



## Reduction-In-Force Frequently Asked Questions

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The following Questions and Answers are general and do not apply to a specific bargaining unit or MOU. Please be sure to check the MOU that applies to your classification. Additionally, this does not apply to at-will positions. The County has established a website to assist employees affected by reduction-in-force actions. For additional resources, please click on the following link: <http://www.stancounty.com/personnel/rif.shtm>.

### **1. How does a RIF occur?**

A reduction-in-force (RIF) occurs when there is a need to reduce positions within the County. This typically occurs when funding for these positions can no longer be sustained due to a loss of a grant, recession, or service level decreases. Departments identify those positions that can no longer be funded. Deleting a position requires approval by the Board of Supervisors. This is typically completed through the Board agenda item process. Board agenda items can be found at <http://www.stancounty.com/bos/>. The agenda item will specify the classification by level, the number of affected positions, and position numbers. The name of individual incumbents affected is not included in the agenda item, and position numbers are picked by function or randomly. If your position number is listed in the agenda item, you may not be the individual affected by the RIF action.

### **2. Who keeps the employee informed of his/her options during a RIF?**

The Chief Executive Office develops the reduction-in-force seniority lists and works with the Department to analyze options available to all employees. The Department will notify the employee of the initial meeting to discuss the reduction-in-force action. The meeting will be with both the Chief Executive Office and the Department. The rights of the employee will be explained in writing. A representative from the CEO's Office or a County Departmental Human Resources Manager will be assigned to assist the employee in understanding and exploring available options within the County. During this time, the Department's human resources staff is available to assist and answer questions.

### **3. If there is a difference between the MOU and Personnel Policies which applies?**

The MOU supersedes the Personnel Manual. Once the MOU provisions are applied the Personnel Policy is then applied.

### **4. What time is counted towards seniority?**

Seniority calculations are based upon the provisions contained in each MOU. In general, for non-public safety classifications, employee seniority is calculated by all continuous service in a regular full-time position with Stanislaus County, regardless of the classification or department as described by the MOU. Time spent in another public entity (for example, San Joaquin County) does not count towards seniority in the case of a reduction-in-force. Employees should refer to his/her individual MOU for the specific provisions applied to the classification.

**5. Is FMLA time deducted?**

FMLA time is not deducted automatically for seniority purposes. However, unpaid time off of more than 60 days may be deducted depending on the MOU.

**6. Does the employee find out where he/she is on the seniority list? Are other employees aware of the seniority status?**

Affected individuals are notified of their seniority calculation based upon the specific MOU provisions. Seniority lists contain confidential personnel information and are subject to frequent modification based on staff changes and are therefore not published or made public record. If an affected individual does not believe the seniority calculation is accurate, the individual has seven (7) days from the date of notice to appeal the seniority calculation to the Chief Executive Office.

**7. Should the employee complete a transfer application?**

The assigned Human Resources representative can assist the employee in determining the most efficient method of transferring. However, in general, the employee will need to complete the electronic application located at [www.stanjobs.org](http://www.stanjobs.org). If a promotional opportunity exists during this time, the employee will need to apply and participate in the recruitment process. Transfer opportunities during a RIF, apply only to lateral and demotions based upon the specific MOU provision.

**8. Can an employee promote during a RIF?**

Promotional opportunities are only available from an open or County recruitment process. If the employee is interested in an available promotional opportunity, he/she would need to complete a County application form and submit it before the final filing date.

**9. How does the employee know if taking another position is considered a demotion?**

The Departmental Human Resources representative can assist in determining if an open vacancy is considered a demotion, lateral, or promotion. In general, compare the top step of each position. If the top step is lower than the top step of the employee's current classification, it is considered a demotion.

**10. Why can't the employee demote during a RIF and keep his/her current salary?**

A reduction-in-force is put into place due to budget constraints requiring the County to save money. Demotions are guided by personnel policies, stating that in a demotion an individual "shall have his/her salary reduced to the salary in the range for the class of position to which he/she has been demoted next lower than the salary he/she received before the demotion." In many cases, this is a minimal dollar amount.

**11. How does an individual "bump" someone else?**

Individual rights are detailed in writing to the employee, if they are to be part of a RIF. If the employee has the right to "bump" another employee, he/she will be notified of the process and time frames. Generally, the employee will notify the CEO's Office in writing of his/her

desire to exercise his/her "bumping" rights and the CEO's Office will inform the affected individual who is being "bumped."

**12. When are bumping rights shared with the employee?**

The employees bumping rights are normally shared with the employee during the employee meeting.

**13. How does bumping across departmental lines occur?**

Employees can only bump across Departmental lines if an employee in another Department is on initial County probation and if the position is in the same classification or lower classification within the same series and bargaining unit. This applies to the SCEA and SEIU MOU's.

