

CITY OF PLANO POLICIES AND PROCEDURES

214.000

Department Name: Human Resources Manual

Procedure: Nondisciplinary Separation

Effective Date: 11/01/96

Revision Date(s): 07/01/03, 10/01/03, 04/01/06, 07/01/08, 10/01/09, 07/01/10

I. Purpose

To provide employees with various types of separation from City service in good standing.

II. Policies and Procedures

This policy provides good-standing separation procedures for resignations, retirements, incapacity, layoffs and military service. All layoffs involving *Civil Service* employees shall be in accordance with Section 143.085 of the Texas Local Government Code, as amended.

A. Resignation

Employees may resign from City service in good standing by submitting their written resignations at least two weeks before their termination date.

B. Retirement

Eligible employees may retire from City service in accordance with applicable programs.

C. Incapacity

Incapacity can result from on-the-job injuries or from injuries or illnesses not related to the job or workplace. Incapacity occurs when an employee, for medical or psychological reasons, is unable to perform his/her essential job functions.

It is the supervisor's responsibility to know an employee's ability to perform essential job functions. Should an employee's ability to physically or mentally perform his or her duties be questioned, the department head may require the employee to submit medical reports. These reports shall evaluate essential position function abilities.

Incapacity policies are discussed below:

1. Work-Related

An employee may be terminated for work-related incapacity after six months or when it is determined that he/she can no longer perform essential job functions, whichever is earlier. From incapacity onset until termination, the employee's workers' compensation benefits will be

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City-supplemented to provide salaries equal to the salary before incapacity.

2. Non-Work-Related

An employee may be terminated due to non-work-related incapacity after all qualified Family and Medical Leave (FML) entitlement has been exhausted and the supervisor determines it is necessary that the position be filled. This will apply even if the employee has available sick or vacation leave or any other accrued paid leave.

3. Incapacity Determination

Termination for incapacity will be based on an employee-submitted doctor's report stating that the employee cannot perform the essential job functions and that the disability cannot be reasonably accommodated.

NOTE: The City can require a second opinion from an appropriate health care provider of its choice. If there is a conflict between these reports, the City can require a third medical opinion from a health care provider mutually agreed upon by the employee and the City. The third opinion is final. All costs associated with obtaining the second and third opinions shall be paid by the City.

D. Layoffs

Layoffs may occur as a result of business necessity. Business necessity includes, but is not limited to:

- A discontinuation of or reduction in demand for service
- A change in the level or source(s) of funding
- Technological developments that reduce staffing requirements
- The need to accomplish economic or staffing efficiency
- Privatization or outsourcing of services
- Requirements of State and/or Federal laws

1. Department Directors Notification

The City Manager shall notify the Department Director of any required employee reductions. The Department Director shall determine which

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service and/or positions should be deleted. The Department Director shall take into consideration minimizing impact to service and/or productivity as a result of a layoff. If a position is eliminated and more than one person holds a job classification, the person(s) with the least seniority with the City of Plano will be laid off. Seniority may not be the final determining factor to apply if there are specific skills, certification, safety concerns. However, if there are specific skills, certifications, safety concerns or other factors required to immediately perform the essential functions of the position, the layoff will be based on the most senior employee qualified to successfully perform in the position. Upon determination of the positions and services that will be eliminated, the Department shall notify the City Manager of the proposed plan with:

- a. A written explanation of whether the layoff plan will impact current service or production, along with plans to continue meeting service delivery expectations; and
- b. Any requests for technology or other resources that are needed in order to maintain service and production.

2. Layoffs within a Job Classification

A layoff in a job classification that is held by two or more employees in the same department will be determined by using a seniority system. Seniority is determined by the employee's most recent hire date with the organization – not the date of promotion, if applicable, to the current position. Determination of employee reductions will be same as required in II.D.1 herein. Previous employment with the City shall not be considered, except as described elsewhere within this procedure.

The PAF form shall be used to determine the date the person began that position. If two or more persons were hired on the same date, a determination shall be made through an assessment of the employee's performance within the three (3) years immediately preceding the proposed layoff. The Department Director shall submit this information, in writing, to the City Manager. The Department Director's recommendation shall include supporting documentation from the employee's personnel file and his/her immediate supervisor.

Any employee who was previously laid off by the City while holding a regular position and is subsequently rehired to a regular position shall have the time worked in the previous position considered when computing seniority. Otherwise, previous employment with the City will

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not be used to calculate seniority when identifying positions under this provision.

Layoff decisions cannot be appealed except as to errors regarding the determination of seniority.

3. Notice of Impending Layoff

When possible, the City will notify all employees impacted by a reduction-in-force not later than sixty (60) days prior to the effective date.

