

RESOLUTION 2013-07

**A RESOLUTION AMENDING SUBSECTION 9.E, REDUCTION-IN-FORCE, OF SECTION 9, CAREER PLANNING AND PERFORMANCE MANAGEMENT, OF THE PERSONNEL POLICIES AND PROCEDURES MANUAL (ELIMINATING "BUMPING RIGHTS")**

WHEREAS, the Tooele County Commission finds it necessary to revise and update the County's Reduction-in-Force (RIF) policy to eliminate "bumping rights."

NOW, THEREFORE, BE IT RESOLVED BY THE TOOELE COUNTY COMMISSION that Personnel Policies and Procedures Subsection 9.E, Reduction-in-Force, of Section 9, Career Planning and Performance Management, is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

EFFECTIVE DATE: This resolution shall take effect immediately upon passage.

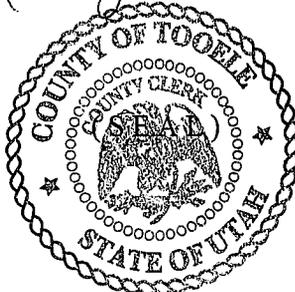
DATED this 2<sup>nd</sup> day of April 2013.

ATTEST:

TOOELE COUNTY COMMISSION:

  
MARILYN K. GILLETTE, Clerk

  
J. BRUCE CLEGG, Chairman



Commissioner Clegg voted aye  
Commissioner Hurst voted aye  
Commissioner Milne voted aye

APPROVED AS TO FORM:

  
DOUG HOGAN  
Tooele County Attorney

**SECTION 9**  
**CAREER PLANNING AND PERFORMANCE MANAGEMENT**

**E. REDUCTION-IN-FORCE:** A department head may separate employees because of lack of funds, curtailment of work, because of the return of an employee taking a leave of absence or who was unsuccessful in completing a promotional probationary period within the same department. No full-time employee shall be separated from a department while there are part-time, emergency, provisional, probationary, or temporary employees serving in similar positions in that department. The decision of the department head to apply a reduction in force is final and not grievable.

1. All employees in a job class that are targeted for a reduction in force (RIF) will be evaluated upon a systematic consideration of length of service and job performance. The Human Resources Director shall identify the names of all employees currently filling the positions proposed for elimination and/or a reduction in force in the department and rank incumbent employees in each position classification according to composite retention points from highest to lowest. In the case of an equal number of composite retention points for two employees, the employee with the greater seniority shall be ranked higher. Retention points shall be calculated for affected employees in three categories, which are seniority, ability, and merit. The maximum number of retention points is thirty-five (35) points for seniority, thirty-five (35) points for ability, and thirty (30) points for merit, for a total of one hundred (100) retention points. The definitions and method for calculating retention points for seniority, ability, and merit are as follows:
  - a. Seniority. Seniority shall be calculated based on continuous service for Tooele County as a career service employee in the employee's current job class within a division of the department. If the department does not have divisions, it shall be based on the continuous service for Tooele County as a career service employee in the employee's current job class within the department. Service time shall not be subtracted for approved leaves. Only complete years of service will be used in computing retention points for seniority. Two (2) retention points shall be given for each year of service as a full-time career service employee. Service as a three-quarter-time or half-time career service employee shall be prorated. In the case where a career service employee's status has changed from or to full-time, three-quarter-time, or half-time in a year, the year shall be computed as a full year based upon what their status was for the majority of the year. Retention points for seniority shall not exceed thirty-five (35) points.
  - b. Ability. Ability is the consideration of knowledge, skills, and abilities such as technical expertise or experience related to job functions remaining after the reduction in force; possession of certifications, licenses, degrees, letters of commendation, or other qualifications related to job functions; versatility and flexibility to perform a variety of job functions; interpersonal skills, including the ability to positively influence the performance of others; and productivity, including quantity and quality of work performed. Employees

are responsible to ensure that their official personnel file in the Human Resource Department contains record of certifications, licenses, degrees, letters of commendation, or other qualifications related to job functions. The department head shall provide a list to the Human Resources Director indicating ability retention points for all employees in positions proposed for elimination or a reduction in force, as well as the justification for the ability retention points. If the Human Resources Director determines that the proposed number of ability retention points cannot be adequately justified, then a committee composed of the Human Resources Director, an attorney from the County Attorney's Office, and an unaffected department head may adjust the ability retention points for any employee on the list. Retention points for ability shall not exceed thirty-five (35) points.

