



OFFICE OF THE
CITY MANAGER

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April 3, 2009

Dear Impacted City Employees:

The development of the Fiscal Year (FY) 09/10 budget continues to be very challenging. As you are well aware, these are difficult times and tough decisions lie ahead. We are facing a projected \$50 million budget gap, and we will be proposing a budget that addresses that gap through reductions in programs and services, which unfortunately means a reduction in our workforce.

I made a commitment to communicate with you as frequently as possible with information regarding the budget. This at risk notification is a formal process that gives you early notification that your job classification has been identified in the proposed budget as a possible reduction.

We continue to work with our unions with regard to possible labor concessions in order to minimize layoffs. However, because a balanced budget must be presented to Council by May 1, it needs to include position reductions. Therefore, we are starting the communication process for possible layoffs now. Actual layoff notices are scheduled to be sent in early June to impacted employees.

The following attachments include information regarding transfer opportunities, a general timeline, a definition of the department bands for Local 39, and frequently asked questions and answers regarding the layoff process. If you have questions about transfer opportunities, please visit the City's website at <http://www.cityofsacramento.org/personnel/> or call Human Resources Employment & Classification Division at 808-5726.

Ray Kerridge, City Manager

Transfer Opportunities

As an employee who may be affected by the June 2009 staff reductions, you are encouraged to seek **transfer** opportunities within the City of Sacramento. If you are interested in transferring, you must submit an application for **each position** you are interested in transferring to by the final filing date as noted on the transfer announcement. You are **NOT** eligible to apply for transfer if:

- you are not a city employee (You are no longer considered a City employee once you are laid off or separated from City service);
- you are a non-career employee;
- you are a temporary or limited-term employee; or
- **you are an EXEMPT employee**

Once your transfer application is submitted, it will be evaluated by a Human Resources Personnel Analyst to determine if your application meets all transfer criteria. Exempt employees are NOT eligible for transfer under CSB Rule 8. If you are an exempt employee, please see page 8 for your rights under CSB Rule 10.8, Reinstatement Following Termination or Resignation From Exempt Position.

Civil Service Rule 8.3 allows transfers for employees in classifications affected by layoff when the difference in salary between the maximum step of the employee's current classification, and the maximum step of the classification to which the transfer is requested **does not exceed 15%**.

Upcoming Key Dates for Employees

April 6 – May 15, 2009	Open positions available for transfers will be posted online
April 6 – June 19, 2009	Department will interview qualified candidates
June 5, 2009	Official layoff notices sent to employees
June 19, 2009	Employees laid off at close of business

What is a department?

Layoffs are by department. The exception to this is Local 39 employees in banded departments.

The banded departments for **Local 39 Miscellaneous and Supervisors** are:

1. Convention, Culture and Leisure; Code Enforcement; Development Services; Economic Development; Neighborhood Services; Parks and Recreation; Planning
2. General Services and Transportation
3. Police; Fire; Information Technology; Finance; Human Resources
4. City Attorney; City Clerk; City Manager; City Treasurer

The banded departments for **Local 39 Plant Operators** are:

1. Convention, Culture and Leisure and Parks and Recreation

Frequently Asked Questions on Layoffs

Q1→ This document references “rep units” in several questions. How do I know what my rep unit is?

A1→ Rep Unit 01, Exempt Unit
Rep Unit 02, Police Unit, Sacramento Police Officers Association (SPOA)
Rep Unit 03, Operations and Maintenance, Local 39 Miscellaneous
Rep Unit 04, Plant Operators, Local 39 Plant Operators
Rep Unit 05, Fire Unit, Sacramento Area Fire Fighters, Local 522
Rep Unit 06, Building Trades
Rep Unit 07, Plumbers and Pipefitters, Local 447
Rep Unit 08, Auto, Marine and Specialty Painters, Local 1176
Traffic Engineering Unit
Rep Unit 10, Confidential/Administrative Unit
Rep Unit 11, Western Council of Engineers
Rep Unit 12, International Association of Machinists and Aerospace Workers
Automotive/Equipment Mechanics Unit
Rep Unit 14, **NEW UNIT**, Exempt Management Support Unit
Rep Unit 15, General Supervisory Unit, Local 39
Rep Unit 16, Office and Technical, Local 39 Miscellaneous
Rep Unit 17, Professional Unit, Local 39 Miscellaneous

Q2→ After my department has determined what positions are being eliminated, how does Labor Relations determine who is being laid off?

A2→ People are laid off based on Classification Seniority by department. If you are an employee covered by a Local 39 labor agreement, your “department” for a layoff may include other City departments than the one you work in. Check page 2, above, of this document to determine what a “department” may include.

