

CPPW makes the following updated proposal on Reductions in Workforce and Layoffs on June 27, 2024. CPPW reserves the right to modify or adjust as negotiations continue so long as no TA has been reached. CPPW updated this proposal in response to negotiations over the OMF restructuring and what we anticipate may occur as additional departments and divisions at the City restructure due to the voter-initiated city-wide changes in the immediate future or due to any other change that may occur that affect the positions of CPPW members.

NOTE: Much of the language here is drawn from the PROTEC and the DCTU contracts.

ARTICLE ____
REDUCTIONS IN WORKFORCE AND LAYOFFS

Section 1, Prior to reductions in workforce.

(a) In the event that City economic indicators demonstrate the need for layoffs within the bargaining unit, the City shall notify the Union and set up a meeting between the City, Bureau Director, and the Union to discuss the economic impacts and alternatives to layoffs

(b) Additionally, the Union has the right to meet with Bureau Directors to discuss the Bureau's financial health. Upon receipt of the Union's meeting request, the contacted Director has two business weeks to set up and conduct the meeting.

(c) If economic indicators demonstrate the need for layoffs, the City must conduct a Span of Control study to determine if managers and supervisors have fallen below direct report thresholds, the City will then take appropriate steps in selecting managers and supervisors for layoff;

(d) The City and the Union mutually agree to put forth a good faith effort to arrive at alternatives to layoff and to try to come to agreement on alternatives.

1. Alternatives to layoffs that may be considered for cost savings may include but are not limited to:
 - i. Accept a vacancy outside home bureau;
 - ii. Temporary reduction in schedules;
 - iii. Participation in State or Federal programs, like Workshare;
 - iv. Extended temporary leave with benefits;
 - v. Furloughs;
 - vi. Severance incentives;
 - vii. Healthcare incentives for early retirement;
 - viii. Early retirement incentives through employer PERS contributions; and
 - ix. Retraining programs.

Section 2, Reorganization and Restructuring.

1. The City will notify the union of any proposed organizational restructuring or reorganization in City bureaus or teams that may affect CPPW members at least 90 days in advance of implementation.

2. In the event of a restructure or reorganization, the City must make every effort to retain the CPPW members who performed the work prior to the restructure or reorganization.
3. All changes that may lead to layoffs, reduction in hours, a transfer of the work to another department or division of the employer, or changes to working conditions are subject to collective bargaining.
4. Unless the affected staff member's original position is maintained with new work within their classification assigned to the member, the City shall either:
 - a. move the member to the new department or division of the employer where the member's work has migrated or;
 - b. offer the member appointment to a new position.
5. If the affected staff member requires additional training in order to perform the work after the restructure or reorganization, that training will be provided by the City.

Section 2, Layoff.

(a) In the event of a layoff for any reason, employees shall be laid off in the inverse order of their seniority in the classification in which the work force is being reduced subject to the stipulations in the remainder of this Section. No layoffs or reduction to a lower classification shall be executed as long as there are temporary employees serving within the affected classification.

(b) Seniority will include a weighted system to support an engaged and diverse workforce at the City.

Along with length of service, 1 additional point (equal to one year length of service) shall be granted for the following employees:

- i. Union stewards, bargaining team members (during times of active contract negotiations), and elected Union leadership.
- ii. Union members that are also elected leaders of the DEEP leadership council, named leaders of Employee Resource Groups, and regular participants in Employee Resource Group committees and subcommittees as determined by each Employee Resource Group. DEEP and Employee Resource Groups will be asked to provide this information about current leaders and participants at the request of HR or the Union.
- iii. Union members that qualify for language differential pay.
- iv. Union members are on their Bureau's equity team or work group (both in a staff or a volunteer capacity).

The employee's seniority is then a "weighted seniority" considering the above four factors, in addition to their length of service.

(c) A tie in classification seniority shall be broken and greatest seniority determined first by the highest score on the eligible list from which appointment was made; if a tie remains, then, the greatest length of service with the City; if a tie remains, then, the

date and time of receipt of the application by the Bureau of Human Resources; if a tie remains, then, by random draw.

Section 3, Seniority Protection.

(a) When an employee is laid off due to a reduction in the work force that employee shall be permitted to exercise seniority rights to replace other employees in the sequence described below, providing such employee has greater seniority than the employee who is being replaced, and further providing the employee is qualified to perform the work and meets the skills, knowledge and ability requirements for the position which have been designated in existing classification specifications. Any disagreement as to the qualifications of employees in regard to this section may be taken up through the grievance procedure.

(b) All employees who are reassigned based on an exercise of seniority rights will be given 14 business days notice before the transition takes effect.

(c) A part-time or job share employee shall have seniority rights as described in Section 2 and Section 3 above except that a part-time or job share employee shall not displace a full-time employee.

(d) Process.

Step 1. The employee is placed in a vacancy in the same classification within the employee's assigned bureau.

