



**DEPARTMENT OF CORRECTIONS
Human Resources**



Title:	Management Service Layoff/Removal	DOC Policy: 20.5.7
Effective:	2/12/09	Supersedes: 4/1/02
Applicability: Management Service Employees		
Directives Cross-Reference: State Policy 50.025.01		
Attachments: Attachment A – Management Service Removal (Layoff) Plan		

I. PURPOSE

To describe the procedure for removal or reassignment of management service employees during times of reorganization or reduction in staff in accordance with State Policy 50.025.01 and ORS 240.570 (1).

II. POLICY

A. The Department has adopted the following Department of Administrative Services (DAS), Human Resource Services Division (HRSD) position management policy:

[HRSD 50.025.01 - Layoff/Removal](#)

B. Attachment A is the Management Service Removal (Layoff) Plan.

III. IMPLEMENTATION

This policy will be adopted immediately without further modification.

Approved: Signature on File
Mitch Morrow, Deputy Director

MANAGEMENT SERVICE REMOVAL (LAYOFF) PLAN

(1) Policy

- (a) This Management Service Removal Plan is established as required by and is consistent with HRSD State Policy 50.025.01, Layoff/Removal.
- (b) A management service employee may be removed from the management service due to reorganization or lack of work, or other reasons which are not for cause.
- (c) All workforce adjustment measures, e.g., reassignment of employees to existing vacancies where qualified, voluntary terminations, or demotions within the management service, shall occur prior to implementing the removal procedure.
- (d) A removal shall be implemented when the number of employees in a given classification exceeds the number of available positions within the classification.
- (e) Should the workforce adjustment result in the need to remove employees, the appointing authority shall make every reasonable effort to:
 - (A) inform employees of their options and the process to be considered for other opportunities within the state service; and
 - (B) minimize the negative impact on employees to the extent possible in accordance with sound judgment and applicable rules and policies.
- (f) This policy does not authorize the displacement (bumping) within the management service by a management service employee.
- (g) A management service employee removed in accordance with this policy shall be placed on the management service agency layoff list for their classification. If the classification the employee was laid off from is removed from the classification plan due to classification maintenance, the agency will place the employee on the layoff list for the classification that most closely represents the work of their former position. Those management service employees whose removal/layoff results in separation of employment with the State may request to be added to the statewide reemployment layoff (RL) list for consideration in other agencies for the same, equal, or lower classifications pursuant to HRSD State Policy 50.025.01, Layoff/Removal, and OAR 105-040-0020, Types and Order of Applicant Lists.
- (h) A management service employee removed in accordance with this policy may appeal such action pursuant to DOC Policy 20.9.3, Management Service Grievance Review.
- (i) A management service employee removed in accordance with this policy who has prior classified service shall be restored pursuant to the provisions of DOC 20.5.8, Restoration of Removed Management Service Employees.

(2) Procedure

- (a) The Director or designee shall determine the number of positions, classification(s),

functional unit(s), and/or geographical area(s) affected for a pending removal. The removal shall be confined to the positions, classifications, units, and/or areas so designated.

- (b) The Director or designee shall consider the needs of the organization in terms of the types of positions; special knowledge and skills necessary to accomplish the work of the agency.
- (c) The Director or designee shall identify all employees by classification for each functional unit and/or geographic area designated.
- (d) The Director shall appoint a review committee to evaluate all regular status and promotional trial service employees (who held regular status prior to promotion) and identify the employee(s) to be removed; taking into consideration the following provisions in descending order of importance:
 - (A) The qualifications of the employees in each classification affected in terms of special skills or expertise and the diversity of workers as it relates to the agency's ability to provide service, and minimal transition time for an individual to be capable of performing the specific requirements of the positions.
 - (B) The quality of performance and relative merit of each employee in the classification(s) affected as determined by a special performance evaluation prepared by the Functional Unit Manager. The scoring criteria will be established by the reviewing committee prior to the implementation of the evaluation. The committee will also review the two most recent performance evaluations on file.
 - (C) Length of state service.
- (e) Initial trial service employees shall receive the first removal notices by classification within the functional unit and/or geographic area followed by the employees identified by the review committee to be removed within separate categories of:
 - (A) Permanent full-time positions;
 - (B) Permanent part-time positions;
 - (C) Seasonal full or part-time positions.
- (f) The Assistant Director of Human Resources shall, at least 15 calendar days prior to the effective date of removal, provide written notification to the identified employees of the pending action, date, rights and options, and assist them in making their transition.
- (g) Employees, other than initial trial service employees, who have been removed, shall be placed on the agency layoff list by classification. If the classification the employee was laid off from is removed from the classification plan due to classification maintenance, the agency will place the employee on the layoff list for the classification that most closely represents the work of their former position. The agency shall restore the name of an initial trial service employee who is removed to the eligible list from which the employee was appointed if such list still exists.
- (h) Recall from the agency layoff list shall be in accordance with HRSD State Policy 50.025.01, Layoff/Removal, and OAR 105-040-0020, Types and Order of Applicant

Lists.

- (A) Selection from the list shall be mandatory when major duties of the vacant position are the same as those performed prior to removal by an employee on the list.
- (B) When major duties of the vacant position are changed or different and no employee on the list performed the major duties prior to removal, the agency may develop a single competitive pool by supplementing the layoff list with agency promotion, transfer, or demotion candidates. A selection from this pool must be made if there are at least three (3) qualified candidates.
- (i) If an employee on the agency layoff list is offered a position, the employee shall have one right of refusal. Upon a second refusal, however, the employee's name shall be removed from the agency's layoff list. The term of eligibility on the list shall not be longer than two years from the date of layoff.
- (j) A management service employee whose removal/layoff results in separation of employment with the State, in addition to their right to be placed on the agency layoff list, shall be given the option to be added to the statewide reemployment (RL) list for consideration in other agencies for the same, equal to or lower classifications pursuant to OAR 105-040-0020 Types and Order of Applicant Lists.
 - (A) The term of eligibility on the list shall not be longer than two years from the date of layoff. An individual shall be removed from the list upon the second refusal of a job offer or when a person accepts a position and is returned to work (other than temporary work).
- (k) Human Resources shall, for each requesting management service employee whose removal/layoff results in separation of employment with the State, process applications for placement on the statewide reemployment layoff (RL) list pursuant to HRSD State Policy 50.025.01 and OAR 105-040-0020, Types and Order of Applicant Lists.
- (l) Human Resources shall document the evaluation and application of the removal process and results for each classification affected and maintain the record for three (3) years from date of removal. The documentation shall include the rationale for identifying those removed.
- (m) Human Resources shall implement the necessary personnel actions per required notification timeframes.