Even though your position has been or is going to be eliminated by the department, you may have bumping (downgrade) rights to a previously held position. Please see **Q3**, **Q4**, and **Q5**.

Q3→ I am represented and am being laid off. Do I have bumping rights?

A3→ Based on your labor agreement, you may have the right to downgrade to a job classification within your regression ladder. Check your labor agreement to view your regression ladder.

Labor agreements can be downloaded and/or printed from our website:
<http://www.cityofsacramento.org/labor-relations/>

Q4→ What does, “You may have the right to downgrade” mean?

A4→ In order to downgrade, your City service must be greater than the City service of the person in the lower classification on the regression ladder. You cannot bump someone from their position who has more City service than you.

For example, your current position is a Secretary. Per your regression ladder you could possibly downgrade to a Typist Clerk III. You have 5.3 years of City seniority and the person in the Typist Clerk III position has 8.9 years of City seniority. You would NOT be able to bump that person. If the person had less than 5.3 years of City seniority, you would be allowed to bump them.

Q5→ I am exempt in Rep Unit 01. Do I have bumping rights?

A5→ Only if you have worked in a classified (non-exempt) position with no break in service prior to your appointment to an exempt position. If you meet this criteria, “the employee shall be reinstated to the former department in a position in the classification last held or in a comparable classification, at the salary step at which the employee was paid immediately prior to the exempt appointment.”

For more details on exempt rights, refer to Civil Service Rule 10.8 on page 8 of this document.

Q6→ I am in the new Exempt Management Support Unit (Rep Unit 14). What are my bumping rights?

A6→ Is the position you previously held permanent status in a Rep Unit 3, 16, or 17 position that is represented by Local 39?

You may downgrade to a VACANT position in a classification where you previously held permanent status and where the department has been authorized to fill the vacant position (Local 39 Miscellaneous Labor Agreement, Exhibit B, Group 47).

→ Is the position you previously held permanent status in a rep unit other than one that is represented by Local 39?

In this case, you have the same rights as in **Q5**. For example, you are currently an Administrative Analyst and your previous position was an Administrative Technician. You would be reinstated to the Administrative Technician position, or comparable class, in the department where you held that position.

Q7→ I am in a confidential/admin (Rep Unit 10) classification. Do I have bumping rights?

A7→ Confidential/Admin employees have the right to downgrade, within the department, to Unrepresented classifications within the series in which the employee's classification falls, and to Unrepresented classifications in which the employee previously held permanent status.

→ Is the position you previously held permanent status in a Rep Unit 3, 16, or 17 position that is represented by Local 39?

You may downgrade to a VACANT position in a classification where you previously held permanent status **and** where the department has been authorized to fill the vacant position (Local 39 Miscellaneous Labor Agreement, Exhibit B, Group 47).

Q8→ I have already been or am about to be downgraded to a lower position. How does this affect my seniority and pay rate?

A8→ Any time spent in a higher classification is included in the lower classification seniority. The term higher classification means a job classification in which the top rate of pay is greater than the top rate of pay of the classification you are currently in or are going to be downgraded to.

An employee who is downgraded through a regression ladder shall be paid in the new classification the salary range step closest to the monthly pay rate received immediately prior to downgrade providing there is no increase in pay.

Employees being downgraded will **NOT** be Y-rated (paid higher than the top stop of the downgraded position).

Q9→ When a manager re-enters a non-exempt position, the non-exempt employee may be laid off. How does Labor Relations determine who gets laid off?

A9→ First, a manager can only re-enter a non-exempt position if there was no break in service between the non-exempt job and the exempt job. The manager shall be reinstated to the former department in a position in the classification last held or in a comparable classification. This creates a layoff in the former department. The person with the lowest CLASS seniority is the one laid off or downgraded.

Q10→ If a manager is laid off or steps down and was previously in a non-exempt position, is the time spent as a manager added to the time held in the represented classification?

A10→ Yes, this has the same answer as **Q8** above.

Q11→ Does my limited-term work count toward my seniority?

A11→ If the payroll records show that you were working as a full-time non-career or full-time limited-term employee and there was no break in service from your non-career or limited-term work immediately preceding your career appointment, YES, it does count toward your **City** seniority.

Q12→ I have previous City service that is not reflected on the seniority list and/or I don't feel like my seniority time is correct in either the classification seniority or City seniority, what should I do?

A12→ Contact Shelley Banks: smbanks@cityofsacramento.org or 808-5541

Q13→ I have been working in my current position longer than some of my co-workers, why am I being transferred to another department and not them (this only applies to people represented by Local 39)?