4. Implementing the Reduction-in-Force

a. Any position eliminated as a result of a layoff may not be refilled for at least six (6) months following the effective date the position was eliminated. Any contracted services obtained as a result of the layoff must be shown to be more cost effective than maintaining the position.

b. Except civil service employees, anyone who is laid off does not have any priority to being reinstated to their position. All laid off employees are eligible for rehire.

5. Hiring Freeze

When financial circumstances warrant, the City may initiate a "hiring freeze". During a hiring freeze, no external hires will be made for a period of time without authorization of the City Manager. Although vacancies will not be advertised to the public, they may be advertised internally. If positions have been identified as part of a reduction-in-force, current employees will be encouraged to apply for these positions in order to continue their employment with the City. In the event that two (2) internal applicants are equally qualified for a position, the employee whose current position is scheduled to be removed from the organizational chart shall be given preference.

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6. Recall/Reinstatement

Any employee who is laid off may request that his/her name be placed on a recall/reinstatement list by completing "Appendix –A" (Request for Recall/Reinstatement form) of this policy. Appendix-A must be completed and turned in to human resources within thirty (30) days after the effective day of the layoff. All laid off employees are eligible for rehire.

7. Outplacement Assistance

Department directors are encouraged to work with employees directly impacted by a reduction-in-force to help simplify the transition. The City provides the following areas of support:

- a. Allow a reasonable amount of time during the work day for completion of applications/resumes to be submitted for internal/external job opportunities.
- b. Allow employees to receive/place phone calls for the purpose of scheduling job interviews.
- c. Allow up to five (5) hours per week for employees to attend job interviews or otherwise attend to issues related to their job search.

In all cases, the department director or immediate supervisor shall define "reasonable amounts of time" beyond the five (5) hours/week specifically designated to the job search. HR staff will also assist by providing information to employees, upon request, that may assist with conducting a successful job search.

8. Layoff Due to Department Director's assessment of needs

This policy does not limit a Department Director from implementing unilaterally any employment reduction in their department in order to improve department efficiency or for other reasons related to business necessity. When a layoff occurs for this reason, the department director may consider factors other than longevity/seniority when determining who will be laid off (i.e. efficiency of operation, certification of employees, special training needs, safety concern, relevant skills needed to ensure that the department maintains proficiency of business needs); however, the provisions set forth in (4), "implementing the reduction in force" shall apply.

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E. Military Separation

Employees leaving City service in good standing to enter active duty or for active-duty training with the armed forces of the United States shall be eligible for reinstatement in accordance with applicable state and federal laws.

III. Appendices

A. Request for Recall/Reinstatement



Involuntary Layoff

REQUEST for RECALL/REINSTATEMENT

(THIS COMPLETED FORM MUST BE TURNED IN TO HUMAN RESOURCES NOT LATER THAN 30 DAYS FROM THE EFFECTIVE DATE OF THE LAYOFF)

I understand that Human Resources will maintain a recall/reinstatement list of Non-Civil Service employees who have been laid off and have requested to be recalled/reinstated for employment. I understand that by requesting that my name be placed on this list I will be eligible for reinstatement to the previous position I held (should it become available) or other positions of the same class, grade, salary, and the same character of work as the position which I occupied at the time of the involuntary layoff. I understand that such eligibility for recall/reinstatement shall not continue longer than one year from the effective day of my layoff or if I am offered a position with the City and refuse to accept the job, whichever occurs first. I understand that it is my responsibility to ensure that I have provided the City of Plano Human Resources Department with my current contact information while the recall/reinstatement request period is in effect. I also understand that should a recall notification be sent to me I shall respond within fifteen (15) working days from the date of the notice or the recall will be rescinded.

I understand that if more than one person was laid off on the same date in the same job classification, the person on the reinstatement list having the greatest seniority in the position from which he/she was laid off will be reinstated first.

Name	Employee # at time of Layoff
Street Address	City, State Zip
Contact Phone #	E-mail Address (City's preferred method of communication)

I, _____, was laid off from the position of _____ in _____ department, I hereby request that my name be placed on the:

- recall list for the position I held at the time of my involuntary layoff only
- recall list for the position I held at the time of my involuntary layoff and other positions for which I meet the minimum qualifications.

(Because you are requesting a reinstatement to a different job class from the one you previously held, Human Resources must evaluate your qualifications as presented in the application we had on file at the time of your lay off to ensure you meet the minimum standards for any position prior to notifying you of other vacancies within the City.

Employee's Signature Date _____

BE COMPLETED BY HUMAN RESOURCES

Date Application received: _____ By: _____

Date posted on Recall/Reinstatement List: _____

Deposition: Returned to previous position _____
 Placed in another position Position title _____ Department _____

Human Resources Representative's Signature _____ Date _____