

ARTICLE 24

LAYOFF AND RECALL

A. Layoff Procedure:

1. Layoff is defined as a reduction in the working force.

2. If a layoff becomes necessary, the following procedure shall be mandatory:
 - a. Layoffs shall be made within the affected classification in the affected department.
 - b. Such reductions will be made in the first instance by terminating Temporary Employees, in the next instance by terminating Probationary Employees and in the next instance by terminating Regular Employees in the affected classifications.
 - c. If further reductions are required, they will be made in inverse order by seniority within the affected classification in the affected department.
 - d. When an employee is laid off, he or she shall be permitted to exercise his/her seniority rights to "bump" or replace the least senior employee within the affected classification in the affected department. Such employee may bump another employee in an equal or lower job classification under the following conditions:
 - (1) The employee shall have seniority as required and defined in the Seniority Article of this Agreement.
 - (2) The employee shall have current ability to perform the available work, meet the qualifications and perform the duties of the job.
 - (3) The employee shall have the right to exercise such bumping rights or to accept layoff.
 - (4) Failure of the affected employee to exercise such bumping rights at the time of layoff, shall result in the forfeiture of these rights during the term of such layoff.
3.
 - a. Employees who are laid off from their regular employment, shall have first opportunity to bid into a like classification for which they qualify on a County wide basis, but only after the internal departmental bidding procedure has been exhausted. Like classification is defined as a classification in which an employee was most recently employed at the time of layoff, or a classification for which said employee has acquired seniority and who meets the minimum qualifications for the classification.
 - b. Effective upon ratification of this Agreement, for Community Mental Health employees only, the term "like classification", as set forth in Section A.3.a. above is defined as a classification in which an employee was most recently employed at the time of layoff or a classification for which said employee meets the minimum qualifications. This provision, A.3.b., shall expire December 31, 2004 notwithstanding any extension or continuation of this collective bargaining agreement.
 - c. Qualified, laid-off bargaining unit members shall be given preference for entry level vacancies, on the basis of County seniority.
 - d. Seniority employees who meet the minimum qualifications shall be awarded the position. Employees will then have seniority in the new department in accordance with the Seniority Article of this Agreement. Such employees shall serve a ninety (90) calendar day probationary period, during which time the Employer may return the employee to layoff status. Such layoff may be for lack of work or for inability of the employee to perform the duties assigned.
4. Recall rights of affected employees covered by this Section will be limited to the following:

- a. Employees who are selected for employment in a new department will, should subsequent layoff occur in that department, have an option of retaining recall rights within their previous classification in accordance with the Recall Procedure as outlined in the Agreement between the Parties.
 - b. If the employee does not exercise the option outlined in A.4.a. above, such employee shall be deemed to have chosen to retain recall rights in the department from which he/she was last laid off.
 - c. Exercise of either Option A.4.a. or A.4.b. shall be chosen in writing at the time of subsequent layoff in the new department and will become a part of the employee's Personnel File. A copy of such written option will be given to the Local Union President.
5. Employees to be laid off for an indefinite period of time will have at least seven (7) calendar days notice of such layoff. The Local Union Secretary shall receive a list from the Employer of the employees being laid off, on the same date the notices are issued to the employees.

B. Recall Procedure:

1. When the working force is increased after a layoff, employees will be recalled according to seniority as listed under Seniority Defined herein. Notice of recall shall be sent to the employee at his/her last known address, as listed in his/her Personnel File located in the Human Resources Department, by Certified Mail. If the affected employee fails to report for work within ten (10) days from date of mailing of notice of recall, his/her employment shall be considered terminated. Extension will be granted solely by the Employer, in proper cases.
2. Recall rights for laid off employees will be limited to a period of one year or length of departmental seniority, as described in the Seniority Article, whichever is longer and except for employees hired on or after January 1, 1983, who upon layoff shall have recall rights limited to length of seniority, but in no event to exceed a period of eighteen months following date of such layoff. Upon expiration of either period, whichever is applicable, the Employer shall be under no further obligation to recall the laid off employee and such employee shall forfeit his/her seniority.
3. An employee shall forfeit seniority rights for recall according to the provisions of Article 25, Seniority.

- C. Part-Time Employees Layoff/Recall Procedure: Effective as soon as practicable after ratification of this Agreement, should layoffs of part-time employees be determined to be necessary by the Employer, part-time employees shall be laid off as provided herein. For layoff, recall and bumping purposes, a separate departmental seniority list consisting exclusively of part-time employees shall be utilized. In no event shall the seniority of part-time employees be utilized to determine the layoff status of full-time employees. Based on the seniority list of part-time employees, layoffs shall occur in inverse seniority order, within the affected part-time classification in the affected Department. Except as provided herein, layoff, recall and bumping of part-time employees shall be governed by the provisions of Article 24.