A13→ If you are not one of the employees being laid off but are being transferred, you are considered a "downgraded" or "displaced" employee. Displacements are determined by City service seniority, not classification seniority.

****Effective 2/27/09, for positions in Local 39 Miscellaneous Labor Agreement, you will now be transferred based on classification seniority.**

Q14→ I am being downgraded to a lower position and have accrued CTO. Can I cash out my CTO at my current, higher rate?

A14→ The general answer is no, at least not all of it. Each labor agreement is different. For specifics, please check your labor agreement. Some agreements state that with approval, by your current department and Labor Relations, you may cash out a certain amount.

Labor agreements can be downloaded and/or printed from our website:
<http://www.cityofsacramento.org/labor-relations/>

Q15→ Do I get to keep my City benefits when I am laid off?

A15→ If you are currently enrolled in City health benefits you will keep your coverage through the end of the current month in which you are laid off. Otherwise, you have two options: 1) you can enroll in COBRA and pay a portion of your monthly premium and the City pay a portion up to 9 months of your 18 month COBRA eligibility; or 2) you can continue to pay for City health benefits for a period of six (6) months after being laid off, but the City no longer gives you a contribution to help pay for your benefits. For more information on either option, contact Benefits at 808-5665.

Q16→ How do I withdraw my money from ICMA?

A16→ Once you are laid off, you must contact ICMA-RC directly to withdraw your 457 or 401(a) money. You may also leave your money in ICMA. For more information, contact ICMA-RC at 1-800-669-7400.

Q17→ How do I withdraw my money from CalPERS?

A17→ Regardless of years of service, you can choose to withdraw your employee contribution or you can choose to leave your money in CalPERS. For more information, contact CalPERS at 1-888-225-7377.

Q18→ When do I receive my final paycheck and leave balances?

A18→ You will receive your final paycheck for any hours worked on the normal payroll schedule. You will receive payoff of the leave balances two weeks after your last “working” paycheck.

Q19→ If I am laid off or downgraded, how do recall rights work?

A19→ Were you a career employee in Rep Unit 01 or 14?

Both of these rep units are exempt, at-will employees. Exempt employees are not laid off, they are “terminated from their exempt position” and have no recall rights.

→ Were you a career employee in Rep Unit 04, 06, 07, 08, 11 or 12?

When a vacancy occurs in a job classification in any department, the laid-off or downgraded employee(s) eligible to return to that job classification shall be recalled in the inverse order of their downgrade or layoff.

→ Were you a career employee in Rep Unit 03, 15, 16 or 17?

When a vacancy occurs in a job classification in any department, the laid off or downgraded employee(s) eligible to return to that job classification shall be recalled in the order of City service seniority, beginning with the employee with the greatest City service seniority.

→ Were you a career employee in an unrepresented non-exempt position?
(Rep Unit 10)

When a vacancy exists and employees are to be recalled to a job classification, the laid off or downgraded employee(s) eligible to return to that job classification, within the department, shall be recalled in inverse order of layoff.

FOR EXEMPT EMPLOYEES ONLY

Rules and Regulations of the Civil Service Board, City of Sacramento, CA
Revised Eff. Feb 2008

10.8 Reinstatement Following Termination or Resignation From Exempt Position

Where an employee is terminated or resigns from an exempt position, and where the employee held permanent status in a classification within the classified service without a break in service prior to the exempt appointment, the employee shall be reinstated to the former department in a position in the classification last held or in a comparable classification, at the salary step at which the employee was paid immediately prior to the exempt appointment.

If the former classification has been abolished or if no comparable classification then exists, the Board shall determine the appropriate classification for reinstatement. In such a case the employee's salary shall be Y-rated at the salary step at which the employee was paid immediately prior to the exempt appointment.

Reinstatement shall be conditional on all of the following being met:

- (a) The employee shall make written application to the Director (**of Human Resources**) for reinstatement under this Rule 10.8 within thirty (30) calendar days from the date of resignation from, or from the date of notice of termination from, the exempt position. The Director shall not accept applications filed after the expiration of that time period.
- (b) The facts and circumstances surrounding a termination from an exempt position are not such, in the Director's judgment, that ground for dismissal exists under Rule 12. If the termination from the exempt position was due to incompetency or inefficiency in that position, the employee's right to reinstatement shall not be affected.

Any employee terminated from an exempt position shall be given written notice, at the time of notice of termination, of the provisions of this Rule 10.8. Any employee adversely affected by the provisions of subsection (b) above shall be deemed to have been dismissed from a position in the classified service and shall have all of the rights specified in Rule 12.