



Ohio Department of Administrative Services

Human Resources Division
Office of Classification and Compensation
County Services Unit

County Layoff Guidelines

For County Appointing Authorities, Boards, and
Commissions

Revised 11/30/2009

THESE PROCEDURES HAVE BEEN COMPILED AS GUIDELINES ONLY FOR THE APPOINTING AUTHORITY. FOR AREAS NOT ADDRESSED, PLEASE REVIEW THE CIVIL SERVICE LAYS AND RULES. IT IS RECOMMENDED THAT THE APPOINTING AUTHORITY KEEP THE COUNTY PROSECUTOR INFORMED OF ANY LAYOFF OR JOB ABOLISHMENT.

LAYOFFS INVOLVING BARGAINING UNIT EMPLOYEES MUST BE ADMINISTERED ACCORDING TO THE NEGOTIATED COLLECTIVE BARGAINING AGREEMENT.

HB 1 Update

Changes impacting the Department of Administrative Services' (DAS) relationship with county agencies contained in House Bill 1 took effect on October 16, 2009. Accordingly, DAS will no longer accept filings or verify retention points associated with county agency layoffs and/or job abolishments. It is recommended that a county agency contact its appropriate legal counsel for guidance prior to undertaking any of these activities.

Procedural Check List for Layoffs

_____ Appointing Authority reviews Section 124.321 through 124.328 of the Revised Code, Chapter 123:1-41, and Section 124-7-01 of the Administrative Code. Appointing Authority should contact the county prosecutor and DAS for assistance (Please refer to Chapter 309.09 of the Ohio Revised Code). These laws and rules can be found at the following websites:

<http://codes.ohio.gov/orc> and <http://codes.ohio.gov/oac>

_____ Appointing Authority determines reason for layoff

- A. Layoff
 - 1. Lack of Funds
 - 2. Lack of Work (less than 1 year)

_____ Appointing Authority develops statement of rationale and supporting documentation for layoff.

- A. Layoff for lack of work – statistical information over previous period (at least two years) to indicate the decrease of work and any other pertinent information (e.g., laws, rules) to substantiate the lack of work.

Layoff for lack of funds – projected revenues, projected expenditures, which should then result in, projected deficit. Agency will want to consider laid off employee payoffs (e.g., vacation, sick leave if applicable, compensatory time, unemployment costs and early retirement plan) in determining total deficit. The deficit should be equated into the number of positions to be laid off and how the action will produce the necessary savings.

_____ Appointing Authority determines classifications where layoffs are to occur.

_____ Appointing Authority computes retention points for employees in affected classification series as well as any classification into which they may displace and develops the retention point list.

- A. Computation of retention points
 - 1. Each employee receives a base factor of 100 points.
 - 2. Each employee receives one point for each pay period of full-time continuous service.
 - 3. Each employee receives one half (.5) point for each pay period of other than full-time continuous service
 - 4. Total the employee's base points and service points to obtain total retention points.

- B. Retention point list includes all employees in the classification and lower-level classifications in the classification series affected by the layoff or job abolishment. **Note: County Departments of Job and Family Services** may also displace into classifications previously held in accordance with Section 123:1-41-12(D) of the Administrative Code.
1. Retention point lists are compiled in descending retention point order and grouped by classification, order of layoff, appointment type (full-time or part-time) and status (probationary or permanent) for each classification (Section 123:1-41-07 of the Administrative Code).
 2. Retention point list (Refer to Exhibit A) includes columns containing the following information:
 - a. Employee's full legal name
 - b. Position control number
 - c. Classification Number (Refer to Section 124.14 of the Revised Code and Sections 123:1-7-17, 123:1-7-19, 123:1-7-27 and 123:1-8-02 of the Administrative Code)
 - d. Classification title (Refer to Section 124.14 of the Revised Code and Sections 123:1-7-17, 123:1-7-19, 123:1-7-27 and 123:1-8-02 of the Administrative Code)
 - e. Appointment type (e.g. full-time permanent, full-time probationary, part-time permanent, and part-time probationary).
 - f. Date of continuous service (Refer to Section 123:1-47-01 of the Administrative Code for definitions of break in service and continuous service)
 - g. Total retention points
 3. It is recommended that the retention point list be at least double-spaced.
 4. A star or asterisk must be placed by the employee's name who is subject to layoff or job abolishment.

_____Appointing Authority compiles the following documentation to retain in their files:

- A. Letter signed by the Appointing Authority containing:
1. Statement requesting verification of retention points.
 2. Statement describing the reason for the layoffs or job abolishment.
 3. Projected effective date.
 4. For a layoff, the number of positions and appointment type in each classification.
 5. Indicate the number of and position control numbers of all available vacancies for each affected classification where displacement may occur.

