

FILED

DEC 12 2002

LANCASTER COUNTY CLERK

02 DEC 19 AM 11 13

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

REDUCTION IN FORCE POLICY)
APPLICABLE TO NON-UNION)
EMPLOYEES IN THE COUNTY)
CLASSIFIED SERVICE)

RESOLUTION NO. R-02-0154

WHEREAS, the County Board of Commissioners has adopted the Lancaster County Personnel Rules pursuant to NEB.REV.STAT. §§23-2517 to 23-2533; and

WHEREAS, Personnel Rule 14.4(b) states that the Personnel Officer shall establish a uniform procedure for a reduction in force; and

WHEREAS, the Personnel Officer has established a reduction in force policy applicable to non-union employees in the county classified service; and

WHEREAS, the County Board wishes to adopt said policy.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, that the County Board hereby adopts the "Reduction In Force Policy for Non-Union Classified Employees". A copy of said policy is attached hereto, marked "Exhibit A", and incorporated herein by this reference.

DATED this 17 day of December, 2002, at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

[Handwritten signatures of Board of County Commissioners]

APPROVED AS TO FORM
this 17th day of
December, 2002.

[Handwritten signature of Gary E. Lacey]
GARY E. LACEY
County Attorney

COUNTY REDUCTION IN FORCE POLICY FOR NON-UNION CLASSIFIED EMPLOYEES

In compliance with Lancaster County Personnel Rule 14.4, the following procedures apply to a reduction-in-force due to shortage of funds or work, abolishment of position, or other material change in duties or organization. This Policy applies to classified employees, not covered by a labor agreement.

I. GENERAL CONSIDERATIONS

For purposes of this policy a reduction-in-force (RIF) shall mean any reduction in an employee's normally scheduled work week.

No full-time or part-time status employee shall be RIF'd as long as there are provisional, temporary, seasonal intermittent, emergency, on-call, or probationary employees working in the affected classification.

Full-time status employees do not compete with part-time status employees and vice-versa. Full-time employment means employment in a position which does not normally require less than 40 hours work per week. Part-time employees may not retreat into positions which require a greater number of regularly scheduled hours than the employee normally is scheduled to work.

II. HIGHLY SPECIALIZED STATUS

Highly specialized means a unique set of responsibilities or functions not found in any other job description within a class and which no other person in that class could perform those responsibilities without additional extensive experience and training.

III. COMPETITIVE LEVEL.

The competitive level is the class of position to which the employee is regularly assigned and in which he/she performs duties a majority of the time while in a pay status.

IV. COMPETITIVE AREA.

The competitive area is the department in which the employee is regularly assigned, and in which he/she performs duties a majority of the time while in a pay status.

V. DETERMINATION OF EMPLOYEE STATUS.

Once it is determined which positions are to be eliminated, the following criteria will apply:

- A. An affected employee's two most recent annual performance evaluation scores will be averaged to create the employee's average overall performance score.

- B. Evaluations that were due to be administered or that were not submitted to Personnel at least six months prior to the effective date of the RIF may not be used. This is designed to provide for a fair assessment of work over a longer period of time.
- C. An employee with less than two years of service will have the benefit of only 95% of his/her evaluation scores for RIF purposes. For example an average score of 140 for RIF purposes would be 133.
- D. The following categories will be used once the average evaluation score is determined:

- 136 to 150
- 121 to 135.99
- 106 to 120.99
- 90 to 105.99
- 89 and below

For example, a 138 average evaluation score would not automatically take precedence over a 136 average evaluation score because both are in the same category and are therefore, considered equal.

- E. Employees with the highest average evaluation scores by category in the class to be reduced will be retained. If the employees are in the same evaluation score category, seniority will become the determining factor. For example, Employee X's average evaluation score is 106 and Employee Y's average evaluation score is 120. Employee X was hired on 01/01/96 and Employee Y was hired on 01/01/97. Employee Y will be RIF'd because X has more seniority.
- F. If there is a one point or less difference in average evaluation scores *between categories*, seniority will become the determining factor. For example, Employee X's average evaluation score is 106 and Employee Y's average evaluation score is 105. Employee X was hired on 01/01/97 and Employee Y was hired on 01/01/96. Employee Y would be retained even though Y is in the lower evaluation score category because there is only a one point difference in scores causing Y to be in the lower category and Y has more seniority.
- G. Seniority shall be determined by computing total length of continuous service with the County as defined in Personnel Rule 19.12. Service in more than one County department shall count toward total County service.
- H. It is assumed positions are properly classified in accordance with present class specifications. Where certain individuals perform highly specialized work within a class from which a position is to be eliminated, said individuals may be

considered as best qualified to perform the available work, but only after submission of written justification to, and approval of, the Personnel Director.

VI. RETREAT RIGHTS

In the competitive area (department) an employee may retreat (1) to another class related to the competitive level (such as a class series); (2) to a position previously held for one year or more; or (3) to a position presently supervised by the employee, provided the employee is qualified and pursuant to the performance and seniority criteria described in Paragraph V.

An employee will not have retreat rights when the class of position is highly specialized and the employee does not possess the necessary qualifications.

There shall be no retreat rights into bargaining units by non-represented employees and vice versa.

VII. NOTICE OF REDUCTION IN FORCE

In accordance with Personnel Rule 14.4, the Personnel Department and Department Head shall jointly notify employees who are subject to a reduction-in-force at least fifteen (15) calendar days prior to the effective date. The notification shall state the reason for the reduction-in-force and the employee's right to appeal the decision to the Lancaster County Personnel Policy Board within ten (10) days of receipt of such notification.

Employees who are notified of a reduction-in-force must provide the Personnel Director with written notice of their decision to exercise retreat rights within three (3) working days of the receipt of such notification.

VIII. RECALL

A status employee who is subject to a reduction-in-force may request in writing that his/her name be placed on a recall list for the class of the position from which laid off. Recall shall be in reverse order of layoff and shall expire one (1) year from the effective date of the layoff or separation. An individual offered recall to a vacancy in the class of the position from which laid off has the right to refuse the offer and remain on the recall list. Recall lists shall be utilized county-wide and shall not be applicable only to the department from which the employee was laid off.

An employee who is recalled within one (1) year shall have his service time computed back to his original date of employment minus the break in service. Any unused sick leave that accrued up to the date of layoff will be reinstated. Accrual rates for vacation and sick leave will be established at the level based upon the revised service time. An employee who is recalled is eligible for enrollment in the health, dental and life insurance programs without waiting periods and reinstatement in the retirement program.