- c. Merit. Merit is evidenced by the average of the three (3) most recent performance reviews (including three-month, probation, trial period, and/or annual reviews). Merit retention points are calculating by adding the final score for the employee's three most recent performance appraisals and then dividing this number by three. For purposes of this Section, a "competent" rating equals 30 points, a "needs improvement" rating equals 20 points, and an "unacceptable" rating equals ten points. For evaluations where a numerical rating score was used, a score of 70 or above shall equal 30 points and a score below 70 shall equal 20 points. If the employee has had fewer than three reviews since the last merit hire date, the score will be based on the average of the available review scores. Each previously documented disciplinary action imposed in the prior three years will result in points being subtracted from the merit score according to the following scale: oral reprimand = -1 point; written reprimand = -3 points; suspension = -5 points. Retention points for merit shall not exceed thirty (30) points.
2. The Human Resources Director and the department head shall identify affected employees and potential bumping rights.
  3. A closed meeting shall be held with the county commission, the department head, the Human Resources Director, and an attorney from the County Attorney's Office. The following guidelines are established for the closed session:
    - a. The department head shall present an organizational chart identifying the position(s) proposed for elimination;
    - b. The Human Resources Director shall present the employee lists, identify employees with the fewest retention points, identify potential employee bumping rights, and certify that assigned job classifications are accurate for affected positions; and
    - c. The discussion shall include projected savings and factors that would mitigate the reduction in force.
  4. The county commission shall provide authorization for the reduction in force and identify the position(s) to be eliminated.

5. The Human Resource Department shall prepare reduction in force notifications for affected employees and provide them to the department head.
6. The department head, and the Human Resources Director if requested by the department head, shall meet with the affected employee(s), provide the prepared notice, and coordinate all further steps with the Human Resource Department.
7. All career service employees reduced in force are eligible for placement on a rehire register for a period of one (1) year. To be placed on a rehire register, the individual must complete a new application for employment and indicate positions and/or departments of interest. The rehire register will be provided to the hiring department along with the competitive recruitment employment register. A selection may be made from either register. The separated individual will be invited to interview for any open position for which the Human Resource Department considers them qualified. Rehired employees' previous years of service will be reinstated.
8. Any employee, other than a part-time employee, who is separated by a RIF will be paid two weeks of severance pay.

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- b. **Ability.** Ability is the consideration of knowledge, skills, and abilities such as technical expertise or experience related to job functions remaining after the reduction in force; possession of certifications, licenses, degrees, letters of commendation, or other qualifications related to job functions; versatility and flexibility to perform a variety of job functions; interpersonal skills, including the ability to positively influence the performance of others; and productivity, including quantity and quality of work performed. Employees

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6. The department head, and the Human Resources Director if requested by the department head, shall meet with the affected employee(s), provide the prepared notice, and coordinate all further steps with the Human Resource Department.
7. All career service employees reduced in force shall be:
  - a. ~~Permitted to use "Bumping Rights." An employee has bumping rights into a position of the same or lower job classification level provided he/she has performed the essential functions of the position at some previous time within the department and will require little or no training to perform the duties again. The employee having the fewest retention points within a job classification is the employee that may be bumped. If bumping into a lower classified position and the employee's salary step is above the maximum of the salary range for the lower classified position, the employee's salary step must be reduced to the maximum of the lower salary range. Bumping rights apply only to the department in which the worker is currently employed.~~
  - b. ~~Separated from employment if no bumping rights exist, if the employee does not elect to exercise bumping rights, or when bumped and no further bumping rights exist.~~
  - e. Placed are eligible for placement on a rehire register for a period of one (1) year. To be placed on a rehire register, the individual must complete a new application for employment and indicate positions and/or departments of interest. The rehire register will be provided to the hiring department along with the competitive recruitment employment register. A selection may be made from either register. The separated individual will be invited to interview for any open position for which the Human Resource Department considers them qualified. Rehired employees' previous years of service will be reinstated.
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