- B. If the Appointing Authority is a board or commission, please include in the file a certified copy of the resolution authorizing the reasons for the layoff.
- C. Statements of rationale and supporting documents justifying reasons for the layoff.
- D. Retention point lists.
- E. Supporting documents for retention points.
- F.
 1. Agency (not employee) pay period charts (Refer to Exhibit B) for the years, which document the years of service represented on the retention point list of the most senior employee (e.g., pay period charts which indicate the beginning and ending dates of each pay period for each year [e.g., 1/2/65 to 1/15/65, 12/16/65 to 12/29/65] through the pay periods for the current year). Most years have 26 pay periods but some have 27 pay periods depending upon how these are established by the county.
 2. Breakdown for employees who have service other than full-time indicating the number of pay periods for the specific time period.
 3. Breakdown for employees who had appointment changes (e.g., full-time from 4/15/82 to 3/31/84, part-time 4/1/84 to 10/31/92, intermittent 11/1/92 to 12/31/92, and full-time 1/1/93 to present), indicating the dates and number of pay periods for each appointment type.

| _____Appointing authority verifies retention point calculations prior to the agency issuing notification to employee.

_____Appointing Authority signs and issues layoff notification letters to employees.

- A. Notification letters must include items listed in Section 123:1-41-10(B) of the Administrative Code. (Refer to Exhibit C).
- B. If the notification letter is hand delivered, the employee must be given 14 calendar days notice.
- C. If the notification letter is sent certified mail, 17-calendar days notice must be given to the employee.
- D. Appointing Authority should have employee sign an acknowledgment of receipt of layoff (Refer to Exhibit D) when hand delivered.

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- E. Appointing Authority may wish to issue a displacement form to the employee for convenience (Refer to Exhibit E).

_____ Appointing Authority posts retention point lists. Retention point lists must be posted in a conspicuous place accessible to all affected employees at least 14-calendar days prior to the layoff,

_____ Employees must notify Appointing Authority of their desire to displace within five (5) calendar days of receipt of notification of layoff or displacement.

_____ Employees who have the right of appeal to the State Personnel Board of Review must file or postmark their appeal within ten (10) calendar days after the employee is notified of their layoff or displacement.

_____ Displacements (Section 124.324 of the Revised Code and Sections 123:1-41-11 and 123:1-41-12 of the Administrative Code).

- A. If no displacement occurs, employee is laid off the date specified in the notification letter.
- B. If the employee elects and is able to displace, the Appointing Authority notifies the displaced employee of their layoff and displacement rights in accordance with the required procedures. This process continues until no displacement can occur and the last displaced employee is laid off. (Refer to Exhibits F and G).
- B. The layoff jurisdiction is the Appointing Authority (e.g., county commissioners includes all departments except county departments of Job and Family Services). Refer to Section 124.326 of the Revised Code and Section 123:1-41-14 of the Administrative Code.
- C. Displacement may only occur in the classification or lower classifications in the classification series for all county agencies.
- D. County Department of Job and Family services employees displacement rights are:
 - 1. Classification
 - 2. Lower classifications in the classification series
 - 3. Classifications previously held in accordance with Section 123:1-41-12(D) of the Administrative Code.
- E. The employee can only displace another employee with fewer (not higher) retention points.
- F. Probationary employees cannot displace permanent employees. A permanent employee may displace a probationary employee with the same or lower appointment type who has fewer retention points in an allowable displacement classification

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- G. Employees with lower appointment types cannot displace an employee with a higher appointment type (e.g., part-time employee could not displace a full-time employee).

_____Appointing Authority develops recall lists of all laid off and displaced employees ensuring the employee is placed on all lists for which he/she is entitled to recall for one year from the effective date of layoff or displacement. Recall lists are in descending retention point order by classification, appointment type and status. (Refer to Exhibit I).

EXHIBIT A

RAINBOW COUNTY COMMISSIONERS

RETENTION POINT LIST

PROPOSED EFFECTIVE DATE

<u>EMPLOYEE</u>	<u>POSITION CONTROL NO.</u>	<u>CLASS NO. & CLASS TITLE</u>	<u>APPOINTMENT TYPE & STATUS</u>	<u>CONTINUOUS SERVICE DATE</u>	<u>RETENTION POINTS</u>
*Rain, Cool	32010.0	12112C-Clerk 2	FTP	1/9/95	169
Sky, Blue	32012.0	12112C-Clerk 2	FT/Probationary	9/17/06	125
**Cloud, Puff	32200.0	12112C-Clerk 2	PTP	2/20/05	133
**Sun, Yellow	32201.0	12112C-Clerk 2	PT/Probationary	3/18/07	112

(For this example, points were figured from date of cont. service to 09/01/07)