Step 2. If no vacancy in the same classification exists in their bureau, the employee is placed in a vacancy in the same classification within the Service Area.

Step 3. If no vacancy in the same classification exists within the Service Area, the employee is placed in a vacancy in the same classification City-wide.

Step 4. If no vacancy in the same classification City-wide exists, the employee displaces the least senior employee in the same classification in the employee's bureau.

Step 5. If no employee with less seniority in the same classification exists in the bureau, the employee displaces the least senior employee in the same classification in the Service Area.

Step 6. If no employee with less seniority in the same classification exists in the Service Area, the employee displaces the least senior employee in the same classification City-wide.

Step 7. If no employee with less seniority in the same classification exists City-wide and the employee previously held status in another classification, then steps 1 – 6 are repeated for that specialty.

Step 8. If no vacancy in the same classification City-wide exists and the employee previously held status in a lower classification, then steps 1 – 6 are repeated for that specialty.

Step 9. If the employee exhausts all options in steps 1-6 then they are laid off.

Section 4, Layoff Due to New Technology.

- (a) In the event of adoption of a new technology which, because of a lack of qualifications of employees, may result in the layoff of employees or in the creation of a new job classification, the employer shall first implement retraining programs and other methods which might exist to reduce the impact on employees before layoffs are considered.
- (b) The City must demonstrate to the Union a reasonable inability or lack of capacity to retrain, relocate, or reassign employees before initiating layoffs.

Section 5, Layoff Resources.

- (a) If an employee is laid off under the provisions of Article __, Section 3 and has no seniority protection options available under this Article, they may request the following assistance from their Bureau's Human Resources Business Partner within seven (7) calendar days of receipt of notice that there is no position available to which the employee is qualified to fill, and the employee will be subjected to layoff.
- (b) The Bureau of Human Resources will provide the following assistance to place the employee in any vacancy for which the employee possesses the required qualifications:
 - 1. Assess the employee's qualifications.
 - 2. Review the employee's resume and provide feedback. Assist the employee to revise their resume if requested.
 - 3. Provide the employee with information on the recruitment process.
 - 4. Inform the employee of appropriate vacancies.
 - 5. Allow the employee to participate in limited recruitments.
 - 6. Provide the name and qualifications of the employee to hiring managers for consideration when filling vacancies.
 - 7. Hiring bureaus will be required to interview qualified candidates and give them priority consideration when filling vacancies.
- (c) This assistance, if requested, will be provided until the employee is recalled

under the provisions of this Article or for a period of eighteen (18) months from the date of the final notice of layoff whichever occurs first. This assistance does not guarantee that the employee will be placed in a vacant City position.

- (d) If the employee obtains a permanent position with the assistance described above, their name will be removed from the layoff list for recall to their former position.

Section 6, Recall.

- (a) Laid off employees reappointed to bureaus other than the one from which they were laid off shall remain on a bureau reemployment list, in weighted seniority order, for certification to their original bureau, unless they shall waive in writing such certification. The right to be so certified shall remain in effect until they shall have acquired seniority equal to the seniority they had in the bureau from which they were laid off.
- (b) Employees that have been transferred as a result of a layoff, shall have the right to transfer back to their former classification in their former bureau or division from which they were transferred, if the City is going to reemploy an employee in that classification in that bureau or division.
- (c) No new employee shall be hired in any classification affected by layoff until all employees on layoff status in that classification have had an opportunity to return to work.
- (d) The transfer back shall be on a strict City-wide seniority basis in the classification of the employee at the time the transfer occurred.
- (e) The City shall re-employ laid off employees in a strict seniority basis for the classification from which the employee was laid off.
- (f) Employees who were displaced to a part-time position as result of a layoff shall have the right to be called back to a full-time position.
- (g) Employees shall be placed on a recall list for the classification from which layoff occurred, for five years, or removal as defined in Section 5.i below, whichever occurs earlier.
- (h) On re-employment of laid off employees, the City shall notify employees by Certified Letter, with a copy to the Union, mailed to their last known address. Employees shall have five (5) days from receipt to report their intentions to the City and shall report to work within two (2) weeks after notification to the City.
- (i) Reappointment to the classification from which the employee was laid off, or refusal of appointment by the employee to a bona fide recall, shall result in the employee's removal from the recall list and right to recall, except that an employee recalled to a bureau other than that of layoff may opt to remain on the recall list for the bureau from which they were laid off.

Section 7, Benefits Upon Layoff/Recall.

- (a) Leave accruals upon recall shall be administered in accordance with Human Resources Administrative Rule 7.06.
- (b) Sick Leave accruals for laid off employees will remain in a bank for 5 years

after official layoff notice and fully reinstated upon obtaining a position (regular, part time, or temporary) with the City.

- (c) Employees who leave City employment due to workforce reductions shall be permitted to transition sick leave to vacation leave per Article _____. Upon final allocation of leaves, employee will be paid for all vacation leave, deferred holidays, personal days, and comp time accruals.