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## **ARA 7.06 LAYOFF, RECALL, AND REDEPLOYMENT**

### **A. Layoff Overview**

A layoff is defined as the separation of an employee in the classified service due to the elimination of a position, lack of funds or curtailment of work. In the event of a layoff, it is the goal of the Auditor's Office to minimize negative effects on operations and maximize employment opportunities for laid-off regular employees by offering the opportunity to accept part time, seasonal, and temporary positions, if available and appropriate.

Employees in positions outside the Auditor's Civil Service do not have layoff or recall rights. Non-represented employees do not have the option to bump.

### **B. Layoffs**

All layoffs must comply with this rule and be approved by the City Auditor.

1. Before approving a layoff, the City Auditor must consider transferring employees to vacancies, eliminating vacant positions, and/or transferring employees into positions held by temporary employees. Temporary employees in a classification within the Auditor's Office must be terminated before a permanent employee is laid off.
2. After the City Auditor approves a layoff, Operations Management will provide written notice to the affected employee(s), as far in advance of the effective date of the layoff as possible.
3. A non-represented Auditor's Office employee who is scheduled for layoff will be placed first in any declared vacancy in the employee's current classification within the Auditor's Office, if they are qualified for the position. If no declared vacancies exist in the employee's classification for which the employee is qualified, the employee will be placed in any position in the affected employee's current classification within the Auditor's Office occupied by a temporary employee.

4. If more than one non-represented employee in the Auditor's Office is in a classification for which a layoff is required, the Auditor's Office will consider the following factors when determining which employee(s) will be impacted:
  - a. The needs of the Auditor's Office, in terms of the types of positions and special knowledge, skills, and competencies necessary to accomplish its work, and the qualifications of the affected employees in terms of needed special skills and expertise.
  - b. The overall performance of the affected employees.
  - c. The seniority and overall performance of the affected employees. The Auditor's Office will determine seniority in accordance with [City Human Resources Administrative Rule 7.06 – Layoff & Recall](#).

### **C. Safety Net Voluntary Layoff Program**

Consistent with the City's Safety Net Program, during an emergency or fiscal crisis, the City Auditor may enter into agreements with Auditor's Office employees to allow such employees to voluntarily layoff and receive healthcare benefits for three months. An Auditor's Office employee must have Division Director approval to be eligible for a voluntary layoff.

### **D. Redeployment**

It is in the interest of the Auditor's Office to place affected employees into vacant positions if possible. While this Section does not guarantee placement, it is the intent of the Auditor's Office to redeploy affected employees in lieu of layoff whenever possible.

1. Non-represented employees whose employment is impacted due to fiscal emergencies, reorganizations, and/or decreases in City revenues are eligible for redeployment. If such an employee cannot be reassigned within the Auditor's Office, the Auditor's Office and Bureau of Human Resources will make an effort

Citywide to re-deploy the impacted employee into an existing vacant position in their current classification, or to any other vacant position in the City, provided the employee is qualified to perform the work. The employee has no guarantee however, of a position in another bureau.

2. The City Auditor has discretion to:
  - a. Place a hiring freeze on Auditor's Office classifications until affected employees have been considered.
  - b. Grant exceptions to an existing hiring process for internal hiring of affected employees.
  - c. Waive the competitive process for participation in a training plan.
3. Hiring managers are expected to be full participants in the redeployment process, and are required to interview all qualified affected employees and give them priority consideration when filling vacancies. Hiring managers retain discretion to extend a job offer to the most qualified candidate, even if that person is not in the redeployment program.
4. Operations Management will work with the Bureau of Human Resources to coordinate the redeployment program, including to:
  - a. Give employees information about the redeployment program and appropriate vacancies.
  - b. Provide names and qualifications of employees to the hiring manager for consideration when filling vacancies.
  - c. Allow employees to participate in limited recruitments while they are in the redeployment program.

- d. Inform employees that if they obtain a permanent position through redeployment, their name will not be placed on the layoff list for recall to their former position.
5. Employees who receive a regular appointment to a regular position through the redeployment process have no recall rights to the Auditor's Office or their former classification.

#### **E. Recall Lists**

1. Impacted employees, at their discretion, may be placed on the recall list for their current classification.
2. Operations Management will coordinate placement on the recall list and will send a confirmation letter to the employee confirming their placement on the recall list. Each employee who is placed on a recall list is responsible for providing Operations Management with their current mailing address and phone number(s).
3. Employees will be placed on a recall list for the classification from which they were laid off for the following period of time:
  - a. For a period equal to the length of their total City service, but in no event less than three years or more than five years; or
  - b. Until recalled to the classification from which layoff occurred or removed from the recall list under this rule. An employee may be removed from a recall list for reasons that would have resulted in discharge from active employment.

#### **F. Recall from Layoff**

1. Non-represented employees laid off by the Auditor's Office are only eligible for recall to positions within the Auditor's Office.

2. When the Auditor's Office wishes to recall an employee from the recall list and the recall list contains multiple employees in the classification of the vacancy, the Auditor's Office will use the following factors to determine which employee to recall:
  - a. The needs of the Auditor's Office, in terms of the types of positions and special knowledge, skills, and competencies necessary to accomplish its work, and the qualifications of the affected employees in terms of needed special skills and expertise.
  - a. The overall performance of the affected employees.
  - b. The seniority of the affected employees.
3. If no employee is recalled due to a lack of specific skill or knowledge, Operations Management must state, in writing, what qualification(s) the laid off employee lacks, for approval by the City Auditor. The employee will remain on the recall list for the next declared vacancy during their term of eligibility.
4. Recalled employees are entitled to accrue and use leave quotas immediately upon rehire and are not required to exhaust the eligibility period required under applicable administrative rules. Upon recall:
  - a. Any sick leave accruals carried on the books at the time of separation will be reinstated. Dependent care leave hours are part of the employee's total sick leave accruals, so upon recall, the employee will be eligible for up to 104 hours of dependent care leave, depending on the total number of hours of sick leave reinstated. If an employee is recalled within the same calendar year, the number of available dependent care hours will be reduced by any hours previously used in the year.
  - b. The employee will be credited with three personal holidays, except that if the employee is recalled during the same calendar year in which they separated, the employee will not receive any additional personal holidays for the year.

## **G. Outplacement Services**

Outplacement services may be available to assist employees who are facing a layoff. If layoffs become necessary, Operations Management will give employees information about available outplacement services.

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### **Auditor's Office Administrative Rule Information and History**

Questions about this administrative rule may be directed to the [Auditor's Office's Operations Management Division](#).

Adopted by the City Auditor December 11, 2017.

Adapted from:

[City Human Resources Administrative Rule 7.06 – Layoff & Recall](#). Adopted by Council on March 6, 2002 (Ordinance No. 176302). Last revised February 13, 2019.

[City Human Resources Administrative Rule 7.04 – Redeployment](#). Adopted by Council on March 6, 2002 (Ordinance No. 176302). Last revised February 15, 2018.

Section C is adapted from the City of Portland's Safety Net Program.

Revised by the City Auditor on October 5, 2020, as an interim rule effective for not more than 180 days.

Amended by the City Auditor after a 30-day public comment period on September 29, 2022.