

Livingston County Michigan Human Resources Policy Manual

Section: Subject:	Workforce Reduction
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A. POLICY

1. PURPOSE:

Appropriate staffing is critical to the County's mission to "Identify, coordinate and implement programs, services and projects that address the needs of the Livingston County Community in the most ethical, equitable, efficient, economical and democratic means possible." As such, there may be occasions when it becomes necessary to reduce the workforce of Livingston County. Reasons for workforce reduction include, but are not limited to economic need, consolidating facilities, restructuring of operations, combining of departments or functions, and streamlining or eliminating departments, functions, or jobs.

2. POLICY STATEMENT:

The decision by a department to make a reduction in workforce requires a thorough evaluation of the need for specific positions and the relative qualifications of the employees so that the County can provide the highest level of service possible with a smaller workforce. Before implementing, the department director will perform an evaluation of the department's resources and staffing to determine if a workforce reduction should be made.

The department director will review and discuss the proposed reduction in workforce with the Finance Committee.

The decision to reduce a department's total workforce will be made at the sole discretion of the Livingston Board of Commissioners.

This policy cannot be used to remove an employee when the reason for doing so is inadequate performance, poor attendance, or misconduct. Such issues must be addressed through a performance review or disciplinary process.

Employees laid off from Livingston County under the Workforce Reduction policy may be eligible for unemployment benefits as determined by the State of Michigan Department of Consumer and Industry Services Bureau of Workers' and Unemployment Compensation.

At-will Employment:

Livingston County is an at-will employer. Either the employee or the County may terminate the relationship at any time, for any reason, with or without notice. Neither the County's policies, practices, nor its employee handbooks are intended to alter an employee's at-will relationship.

Voluntary Workforce Reduction:

The department director may allow employees to volunteer for layoff status in lieu of another employee who is slated to be separated by the Workforce Reduction Program.

3. APPLICABILITY:

This policy applies to non-union County employees who are classified as Regular Full Time Employees, Regular Part Time Employees Twenty-one (21) to Twenty-nine (29) hours per week, and Twenty (20) hours per week or less.

Temporary employees, employees with time-limited appointments, and employees funded through grant programs may also be laid off following this policy.

Union employees should consult their individual labor agreements for specific provisions related to layoff and recall.

This policy does not apply to those employed where the County is a co-employer.

4. DEFINITIONS:

Workforce Reduction is an action to reduce the number of employees in a department or at the County overall. Reasons for a reduction in force may include, but are not limited to reduced funding, reorganization and/or changed workload.

Voluntary Workforce Reduction is a reduction in force in which employees in selected task areas are allowed to volunteer for layoff. A voluntary workforce reduction means an employee will not be automatically disqualified when applying for unemployment compensation, as is usually the case when an employee voluntarily terminates employment. Individual employees must still meet the eligibility requirements of the Unemployment Compensation program in order to receive benefits.

Seniority is the length of CONTINUOUS service within the COUNTY. For employees hired on the same day in the same classification, seniority shall be determined by identifying the greater sum of the last four (4) digits of each employees' social security number. The employee with the greater number has more seniority.

5. REFERENCE AND LEGAL AUTHORITY:

COBRA

Michigan Supreme Court Administrative Order No. 1998-5 - Chief Judge Responsibilities and Intergovernmental Relations

6. SEE ALSO:

7. SUPERSEDES:

Any departmental policy and procedure relative to the same subject matter.

8. APPROVED BY:

Personnel Committee: 10/14/09

Finance Committee: 10/21/09

Board of Commissioners: 11/02/09

9. RESOLUTION:

No. 1105-436 (11/21/05) AMENDED No. 0306-086 (3/06/06)

AMENDED No. 2009-11-332 (11/02/09)

10. REVIEW HISTORY:

Personnel Committee: 11/02/05

Finance Committee: 11/10/05

Board of Commissioners: 11/21/05; AMENDED 03/06/06; AMENDED 11/2/09

B. PROCEDURE

Staffing and reduction in force decisions should be made on the basis of factors which relate to the function of the department. Operating efficiency and programming needs will determine in what order employees will leave their positions. The decision as to which employee(s) must be laid off is determined at the department level, subject to presentation and review of Finance.

In preparation for the Finance committee meeting, the affected department will further analyze:

- The duties and responsibilities of remaining program services and activities;

- The knowledge, skills, and abilities required to accomplish these duties and responsibilities; and
- The personal characteristics (including possession of applicable registrations/certifications/licenses/educational degrees, and seniority) of current employees.

ONCE A DEPARTMENT IDENTIFIES THE AFFECTED CLASSIFICATION(S), CONTINUOUS COUNTY-WIDE seniority shall prevail in the workforce reduction, provided that the senior employee(s) retained have the necessary experience, qualifications, skill and ability to perform the remaining work as determined by the County. Assistance in implementing this process is available from Human Resources.

Every reasonable effort should be made to give employees as much advanced notice as possible. Except in cases of extraordinary circumstances, two (2) weeks notice shall be provided. Employees may receive two (2) weeks pay in lieu of being required to report to work at the discretion of the department director.

The notice should include:

- Employee's last day of active work.
- Date the layoff will begin.
- Amount of all accumulated and unused vacation to be paid.
- Instructions for the staff member to contact Human Resources for information about staff benefit's continuation, counseling and review of available vacancies.
- A copy of the Workforce Reduction Policy should be included with the notice.

Bumping:

Bumping by a laid off employee shall be limited to within the department from which the employee was laid off and is within the sole discretion of the department director. The bumping employee must meet all requirements for a position at the time of the bump, and must have more seniority than the employee being bumped from their position. Where an employee not originally slated for layoff is bumped from their position, they shall be treated as a laid off employee for purposes of this policy.

Voluntary Workforce Reduction:

The Department Director may allow employees to volunteer for layoff status in lieu of another employee who is slated to be separated by the Workforce Reduction Program. Employee participation in the voluntary layoff program is not an entitlement and is subject to the discretion of the department director. Generally, requests for accepting a voluntary layoff will not be posted and each volunteer's request will be reviewed on a case-by-case basis.

Volunteering for layoff under this policy is strictly a voluntary action on the part of any employee to whom this option is offered. Such employee shall not be forced or coerced in any way to volunteer for a layoff. Employees who volunteer for a layoff will be treated in the same manner as an employee who was involuntarily laid off for purposes for reemployment and benefit eligibility. Volunteers will sign a statement that they realize the decision is irrevocable. The County may cancel the reduction in workforce as necessary.

Reemployment:

Employees experiencing a layoff due to workforce reduction may apply for all externally advertised positions for which they are qualified.

If a former employee is re-employed, they will receive the same benefit package that is offered to new hires at the time of their re-employment. There will be no entitlement to prior retirement benefit(s) and leave banks and previous service credit for leave banks will not be reinstated.

An employee laid off by workforce reduction is paid for accumulated vacation leave in the same manner as other terminations of employment. Continuation of other benefits will also be consistent with other terminations.