* One full-time Clerk 2 position to be abolished for reorganization

**Two part-time Clerk 2 positions to be laid off due to lack of work

EXHIBIT B**SAMPLE**
AGENCY PAY PERIOD CHARTS

2006			2007			2008		
NO	FROM	TO	NO	FROM	TO	NO	FROM	TO
1	12/25/05	01/07/06	1	12/24/06	01/06/07	1	12/23/07	01/05/08
2	01/08/06	01/21/06	2	01/07/07	01/20/07	2	01/06/08	01/19/08
3	01/22/06	02/04/06	3	01/21/07	02/03/07	3	01/20/08	02/02/08
4	02/05/06	02/18/06	4	02/04/07	02/17/07	4	02/03/08	02/16/08
5	02/19/06	03/04/06	5	02/18/07	03/03/07	5	02/17/08	03/01/08
6	03/05/06	03/18/06	6	03/04/07	03/17/07	6	03/02/08	03/15/08
7	03/19/06	04/01/06	7	03/18/07	03/31/07	7	03/16/08	03/29/08
8	04/02/06	04/15/06	8	04/01/07	04/14/07	8	03/30/08	04/12/08
9	04/16/06	04/29/06	9	04/15/07	04/28/07	9	04/13/08	04/26/08
10	04/30/06	05/13/06	10	04/29/07	05/12/07	10	04/27/08	05/10/08
11	05/14/06	05/27/06	11	05/13/07	05/26/07	11	05/11/08	05/24/08
12	05/28/06	06/10/06	12	05/27/07	06/09/07	12	05/25/08	06/07/08
13	06/11/06	06/24/06	13	06/10/07	06/23/07	13	06/08/08	06/21/08
14	06/25/06	07/08/06	14	06/24/07	07/07/07	14	06/22/08	07/05/08
15	07/09/06	07/22/06	15	07/08/07	07/21/07	15	07/06/08	07/19/08
16	07/23/06	08/05/06	16	07/22/07	08/04/07	16	07/20/08	08/02/08
17	08/06/06	08/19/06	17	08/05/07	08/18/07	17	08/03/08	08/16/08
18	08/20/06	09/02/06	18	08/19/07	09/01/07	18	08/17/08	08/30/08
19	09/03/06	09/16/06	19	09/02/07	09/15/07	19	08/31/08	09/13/08
20	09/17/06	09/30/06	20	09/16/07	09/29/07	20	09/14/08	09/27/08
21	10/01/06	10/14/06	21	09/30/07	10/13/07	21	09/28/08	10/11/08
22	10/15/06	10/28/06	22	10/14/07	10/27/07	22	10/12/08	10/25/08
23	10/29/06	11/11/06	23	10/28/07	11/10/07	23	10/26/08	11/08/08
24	11/12/06	11/25/06	24	11/11/07	11/24/07	24	11/09/08	11/22/06
25	11/26/06	12/09/06	25	11/25/07	12/08/07	25	11/23/08	12/06/08
26	12/10/06	12/23/06	26	12/09/07	12/22/07	26	12/07/08	12/20/08

(SAMPLE)

LAYOFF/JOB ABOLISHMENT LETTER (EXEMPT)

AGENCY LETTER HEAD

Date

Employee Name
Street Address
City, State & Zip

Dear (Employee Name):

We regret to inform you that due to ([1] an abolishment of positions for, [2] a lack of funds, or [3] a lack of work) in this agency, a layoff of personnel is necessary. As a result, you are being (laid off/displaced by the bumping process and/or laid off) from your position as a (provisional/certified) _____ (Class) _____ effective (date) _____. This action is based upon your retention point rate of _____ points.

You may have the right to displace another employee or the right to fill an available vacancy. You must notify (Human Resource/Personnel Office) whether or not you wish to exercise that right in writing within five (5) calendar days from the receipt of this notice. If you do not give notice of your decision concerning displacement rights, you will forfeit your right of displacement.

Whether or not you wish to exercise your displacement rights, you will retain reinstatement rights for (1) calendar year from the effective date of [1] layoff [2] displacement.

It is your responsibility to maintain a current address with this department during your one (1) year of reinstatement rights.

As a laid off or displaced employee, you also have the right to appeal this action in writing to the State Personnel Board of Review, 12th Floor, 65 E. State St., Columbus, OH 43215-4213 within ten (10) calendar days after receipt of this letter. Upon your request, a copy of Chapter 123:1-41 of the Administrative Code will be made available by the Human Resource/Personnel Officer.

You may have the option to convert any [1] unused sick, [2] personal, [3] or vacation leave credited to you. Please contact the (Human Resource/Personnel Office) for further information regarding these rights.

