR_450_07, dated September 1, 2004	
<b>Applicability:</b>	Management service employees.	
<b>Reference:</b>	ORS 240.570, State Policy 50.025.01	
<b>Effective Date:</b>	February 1, 2011	<b>Approved:</b> 

### I. PURPOSE

To describe the procedure for removal or reassignment of management service employees during times of reorganization or reduction in staff by using merit principles.

### II. POLICY

Because the State of Oregon and the Department of Fish and Wildlife value stability in the workforce and the talents and contributions of its employees, removal of management service employees shall be used when other workforce adjustment measures are not feasible.

- A. Reasons for removal: A management service employee may be removed from management service due to reorganization, lack of work, reduction in funds or other reasons which are not for cause.
- B. Prior to removal: Department-wide workforce adjustment measures, e.g., reassignment of employees to existing vacancies where qualified, voluntary terminations, or demotions shall occur prior to implementing the removal procedure. The director may freeze vacant positions to allow affected employees to voluntarily transfer and or demote without competition, provided the employee meets the minimum and special requirements of the new position.
- C. Only after department-wide workforce adjustment measures have been taken, and only when the number of employees in a given classification exceeds the number of available positions within the classification, shall a removal be implemented.
- D. Bumping: This policy does not authorize displacement (bumping) within the management service by a management service employee.
- E. Should workforce adjustment needs result in the need to remove employees:
  - 1. The Human Resources Division Administrator shall make every reasonable effort to:
    - a. inform employees of their options and the process to be considered for other opportunities within the state service; and

- b. minimize the negative impact on employees to the extent possible in accordance with sound judgment and applicable rules and policies and assist them in making their transition.

F. Procedure for Removal of a Management Service Employee:

1. The director or designee shall:
  - a. Determine the number of positions by classification and/or organizational unit(s) and/or geographical area(s) affected for a pending layoff/removal. The removal shall be confined to the positions, classifications, units, and/or areas so designated.
  - b. Consider the needs of the organization in terms of the types of positions, and special knowledge and skills necessary to accomplish the work of the department as these factors affect the ability of the department to serve the people of the State of Oregon.
  - c. Identify all employees by classification for each organizational unit and/or geographic area designated.
2. The Human Resources Division Administrator in conjunction with the appropriate Deputy Director shall evaluate all regular status and promotional trial service employees (who held regular status prior to promotion) and identify the employee(s) to be removed, taking into consideration the following provisions in descending order of importance:
  - a. The qualifications of the employees in each classification affected in terms of special skills or expertise and the diversity of workers as it relates to the department's ability to provide service, and minimal transition time for an individual to be capable of performing the specific requirements of the positions;
  - b. The quality of performance and relative merit of each employee in the classification(s) affected as determined by the employee's most recent required performance evaluation; and
  - c. Length of state service.
3. At least 15 calendar days prior to the effective date of removal, the Human Resources Division Administrator shall:
  - a. Issue removal notices to employees in initial trial service (new to state service) in affected classifications;
  - b. Issue layoff notices by classification to employees identified for layoff within the following separate categories:
    - 1) Permanent full-time positions
    - 2) Permanent part-time positions

- 3) Seasonal full- or part-time positions
4. Layoff/removal notices will include:
  - a) The date of layoff/removal.
  - b) The reason(s) for the layoff/removal.
  - c) Layoff/removal rights and options, if any.
  - c) Date for responding to layoff/removal options.

