

CITY OF DENTON

POLICY/ADMINISTRATIVE PROCEDURE/ADMINISTRATIVE DIRECTIVE

SECTION: HUMAN RESOURCES	REFERENCE NUMBER: 109.04
SUBJECT: DISCIPLINE AND SEPARATION	INITIAL EFFECTIVE DATE: 11/01/94
TITLE: REDUCTION IN FORCE POLICY	LAST REVISION DATE:

POLICY STATEMENT:

It is the policy of the City of Denton to ensure departments and divisions are staffed with adequate personnel so that effective and efficient delivery of services to the citizens of Denton can be accomplished. When economic or other conditions create funding difficulties which may necessitate reduction in delivery of services to the citizens, the City may be required to reduce staffing levels in certain departments or divisions.

It is the policy of the City of Denton to implement and/or recommend necessary elimination of positions and employee separations from employment. The City Council will provide overall direction and guidance to the City Manager as to the general areas of citizen services for appropriate continued emphasis and those for service reduction. This policy is designed to accomplish reductions in force where there is a diminished need for a service to the citizens.

Based on City Council guidance and approval, the City Manager will recommend to City Council, as part of the annual budgetary process, specific positions for elimination and incumbents, if any, in those positions to be separated from employment.

Severance and outplacement programs will be provided to separated employees, based on their length of service and subject to budgetary constraints.

An employee whose position has been eliminated and is to be separated from employment as a part of the proposed reduction in force will be offered an opportunity to appeal the action. Reasonable attempts will be made to integrate separated employees into other departments in the City through transfer or reassignment.

This policy applies to all regular full-time and regular part-time employees at the City, including police officers and fire fighters. However, the provisions of Texas Vernon Statutes, annotated, Chapter 143 of the Local Government Code (State Civil Service Law) will apply to police officers and fire fighters when applicable.

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ADMINISTRATIVE PROCEDURES:

I. ELIMINATION OF POSITIONS AND EMPLOYEES SUBJECT TO SEPARATION FROM EMPLOYMENT

- A. An employee's employment may be separated because of changes in the organization, job or position duties, lack of work, or lack of funding. An employee whose position has been eliminated in one Department or Division may be transferred to a comparable position elsewhere in the City, if such position is available. The City cannot guarantee the employee another position. Whenever possible the affected employee will be notified as soon as possible of the pending separation from employment. The affected employee will be notified at least 14 working days in advance of the action.
- B. Reduction in force shall not be considered as a disciplinary action. However, employees identified to be separated from employment will be offered an opportunity for a due-process appeal as provided in Policy #109.03 - Appeals.
- C. Regular, full-time, non-Civil Service employees with twelve (12) or more months of continuous service to the City at the beginning of the budget year (October 1) shall be compensated upon separation (due to reduction in force) in accordance with the following schedule, in addition to any other benefits for which they may be eligible:

Severance pay is based on the number of full, continuous, non-interrupted months of service with the City, as described below. An employee may receive up to a maximum of five (5) weeks pay:

<i>Full, Continuous Non-Interrupted Months of Service</i>	<i>Benefit (Hours of Severance Pay)</i>
0 — 12	0 Hours
12 — 60	40 Hours
61 — 120	80 Hours
121 — 180	120 Hours
181 — 240	160 Hours
241 +	200 Hours

In addition to eligible severance pay listed, all employees identified for separation will be paid any accumulated vacation and sick leave.

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- D. Decisions concerning reduction in force are to be based on the following criteria:
1. Primary consideration will be given to management's need to carry out the City's mission of providing public services. Thus, the criticality of a position to achieving the overall mission and goals and objectives of the City will be the primary factor in determining which positions to eliminate. Attempts will be made to minimize the impact of reduction in force on the delivery of public services. The City Council will be responsible for identifying areas of public services to be reduced or eliminated. The City Manager is responsible for identifying the specific positions and employees to be separated from employment due to the reduction in force.
 2. Once the City Council has recommended areas of public services to be reduced or eliminated, Department Directors are responsible for identifying appropriate staffing levels and for making recommendations to the City Manager as to positions to be eliminated and as to candidates to be considered for employment separation. A Reduction in Force plan will be developed by each department and division using criteria outlined in #3 below. The Executive Director and Director of Human Resources will approve the plan prior to submitting to the City Manager.
 3. Department Directors will select positions for potential elimination based on department or division goals and objectives to recommend to the City Manager as a part of the budgetary process. When recommending the reduction or elimination of positions and employees to be separated from employment, the following criteria must be considered in the following order:
 - a. Departmental/Divisional Needs
 - (1) Review departmental and divisional goals as outlined in the budget and identify adequate staffing levels.
 - (2) First priority should be given to minimizing the impact upon service delivery to the public; therefore, those positions directly responsible for service delivery become the positions most critical to accomplishing the goal. Identification will be made of those positions considered least critical to service delivery, and therefore least critical to accomplishment of departmental or divisional goals.
 - (3) The possibility of restructuring a departmental or divisional work force should be considered. For example, eliminating extra help, work sharing, and temporary furloughing may alleviate or reduce the length and extent of impending reduction-in-force actions.

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b. Employee Productivity

- (1) Review employee's work performance histories (Performance Evaluation forms over the last five years) giving special consideration to the quality and quantity performance factors.
- (2) Review employees' attendance records.
- (3) Review employees' disciplinary records.
- (4) Review employees' safety records.

c. Employee Skills, Knowledge, and Abilities

If job duties or tasks are going to be restructured due to the reduction in force, consideration should be given to those employees who possess those skills, knowledge, and abilities which will meet the needs of the department or division.

d. Length of Service with City

1. Time in current work unit.
 2. Time with City.
 3. Time in current classification.
4. The City's Equal Employment Opportunity Policy (#100.01) will be followed in making reduction-in-force decisions. No decision to separate an employee from employment will be based on race, sex, age, national origin, disability status, Vietnam Era Veteran status of an employee or any other protection afforded by federal, state, or local law.
 5. Once reduction-in-force decisions are recommended and approved, the Director of Human Resources will be responsible for the coordination, communication, and out-processing of separated employees. Reasonable attempts will be made to integrate separated employees, who are demonstrating satisfactory performance, into other departments in the City through transfer or reassignment.

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E. Re-employment of Separated Employees

The Human Resources Department will maintain a date order roster of all employees separated from employment due to reduction in force who are demonstrating satisfactory performance. Employees may be recalled during the twelve (12) months immediately following the effective date of reduction in force. Should a vacancy occur in the City and in the same or a lower job classification, the employee will be offered reinstatement with benefits if employee meets the minimum qualifications for the position (provided the employee has not forfeited a benefit, i.e., TMRS, etc.) as accrued as of the date of separation. The employee "employment date"—i.e., date of hire—will be adjusted forward to account for the term of the separation. The "adjusted hire date" will be used to establish future benefits. The term of the separation may not be used toward the employee's retirement eligibility, and no contributions will be made by the employee or City for this term. Employee funds in a Deferred Compensation Program may be withdrawn during the term of the separation.

- II. Civil Service employees are subject to this policy; however, the provisions of Texas Vernon Statutes, annotated, Chapter 143 of the Local Government Code (State Civil Service Law) will apply where applicable.