**14. What if the employee chooses to exercise his/her bumping rights but is concerned about the reaction of other employees?**

Invoking bumping rights occurs frequently in a reduction-in-force. Employees are encouraged to make decisions that best meet their individual situations. County policies specifically prohibit discourteous treatment or harassment in the workplace.

**15. If the employee transfers to a new County department in the same classification, does he/she go back on probation?**

Most County departments utilize the County's policy on departmental probationary period of six (6) months. Probationary periods are communicated in writing to employees.

**16. If the employee decides to transfer to another position before the RIF occurs and fails Department probation, does the employee still have the right to bump if that would have been offered?**

If the employee fails the Department probation, he/she may elect to return to the original Department and exercise any bumping rights he/she may have and the employee's name will remain on a reemployment list.

**17. Does an employee need to serve a new probationary period if he/she returns to the RIF'd position that he/she already achieved permanent status?**

No, the employee will retain property rights and return to the same step in which they left, or using promotional rules, whichever is better for the employee.

**18. If a department requires a background check does the employee need to complete the background process?**

The background process will apply for each department requiring one. However, during a RIF process, most departments move as quickly as possible on the background process.

**19. Do employees have a right to future employment with the County?**

Employees who have obtained permanent status in their classification will be placed on a re-employment list for future vacancies in the same Department and classification the employee was in at the time of the reduction-in-force. Permanent status must be obtained prior to the effective date of the reduction-in-force.

**20. If a vacancy occurs after the RIF, will the position be offered to someone who left due to the RIF?**

Re-employment lists are used in the order of seniority after a reduction-in-force to fill funded vacancies. Currently re-employment lists are in effect for specific timeframes as identified in each individual MOU. This specific information is provided to each employee impacted at the time of the reduction-in-force.

**21. How long does an employee stay on the re-employment (re-instatement) list?**

The employee may be eligible to stay on the re-employment list for the time specified in each MOU even if he/she separates from the County or takes another position with the County. The list will be managed by the Chief Executive Office. The re-employment list is for the classification and department the employee was in at the time of the RIF.

**22. Will the employee be informed of where they fall on the re-employment list?**

An authorized Human Resource Manager can inform the employee where he/she falls on the list. The entire list is not provided. This information may be provided only after the effective date of the RIF. This list is constantly changing due to retirements, job placements, and/or resignations.

**23. If an employee changes his/her status to extra-help based on a reduction-in-force and is later restored to full-time, will the hours worked as extra-help count toward his/her retirement?**

Extra-help employees participate in the PARS Retirement System. This is a different retirement program from StanCERA that full-time employees participate in. However, if the employee returns to work full-time, the employee may be eligible to buy back the hours they worked as extra-help. Employees who are rehired/reinstated with the County are encouraged to confirm their membership status and retirement tier reinstatement options with StanCERA

**24. If an extra-help employee returns to full-time, will he/she be reinstated at the retirement level obtained prior to the RIF?**

If the employee is reinstated full-time, he/she would return at the same tier they were in at the time of the RIF. However, the age of entry may change if the employee was part-time for more than six months after the date of the RIF. In general, current legal standards allow rehired employees the opportunity to reinstate into their former retirement tier as long as the individual member either has left his/her retirement contributions on deposit since his/her prior period of County service or elects or completes the redeposit of withdrawn retirement contributions plus applicable interest. The membership tier will depend on the employees/member's individual circumstances and prior retirement selections. Employees who are rehired/reinstated with the County after January 1, 2011 are encouraged to confirm his/her membership status and retirement tier reinstatement options with StanCERA.

**25. What happens if the employee is just days away from reaching the next step and is now getting demoted due to the RIF?**

This would be addressed by each Department Head on a case-by-case basis. If the employee is reinstated, the Department has the discretion to grant credit for prior service hours. The Department may choose to grant the step increase if the employee meets the one-year equivalent of service.

**26. What is the cash out process for RIF employees? Does the employee receive the last payout in a separate check or is everything combined in one check?**

Generally, eligible accrual balances are cashed out on the employee's last paycheck. If the employee wishes to have his/her accruals cashed out on a separate paycheck, the employee may contact the Payroll Office at 525-6398. The employee may also request to deposit his/her cash outs into his/her deferred compensation. The last pay check(s) is paid out during the normal payroll cycle.

**27. What happens to vacation time balances upon termination of employment for employees impacted by a reduction-in-force?**

Vacation time cash out is 100% at the time of termination or change in employment status from full-time to part-time.

**28. What happens to sick time balances upon termination of employment as a result of a reduction-in-force?**

Sick leave cash out is determined by the MOU. Please refer to the individual MOU for additional information or check with your Human Resource Manager.