

# **City and County of San Francisco**

## **Employee Layoff Information**

*Frequently Asked Questions*



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## Introduction

This booklet answers some basic questions about citywide layoffs. It is designed to present complex and detailed information about the City's rules, policies and procedures in a simple and easy to understand format. Given this, not every policy, rule or procedure related to layoffs is covered in this booklet. For more specific information about your rights and benefits, refer to the Civil Service Commission Rules and your collective bargaining agreement.

If you have additional questions, your supervisor or department's Layoff Coordinator can assist you.

We understand that layoffs and their impact can increase your level of uncertainty. Please do not hesitate to contact the City's Employee Assistance Program (EAP) at (415) 554-9580 for assistance or support.

This booklet is also available on the Department of Human Resources' web page ([www.sfgov.org](http://www.sfgov.org)). We will occasionally update this booklet. Please refer to the web page for the most recent version.

**IMPORTANT NOTE:** This booklet is for informational purposes only. If there is any inconsistency between this booklet and the Civil Service Commission Rules or other applicable laws, the later shall govern.



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## **EMPLOYEE LAYOFF INFORMATION**

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### **The Layoff Process**

Generally, a department may eliminate positions due to the lack of work, lack of funds, or the anticipated lack of funds. Particularly during a period of budget shortfalls, layoffs are generally caused by a “lack of funds”. Your layoff notice and separation report will indicate the reason for your layoff.

You may also be displaced (“bumped”) by a more senior employee who was laid off in another City department.

***Question: How did my Department select me to be laid off?***

***Answer:***

Once your department determines it lacks funds to support a particular position, the department identifies an employee for lay off in that class based on appointment status, in the following the following order:

1. Provisional Employees – in any order
2. Temporary Employees from an eligible list – by citywide seniority
3. Probationary Employee – by citywide seniority
4. Permanent Employees – by citywide seniority

Based on this order, all provisional employees in a classification in a department will be laid off before a permanent employee in that class is laid off in a department.

***Question: What is my seniority date and how does it affect my layoff?***

***Answer:***

If you are a permanent, probationary, or “temporary from an eligible list” employee, your seniority date is your “certification date,” the date that the Department of Human Resources certified your name from an eligible list to a department that resulted in your appointment. If you were appointed by reinstatement, voluntary transfer, or by reappointment, your seniority date is the date of notice from the Department of Human Resources. Because the order of City layoffs is based on seniority in a classification, it is the least senior employee who is typically affected by a layoff.



***Question: I wasn't laid off but was displaced ("bumped") by another employee. What is the difference?***

***Answer:***

You are displaced or "bumped" when an employee with more seniority in your class than you, is laid off from another city department. The more senior employee has civil service rights to your job and "bumps" into your position at your department. While every attempt is made to provide you with advance notice of the displacement or bumping, it is not always possible.

## **"Involuntary Layoff" versus "Involuntary Leave"**

Generally, two types of separations are used when a permanent employee is laid off: "Involuntary Layoff" and "Involuntary Leave." The type of separation depends on whether an employee wants to fully separate from city employment and "cash out" unused vacation credits (involuntary layoff). Before making your decision, you should contact your departmental personnel representative.

***Question: I am a permanent civil service employee and I was laid off. My separation report states that I was placed on Involuntary leave -- do I have a choice?***

***Answer:***

Yes, you have a choice. If you are a permanent civil service employee, your department personnel representative will automatically prepare your layoff separation report to place you on involuntary leave. Your involuntary leave status means:

- You must continue your membership in the Retirement System.
- You may **not** cash out any earned and unused vacation.

If you would prefer to fully separate from city service, you may contact your department personnel representative to change your separation to an involuntary layoff.

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***Question: If I am a permanent civil service employee and decide to be on an involuntary layoff rather than involuntary leave, will I lose anything?***

***Answer:***

First, if you request an involuntary layoff, you must make a decision about your contributions in the Retirement System within 90-days of your separation date. The Retirement System will notify you of the available options and specific requirements for reporting your decision. If you return to City service after a layoff, you will be placed in the Retirement plan that became effective in November 1976.

Second, you must cash out all earned and unused vacation. If you return to duty within five years, you will be eligible to earn vacation credits at the rate you had at the time of your layoff.

***Question: If I am a provisional or exempt employee and am laid off, do I have a choice between involuntary leave and involuntary layoff?***

***Answer:***

No, all provisional and exempt employees are placed on Involuntary Layoff.

## **Reemployment Rights**

If you are a Permanent or Probationary employee who is laid off, you are a "Permanent Holdover." You will be placed on a "Permanent Holdover Roster" in order of your citywide seniority in the class from which you were laid off.

***Question: If I am a permanent civil service employee who got laid off, how do I know if I have rights to bump someone in my classification?***

***Answer:***

As a Permanent holdover, you **may** have the right to bump the least senior employee in the class citywide. The Department of Human Resources' Layoff Team will review your employment history and the Citywide Seniority Roster for your classification. If you have a right, based on seniority, to bump another employee, the DHR Layoff Team will inform you that there is an available position in a department. This notification (certification) is an important document that is sent via US mail to your home address and requires your prompt attention.



