



**Tompkins County**  
**PERSONNEL DEPARTMENT**

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***Information for Employees Regarding Layoff Rules & Procedures***

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The purpose of this document is to provide each employee with basic information regarding how a layoff would occur if it should be required by the county's current budget crisis. While the Personnel Department does not control the actions of the Board or Department Heads, we are committed to supplying employees accurate and timely information about laws, rules and procedures governing all aspects of employment with the county. We hope you will keep this document as a reference and that you will contact us if you have questions about it or about a specific situation.

The process of layoffs, should they occur, is governed by Civil Service law, Sections 80, 85 and 86, the local Civil Service Rules for Tompkins County, Rule XXV, and the relevant sections of our collective bargaining agreements. The State publication "A Guideline for the Administration of Reductions in Force in Local Governments" is also taken into consideration. A copy of the Civil Service Rules for Tompkins County can be downloaded from our web site in PDF format. Go to <http://www.tompkins-co.org> Click on the Jobs button then click on the "Civil Service Rules, etc." link. The following describes the important components of the process.

**LAYOFF ROSTERS:** A layoff roster is a collaborative effort between appointing authority and the Personnel Office. Tompkins County Personnel makes the initial roster and it is then internally reviewed. The roster is then shared with the each department. They are required to re-check the roster for accuracy. The document is revised, if necessary, and at that point becomes public within the department. Once it becomes public, employees have the right to check the document for accuracy and appeal to the Commissioner of Personnel if the employee feels that the roster is incorrect.

There are four different groups in the classified service; **COMPETITIVE, EXEMPT, NON-COMPETITIVE AND LABOR**. Each group is treated a little differently in a layoff situation.

**Competitive Class** employees are granted clear and specific layoff rights under Civil Service law, Sections 80 and 85, and the local Civil Service Rules for Tompkins County, Rule XXV. **All employees for a given title are listed on the layoff roster.** Although temporary, provisional and contingent permanent employees hold no status, they do have relative retention standing among other temporary, provisional and CP employees). The first consideration is the Retention Standing of all individuals in a given title. **Retention standing is comprised of two components: Status** (whether the employee is Temporary, Provisional, Contingent Permanent, Permanent Probationary, or fully Permanent) **and Seniority.** Seniority is all permanent time in the classified service. The **classified service** encompasses the Exempt, Labor, Non-competitive and Competitive classes of civil service.

For the purpose of layoffs, seniority can go back to the first date of appointment in the classified service. The status and seniority of each employee is evaluated against the retention standing of the other employees in the title. Those permanent employees with the most seniority have greatest retention standing. Temporary, provisional or contingent permanent employees have none except among themselves. A break in service of less than one year is not counted as an interruption in service. If the break in service is greater than one year, seniority starts from the date of the new appointment. If the title being abolished is above the entry level, those employees may have **bump or retreat** rights. In this situation, two or more separate but related layoff rosters are created, showing who has the right to bump whom or what position someone has the right to retreat to and who they would displace in that situation. Bump and Retreat can only occur to competitive class titles.

**"Bump"** means to displace another less senior employee in a position that is considered a direct line promotion title and it must occur in the same layoff unit. There is no bumping across departmental lines. The employee need never have held the lower level title in order to be eligible for bumping rights. All that is required is that the employee has greater retention standing than the person that they are looking to bump. **"Direct Line Promotion Title"** means any series of titles having the same generic root. For Example (because they have the same generic root title of "Clerk"), a Principal Clerk could bump a Senior Clerk who could in turn bump a Clerk. Correspondingly, a Principal Clerk could not bump a Senior Typist or a Keyboard Specialist because they are not direct line titles, even though they are all clerical titles.

**"Retreat"** means to displace the least senior employee in the layoff unit in the last lower level title (not a specific position) held by the retreat eligible employee on a permanent basis. Retreat can only occur when no lower level positions exist in a direct line of promotion in the layoff unit, or when the lower level positions exist but are unoccupied. Another example: If I were a Social Welfare Examiner who took an appointment to Casework Assistant from an open-competitive list I may have retreat rights to Social Welfare Examiner because there is no direct line promotion title below Casework Assistant. However, the least senior employee in that title has to have less seniority than me or it can not occur.

**War Veterans** have additional rights afforded to them under Subsection 7 (2) of Section 85 of the Civil Service law. This section decrees that the permanent date of appointment for **disabled veterans** shall be **sixty months earlier than the actual date of permanent status**; Subsection 7 (3), indicates that the permanent date of appointment for **non-disabled veterans is thirty months earlier than the actual date. The only way for us to determine veteran eligibility is to pull all of the personnel files for all candidates for layoff and look through them.** The Veteran question on the first page of the application gives us a quick answer as to whether we need to look further. If yes, then we look for the DD-214 military discharge papers showing that you were active during a war or conflict period (criteria available upon request) and received an honorable discharge. **Please note** that it is the employee's responsibility to make sure that we have military discharge papers on file that will enable us to determine if an employee qualifies for back-dated service time. If your service time is approved, the employee will be ranked on the layoff roster with backdated dates as specified above.

The layoff roster is sorted showing retention standing from greatest to least. The Department Head must remove employees from the bottom of the list first and work up. A **Preferred List** will be established and **is valid for a period of four years** from the date of layoff. When funding reappears, the County is required to fill vacancies from among the most senior employee appearing on the preferred list.

#### **RIGHTS FOR THE OTHER THREE CLASSES ARE AS FOLLOWS:**

**Exempt class** employees are "at will employees" and have absolutely no preferred list or recall roster rights even if they are blind, a veteran or an exempt volunteer fire fighter. If targeted for reduction, these employees can simply be let go. Seniority can and possibly should be considered but is not mandated.

**Labor class** employees are "at will employees" and as a general rule have no preferred list or recall roster rights. If targeted for reduction, these employees can simply be let go. Seniority *may* be considered but is not mandated. However, there is an exception. Section 86 of the law provides that war Veterans and Exempt Volunteer Firemen in the non-competitive or labor classes "shall not be discharged from the public service, but shall be transferred to a similar position wherein a vacancy exists". This right to transfer must be demanded by the employee and is good for one year (contract gives them two) and can only be exercised where a vacancy exists.

**Non-competitive class** people are not afforded rights under civil service law, however, the Blue Collar Contract indicates that "the County shall determine that layoffs are necessary" and provides for two years of reinstatement eligibility on a "recall roster" with "consideration being given to seniority". The statement "consideration being given to seniority" has been interpreted to mean that seniority is just one part of the overall employment picture that will be considered when making a layoff decision regarding non-competitive employees. However again, Section 86 of the law provides that war Veterans and Exempt Volunteer Firemen in the non-competitive or labor classes "shall not be discharged from the public service, but shall be transferred to a similar position wherein a vacancy exists". This right to transfer must be demanded by the employee and is good for one year (contract gives them two) and can only be exercised where a vacancy exists. Basically in the NC and Labor classifications, war veterans and Exempt Firemen have some retention rights. Non-competitive class people don't have the bump or retreat option.

We will work to insure that all rosters are error-free and will respond promptly to errors if any are identified. I hope that this information has been helpful. If you have further questions, please feel free to contact the Personnel Department at 274-5526 and ask for Stephen Estes. Thank you.