G. Layoff Options

1. Management service employees may elect to demote into vacant management service or classified positions which are available for filling. Employees must meet the minimum and special requirements, if any, of the position. The Human Resources Division Administrator, in conjunction with the appropriate deputy director, shall assign employees who elect to demote to the position, subject to the needs of the department and the qualifications of the employee. Employees may only demote into classified positions after all contractual obligations for represented employees have been satisfied.
2. A management service employee removed in accordance with this policy who has prior classified service shall be restored pursuant to the provisions of State Policy 50.030.01 and HR Policy 450\_08, Restoration of Removed Management Service Employees. The employee's name shall be placed on the department's management service layoff list for the former management service classification from which laid off.
3. A management service employee removed in accordance with this policy who did not have prior classified service shall be laid off and his/her employment terminated. The employee's name shall be placed on the department's management service layoff list for the former management service classification.
4. If the classification the employee was laid off from is removed from the classification plan due to classification maintenance, the department will place the employee on the department management service layoff list for the classification that most closely represents the work of their former position.
5. A management service employee in initial trial service shall be laid off, and his/her employment terminated. The employee is **not** eligible for restoration or for placement on the department's management service layoff list. The employee may be restored to the eligible list from which appointed, if such list exists.
6. Except for employees in initial trial service, those management service employees whose removal/layoff results in separation of employment with the State, in addition to their right to be placed on the department layoff list, shall be given the option to be added to the statewide reemployment (RL) list for consideration in other agencies for the same, equal to or lower classifications pursuant to HR Policy 440\_02 and OAR 105-040-0020, Types and Order of Applicant Lists.

7. The term of eligibility on layoff lists shall not be longer than two years from the date of layoff. If an employee on the layoff list is offered a position, the employee shall have one right of refusal. An individual shall be removed from the layoff list upon the second refusal of a job offer or when a person accepts a position and is returned to work (other than temporary work).

H. Recall

1. Department and Statewide Reemployment Layoff Lists

- a. Layoff lists are established by classification for a period of two years, pursuant to OAR 105-040-0020 and HR Policy 440\_02, Types and Order of Applicant Lists.
- b. Where a layoff list exists, all names shall be certified for each vacancy occurring in the classification. Selection from the list shall be mandatory when major duties of the vacant position are the same as those performed prior to removal by an employee on the list and the employee meets any special qualifications for the position as determined by the Human Resources Administrator in conjunction with the appropriate Deputy Director.
- c. When major duties of the vacant position are changed or different and no employee on the list performed the major duties prior to removal and/or meets any special qualifications for the position, the department may develop a single competitive pool by supplementing the layoff list with agency promotion, transfer, or demotion candidates. A selection from this pool must be made if there are at least three (3) qualified candidates.
- d. The Human Resources Administrator shall implement the necessary personnel actions per required notification timeframes.

- I. A management service employee subject to removal/layoff in accordance with this policy may appeal such action pursuant to the provisions of HR\_470\_03, Management Service Grievance Review.

J. Special Employment Situations

1. Limited Duration

- a. Regular status employees of the department in permanent positions who are appointed to limited duration assignments have layoff rights equivalent to other regular status employees in permanent positions as long as they continue to work on the same initial limited duration assignment. Layoff rights will be offered when the limited duration assignment ends.
- b. An employee who accepts a subsequent limited duration assignment that is not a continuation of the first limited duration assignment will no longer have layoff rights.
- c. Employees who are appointed from outside state service into the department in a limited duration appointment do not have layoff rights.

2. Job Rotation, Work out of Class (WOC), and Intergovernmental Personnel Agreement (IPA) Assignments.
  - a. While on these assignments, employees remain in the classification and position number of their regular position.
  - b. An employee is subject to layoff/removal if the employee's regular position is targeted for elimination.
3. Temporary employees appointed to temporary positions have no layoff rights and may be separated from employment at any time.

### III. POLICY CLARIFICATION

- A. Employees who relocate as a result of options exercised under the official notice of layoff shall be deemed to have relocated for the good of the department. They shall be eligible for reimbursement of relocation expenses pursuant to HR Policy 420\_05, Employee Relocation Allowance. Employees who transfer prior to issuance of the official notice of layoff are not eligible for reimbursement of relocation expenses.
- B. Documentation of layoff shall be retained in the Personnel Records Unit for a minimum of three years from the date of layoff. Documentation shall include rationale for identifying the positions from which employees are removed.
- C. This Management Service Removal Plan is established as required by and is consistent with HRSD State Policy 50.025.01, Layoff/Removal.