***Question: What are my options if I am offered a position in my classification and I don't want it?***

***Answer:***

If you refuse a position in your class in the department from which you were laid off, you will be removed from the Holdover Roster for that class. Your refusal of the position is considered a resignation.

If you refuse a position in your class in a different department, you will be placed under general waiver for all future offers of employment in that department. Contact your department personnel representative to get additional information on how to ask for a general waiver.

***Question: What happens to me if I am a provisional or exempt employee who is laid off?***

***Answer:***

Provisional and Exempt employees have no reemployment rights in the class from which they are laid off. However, if you are laid off from a Provisional or Exempt position, and you are on leave from another permanent position, you have the right to return to the class and department from which you are on leave -- you should immediately contact the department from which you are on leave.

***Question: If I am a permanent civil service employee who is laid off, what happens to me if I cannot bump anyone and DHR cannot find me another job?***

***Answer:***

You may remain on the Permanent holdover roster for up to five (5) years. You will be given preference for jobs in your class over current employees requesting transfers and people on the eligible list for your classification.

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***Question: Are there any other options for me if I am a permanent civil service employee who is laid off, cannot bump anyone, and DHR cannot find me a job in my classification?***

***Answer:***

You may be near listed to another class in order to return you to work. The Department of Human Resources Layoff team will identify the layoff classification where people remain on holdover rosters without immediate return to duty opportunities. These classifications will be prioritized for near list analysis. As appropriate near listed classes are approved, you will be contacted for possible return to work options.

## Returned to Duty Issues

***Question: Do I have to serve a new probationary period if I am hired in the same classification by a new department?***

***Answer:***

Reemployment in a permanent position in the same class but in a new department typically requires a new **probationary period**. You should refer to your memorandum of understanding for details. Note: If you are laid off during your probationary period and are returned to the same class and department, you will receive credit for the period of probation served before the layoff.

***Question: What happens to my sick leave and vacation balances?***

***Answer:***

The answer depends on if you are on involuntary leave or involuntary layoff. If you are a permanent employee who is placed on **Involuntary Leave** status, when you are returned to duty, you will regain the accrued, unused sick leave and vacation credits you had at the time of your layoff. No sick leave or vacation credits are earned for the time you are not working due to your lay off.

If you are a permanent employee who is placed on **Involuntary Layoff** status you are paid out all earned and unused vacation, and may not regain vacation credits if you are reemployed. Unused compensatory time off and floating holidays are paid out only if authorized by the applicable memorandum of understanding. If you are reemployed within six months from the date of layoff, you may regain earned but unused sick leave credits. No sick leave credits are earned for the time you are not on paid status.



## Retirement Issues

***Question: I was laid off from my position – what happens to my retirement benefit?***

***Answer:***

Your retirement benefit is complex and may require more information that is practical to highlight in this overview. All questions about your retirement eligibility or membership benefits should be forwarded to the Retirement System. The Retirement System offices are located 30 Van Ness Ave. Suite 3000. Call 554-1550 for general information.

***Question: In general, what are my retirement rights when I am laid off?***

***Answer:***

If you are laid off, you may retire under the following circumstances:

1. if you have 20 or more years credited service and you are at least 50 years of age; or
2. if you have 10 or more years credited service and you are at least 60 years of age; or
3. if you have 10 or more years credited service and you have a condition the Retirement System considers as disabling.
4. If you fully separate from city service with at least 5 years of credited service and you are at least 50 years old, you may elect to receive a “vesting” retirement.

Note: if you retire, there may be limitations on your ability to reenter City service. Check with the Retirement System for more information on City employment after retirement.

***Question: What if I’m not eligible to retire now?***

***Answer:***

If you are placed on involuntary leave status, you remain a member of the Retirement System. There are no contributions made to your retirement account and you do not accrue service credit while on involuntary leave. If you are returned to duty in the same classification, you will then again contribute to your account and accrue service credit.

If you are placed on involuntary layoff status, and thus fully separated from City service, you should discuss your options with the Retirement System. If you have at least 5 years of credited service, you may elect to leave your contributions on deposit with the Retirement System. If you do not choose this option, or if you take no action, the Retirement System will refund your accumulated contributions and interest.

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If you do not have 5 years of credited service, but you promptly start work with a reciprocal public agency in California, you may leave your contributions on deposit with the Retirement System. If not, the Retirement System will automatically refund your accumulated contributions and interest.

### **Health Benefits Issues**

***Question: I was laid off from my job and was placed on a Holdover Roster. What happens to my health and dental insurance benefits while I am on that Roster?***

***Answer:***

You may be eligible to continue receiving your health and dental benefits (including covered dependents) for the time you are on the holdover roster if you meet the following requirements:

1. You certify that you are unable to obtain health coverage from another source;  
**and**
2. You complete and submit a Certification of Eligibility Form to the Health Service System Office within 30 days of separation and on an annual basis thereafter. A copy of the Certification of Eligibility Form is attached to this booklet as Appendix A.
3. You continue to pay the “employee portion” of any premium payments you paid as an active employee.

