

## **CITY ATTORNEY LAYOFF PROCESS**

The Office of the City Attorney will generally implement a layoff procedure in a manner consistent with the principles contained in Section 1015 of the Charter of the City of Los Angeles, with exceptions related to the following contingencies:

- Persons appointed to serve at the pleasure of the City Attorney pursuant to Section 1050(d) of the Charter of the City of Los Angeles, are exempt from layoff.
- Persons employed within any classification who are tenured and whose job function is critical to the competent management of confidential, financial, legal, administrative or technical operations within the office, and without whom the critical function would markedly suffer irreparable operational harm, are exempt from layoff. Such exemptions would be highly extraordinary and limited to singular employees in each so designated critical organizational component of the office.

It is the intention of the City Attorney's Office to implement its layoff policy only in response to the conditions described in Section 1015(a) of the Charter of the City of Los Angeles wherein suspensions result from "lack of work, lack of funds, or abolishment of position or otherwise," and that suspensions, displacements, and restorations shall be based upon seniority.

Please note the following procedures:

1. The Mayor and City Council approves the budget, which may result in the elimination of filled and vacant funded positions.
2. The Executive Employee Relations Committee (EERC) approves departmental requests for layoffs and establishes a final City-wide layoff calculation date and/or the City Attorney mandates layoffs due to lack of work, lack of funds or abolishment of positions in a manner consistent with the principles contained in Charter Section 1015.
3. City Attorney Executive Management
  - Sends letter to City Attorney Personnel Director requesting layoffs
  - Identify targeted position, positions, classification, classifications or Office functions affected and the number of employees
  - Prepares layoff notification following determination of employees layoff seniority

#### 4. City Attorney Personnel Division's Role

For each Employee based on office wide tenure:

- Determine the most senior to least senior
- Prepare layoff list by seniority
- Provide placement assistance, if possible
- Prepare Reserve Lists

and/or

For each Class Code Authorization:

- Identify highest classification in the layoff
- Calculate seniority for highest classification
- Prepare layoff list by seniority
- Repeat process for next highest classification
- Provide placement assistance, if possible
- Prepare Reserve Lists

#### 5. Layoff Steps

- Review employee work history.
- Calculate Layoff Seniority for all employees based on years of service in this office and/or in a targeted classification.
- Identify employee with the least Layoff Seniority - This employee will start the displacement process.
- Calculate Displacement Seniority for employee with the least Layoff Seniority and determine which employee within a particular classification the laid off employee can displace.
- Once the employee is displaced, the calculations for displacement seniority are done for all the employees in the newly selected classification.
- The employee that has the least displacement seniority is the one displaced and the displacement process starts all over with the new displaced employee.
- If there was no one with less displacement seniority than the initial employee, that employee will continue to displace.
- Once all displacements have occurred, the City Attorney Personnel Department starts the whole process all over for the next least senior employee and/or highest classification.

## **CITY ATTORNEY LAYOFF AND DISPLACEMENT SENIORITY**

OFFICE WIDE LAYOFF SENIORITY means the total length of continuous service in the office since original appointment in all classifications held after deducting all periods of absences in which no service credit was earned, and/or

CLASSIFICATION LAYOFF SENIORITY means the length of continuous service in a particular classification\* since original appointment to that classification, after deducting all periods of absences in which no service credit was earned.

OFFICE WIDE DISPLACEMENT SENIORITY means the overall length of service in the City Attorney's Office since original appointment to the Office in all classifications held, after deducting all absences without seniority service credit, and/or

CLASSIFICATION DISPLACEMENT SENIORITY is the length of service in a particular classification\* since original appointment to such classification, after deducting all absences without seniority service credit.

\*Classification is defined as one classification with a unique class code (for example DCA I class code 0550 and DCA II class code 0551 are different classifications as they have a unique class code)

### **SERVICE IN A CLASSIFICATION THAT CANNOT BE COUNTED**

1. Service in a classification that occurs before a break in service (separation from City employment caused by abandonment of position, resignation, retirement, or discharge for cause).
2. Absence without pay exceeding seven calendar days.
3. Seniority shall not be credited for any period during which an employee is retained in error out of seniority order.

### **SENIORITY IN A CLASSIFICATION THAT CAN BE COUNTED**

1. Absence with pay (except that seniority for any such absence resulting from disability not incurred in the line of duty shall be limited to a maximum of one year).
2. Service in a classification during a probationary period shall be credited to that classification if the probationary period is not completed because of a layoff or termination and employee is reinstated from the reserve list.
3. Absence on leave for the following:
  - Active service in the U.S. armed forces
  - To receive veterans' educational benefits

- Service in the Merchant Marine
  - Service in the U.S. Peace Corps
4. Absence on leave made necessary by disability incurred in the line of duty (normally employees will be on workers' compensation).
  5. Absence on leave for the purpose of loaning the employee to another governmental agency engaged in work of interest to the City.
  6. Seniority shall be credited for any period that an employee is laid off if it is found that the employee should have been employed during that time.
  7. Every employee retiring from City service on disability or voluntary service retirement shall be considered as being on leave of absence with seniority from the effective date of their retirement, as designated in his/her application for such retirement, to the date upon which the board of administration acts upon such application.
  8. For seniority purposes, half-time or part-time employees are counted as if they were regular full-time employees.

**CITY ATTORNEY**  
**LAYOFF APPEAL PROCEDURE**

The City Attorney Personnel Department will use the following procedure in addressing all layoff appeals:

1. Any tenured City Attorney employee who has been laid off in accordance with Charter Section 1050 may make a written appeal to the Review Panel requesting it review the layoff as to regularity of procedure. Regularity of procedure in this case refers to the computation of layoff or displacement seniority and the application of this seniority in accordance with the City Attorney Layoff Process.
2. Written appeals against a layoff must be filed with the Review Panel within five calendar days after the effective date of the layoff. The written appeal must include: the signature of the employee or their authorized representative, mailing address, telephone number, and a clear detailed statement of the nature of the irregularity of procedure.
3. Appeals questioning the necessity for layoffs will not be accepted. This includes challenges against layoff for lack of funds, lack of work or abolishment of positions.
4. All appeals concerning layoffs shall be referred to the City Attorney Personnel Division for administrative review. After an investigation, staff of the City Attorney Personnel Division will submit a written report to the Review Panel with copies made available to the affected employee or their representative.
5. The City Attorney Personnel Division will refer all layoff appeals to the Review Panel. All matters referred by the City Attorney Personnel Division to this Review Panel will be reviewed in compliance with the City Attorney Layoff Process. The Review Panel will consist of up to two (2) members of the Executive Staff and/or the Civil and Criminal Branch Chiefs and one (1) Personnel Division Manager.

After considering the merits of the appeal the Review Panel shall either:

1. Find that there has been no irregularity of procedure and deny the appeal, **or**
2. Find that there is evidence of procedural irregularity and take the appropriate action to correct the matter.

If it is determined after an appeal has been considered that the layoff is incorrect, the City Attorney shall take the following steps:

1. Notify the employee that the layoff was in error and reinstate them.
2. Notify the employee who was laid off in error his/her salary will be adjusted for the period in which he/she was incorrectly excluded from performing the duties of his/her classification.

3. Notify the employee that his/her seniority will be correctly adjusted.
4. Notify the employee who was laid off that his/her seniority will be adjusted in accordance with the determination of the Review Panel.