Sincerely,

(Signature of Appointing Authority)

(SAMPLE)

ACKNOWLEDGMENT OF LAYOFF LETTER

I ACKNOWLEDGE RECEIPT OF LAYOFF LETTER.

Employee's Signature

Date

**EMPLOYEE RECEIVED LAYOFF LETTER ON DATE SIGNED BELOW BUT
DECLINED TO SIGN FOR RECEIPT OF LAYOFF LETTER.**

Witness Signature

Date

Witness Signature

Date

(SAMPLE)

FOR EMPLOYEES WHO HAVE DISPLACEMENT RIGHTS

I ____ do/ ____ do not wish to exercise my displacement rights.

Employee's Signature

Date

(SAMPLE)

NO AVAILABLE DISPLACEMENT LETTER

Dear _____:

With regard to your decision to exercise displacement rights, I regret to inform you that after an analysis of the replies received and application of the rules on displacement, there are no positions in which you will be able to displace.

Therefore, you will be laid off effective _____ as indicated in the notice of layoff-dated _____.

Sincerely,

(SAMPLE)

DISPLACEMENT LETTER

Dear _____:

With regard to your decision to exercise displacement rights, you are able to displace (1) another employee at **(DIVISION, SECTION, UNIT)** or (2) **(AVAILABLE VACANCY)** at **(DIVISION, SECTION, UNIT)**.

Therefore, you are being displaced from:

Position Control Number: _____

Classification: _____

Status: _____

Appointment Type: _____

Rate of Pay: _____

To the following position, effective: _____:

Position Control Number: _____

Classification: _____

Status: _____

Appointment Type: _____

Rate of Pay: _____

Any questions you have regarding your new work assignment should be addressed to **(Human Resource/Personnel Office)**.

Sincerely,

EXHIBIT H

DISPLACEMENT LIST
RAINBOW COUNTY COMMISSIONERS

<u>Employee</u>	<u>Position Control No.</u>	<u>Class No. Class Title Appointment Type Status</u>	<u>Retention Points</u>	<u>Displacement Information</u>
Rain, Cool	32010.0	12112C-Clerk 2 FTP	169	Elected to displace Blue Sky, 32012.0. 12112C-Clerk 2, 125 retention points, effective _____.
Sky, Blue	32012.0	12112C-Clerk 2 FT/Probationary	125	No displacement. Laid off, effective _____.
Cloud, Puff	32200.0	12112C-Clerk 2 PTP	133	Elected to displace Yellow Sun, 32212.0 12112C-Clerk 2 106 retention points effective _____.
Sun, Yellow	32212.0	12112C-Clerk 2	106	No displacement. Laid off, Effective _____.

EXHIBIT I

RECALL LIST
RAINBOW COUNTY COMMISSIONERS

<u>Employee</u>	<u>Class No. & Class Title</u>	<u>Appointment Type & Status</u>	<u>Continuous Service Date</u>	<u>Retention Points</u>	<u>Date of Layoff, Job Abolishment Or Displacement</u>
Sky, Blue	12112C-Clerk 2	FT/Probationary	9/17/06	125	
Sun, Yellow	12112C-Clerk 2	PT/Probationary	3/18/07	106	

NOTE: These two employees would be eligible for recall into lower classifications in the classification series (e.g., 12111C-Clerk 1).

FAQ's On Layoffs

Does it matter if an employee (affected by the layoff) previously worked at another public agency besides our own?

Yes. Time worked at other Ohio state and county agencies including state-supported colleges and universities counts as prior service provided there was not a break in service of over 30 days. You should ensure that written verification of employment is obtained from these other agencies. This should include exact dates of employment and appointment type (full-time or part-time).

Continuous service means the uninterrupted service of an employee with a state agency, a county office, or a state-supported college or university where no break in service occurs. [Section 123:1-47-01 of the Ohio Administrative Code]

Break in service means an employee has had a separation from service of 31 days or more. An authorized leave of absence, granted pursuant to Section 123:1-34-01 of the Ohio Administrative Code, or any separation from service which carries with it the right to reinstatement, or reemployment as a result of layoff, shall not constitute a break in service, provided the employee is reinstated or reemployed within the allowable time. The time the employee was separated shall not be counted towards the calculation of retention points for continuous service. [Section 123:1-47-01 of the Ohio Administrative Code]

Also, be sure double credit is not given to an employee who may have worked for two separate agencies at the same time. An employee can only get credit for working at one agency for any given pay period.

How far back do we have to go with our pay period charts?

They should go back as far as the hire date of the most senior employee being affected by the layoff. If an employee has had prior continuous service with another agency, pay period charts must be obtained to include this period of time also.

What if we cannot locate our pay period charts from past years?

Contact your county auditor's office. They should have pay period charts on file. It is essential that you obtain or create these charts in order to verify retention points.