This City-subsidized benefit includes the continued payment of all medical and dental benefit premiums that the City paid on your behalf at the time of the layoff.

***Question: Where do I get a Certification of Eligibility Form?***

***Answer:***

A Certification form is attached. Forms are also available online at the Department of Human Resources' Website: [www.sfgov.org/dhr](http://www.sfgov.org/dhr).

***Question: What happens if I do not submit the Certification of Eligibility Form?******Answer:***

You will receive a premium delinquency notice from the Health Service System. To maintain your health and dental insurance coverage, you must timely pay the required premium.

***Question: I was laid off from my job and I have no holdover rights. I was a member of the Health Service System at the time of my layoff. What happens to my health and dental insurance coverage?******Answer:***

All health and dental benefits for you and your covered dependents will end on the last day of the pay period in which your employment ends. You may elect to continue your medical and dental insurance, at your expense, as allowed under the federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA).

The COBRA Administrator for the City & County of San Francisco will send a COBRA Enrollment Packet to your home address on file with the Health Service System at the time of your separation. You should receive this information within 14 days after your separation date.

The COBRA Enrollment Packet contains detailed information on your rights and responsibilities with respect to COBRA continuation coverage. Read the information carefully to ensure that you take advantage of the options available to you and your covered dependents.

***Question: How much will my COBRA benefits cost?******Answer:***

You will be responsible for the timely payment of the full cost of the medical or dental premium plus a 2% administrative fee. If you do not make timely payments, the City will discontinue coverage.

***Question: How long will I be eligible for COBRA benefits?******Answer:***

COBRA provides for continued coverage for up to 18 months.

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**Question: Can I make changes to my medical and dental plans (add or remove dependents) while on COBRA?**

**Answer:**

Yes, but you may only make changes to your coverage during an annual open enrollment period or as a result of a qualified change in family status, e.g., birth or adoption of a child, marriage, divorce.

## What Do I Do in the Meantime?

### UNEMPLOYMENT INSURANCE

If you are separated from City service or have your hours reduced through no fault of your own, contact the California State Employment Development Department (EDD) as soon as possible ((800) 300-5616 or [www.edd.ca.gov](http://www.edd.ca.gov)). You may be entitled to State Unemployment Insurance benefits starting one week after the date of actual separation or reduction in hours. Delay in filing may cause you to lose benefits.

### OTHER EMPLOYMENT

Holdovers who obtain employment outside of the San Francisco City and County Civil Service do NOT lose standing on the Holdover Roster.

## Important Reminders

1. It is important that you check your copy of the Separation Report to make sure that the **name and address** as shown are current. If information is incorrect or missing, have your department amend the notice and send the amended notice to the Department of Human Resources. If you move after being laid off, you must promptly notify the Department of Human Resources, Referral Office, 44 Gough Street, San Francisco, CA 94103, by submitting a change of address form or a letter that includes your name, social security number, former job code and title, and your new address. All contact with you for holdover or reinstatement purposes is done by mail; if we do not have your current address, you may miss a job opportunity.
2. Employees who are reinstated will receive instructions from the Department of Human Resources by mail on when and where to report.
3. If you are officially notified that your name is reached for reemployment, you have **five (5) business days** from the notification date **to respond** to the department and to the Department of Human Resources.



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4. **Failure to respond** to a notice of return to duty may result in the removal of your name from the Holdover Roster(s) and/or eligible lists.



## HEALTH BENEFITS CERTIFICATION OF ELIGIBILITY

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Name: \_\_\_\_\_ Date: \_\_\_\_\_  
(Please print)

Social Security No.: \_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_ Layoff Effective Date: \_\_\_\_\_

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I was an active employee of the City and County of San Francisco who was placed on a holdover list for the following classification:

Job Code: \_\_\_\_\_ Title: \_\_\_\_\_

I understand that San Francisco Administrative Code Section 16.701 entitles me to receive both the Charter-determined contribution and collectively bargained contributions toward my health insurance benefits during the first twelve (12) weeks of my involuntary leave. I further understand that in order to continue to receive the aforementioned subsidies after 12 weeks, I must certify, in writing, that I do not have access to health insurance benefits through any other means.

Please provide your responses to the questions below:

1. Are you currently employed? Yes  No

2. If yes, with whom are you employed?

Employer's Name: \_\_\_\_\_

Employer's Address: \_\_\_\_\_

Employer's Phone No.: \_\_\_\_\_

3. Do you currently have health and/or dental insurance through your current employer or through your spouse or domestic partner? Yes  No

4. If no, are you able to acquire coverage through your employer, spouse or domestic partner? Yes  No

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**I certify that the information provided above is true and accurate.**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*Please note that you will be required to re-certify your eligibility for continued City health premium subsidies annually. Additionally, you are obligated to inform the Health Service System if coverage becomes available prior to the next open enrollment period.*

Please return this completed form to the Health Service System, 1145 Market Street, 2<sup>nd</sup> Floor, San Francisco, CA 94103, within 30 days of your separation date (effective date of your layoff). Failure to do so will result in the discontinuation of City subsidies towards your health and dental insurance premiums.



