



**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.

Certified: Signature on file
Birdie Worley, Rules Coordinator

Approved: Signature on file
Mitch Morrow, Deputy Director

MANAGEMENT SERVICE REMOVAL (LAYOFF) PLAN

(1) Policy

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. A removal shall be implemented when the number of employees in a given classification exceeds the number of available positions within the classification.

- (a) This Management Service Removal Plan is established as required by and is consistent with HRSD State Policy 50.025.01, Layoff/Removal.
- (b) All workforce adjustment measures, which may include reassignment of employees to existing vacancies, voluntary transfers, demotions, or voluntary separations within the management service, shall occur prior to implementing the removal process. Such measures shall occur providing the employee:
 - (A) Qualifies for the new position by meeting the Minimum Qualifications of the classification and
 - (B) Can perform the specific requirements of the position as described in the position description for the proposed job.
- (c) 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 in the application of rules and policies.
- (d) This policy does not allow “bumping” (displacement) within the management service by a management service employee.
- (e) A management service employee removed in accordance with this policy shall be placed on the management service agency layoff list for his/her classification. To facilitate placement on the list an employee profile must be set up in NeoGov.
 - (A) If the classification the employee was laid off from is eliminated, the agency will place the employee on the layoff list for the classification that most closely represents the work of their former position. To facilitate placement on the list an employee profile must be set up in NeoGov.
 - (B) 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. To facilitate placement on the list an employee profile must be set up in NeoGov.

- (f) 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.
- (g) A management service employee removed in accordance with this policy who has prior classified service shall be restored pursuant to the provisions of DOC Policy 20.5.8, Restoration of Removed Management Service Employees.

(2) Procedure

- (a) The Director or designee shall determine the number of positions, classification(s), and/or functional unit(s), affected for a pending removal. The removal shall be confined to the positions, classifications, and/or units 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 with the same major duties and responsibilities for each functional unit designated.
- (d) The geographic area is defined as the area where workforce adjustment measures may occur as an alternative to layoff/removal. The Director has identified the geographic area for management service employees as statewide.
- (e) Initial trial service employees shall receive the first removal notices by classification within the functional unit 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 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) with the same major duties and responsibilities 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.

- (C) The two most recent performance evaluations on file.
 - (D) Length of state service.
- (g) 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 employee of the pending action, date, rights and options, and assist them in making their transition.
 - (h) 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 eliminated, the agency will place the employee on the layoff list by length of state service for the classification that most closely represents the work of their former position. To facilitate placement on the list an employee profile must be set up in NeoGov. 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.
 - (i) 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 Layoff and/or Reemployment List shall be mandatory when major duties and responsibilities of the vacant position are the same as those performed prior to removal by an employee on the list and they meet any specific requirements associated with the position.
 - (B) When major duties and responsibilities of the vacant position are changed or different and no employee on the Layoff and/or Reemployment List performed the major duties prior to removal, the agency may develop a single competitive pool by supplementing the Layoff and Reemployment Lists with agency promotion, transfer, or demotion candidates. A selection from this pool must be made if there are at least three (3) qualified candidates.
 - (j) Once the employee is on the agency layoff list and is offered a position, the employee has two rights of refusal statewide. Upon a second refusal, the employee's name shall be removed from the agency's layoff list. The term of eligibility on the layoff list shall not be longer than two years from the date of layoff.
 - (k) 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. The management service employee must have a current State of Oregon application on the NeoGov system.
 - (A) The employee may be on the agency layoff and reemployment list for two years from the date of layoff. An individual shall be removed from the

layoff list upon the second refusal of a job offer statewide, but remain on the reemployment list for a period of up to two years or when a person accepts an equal classification and is returned to work (other than temporary work).

- (l) 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 list (RL) pursuant to HRSD State Policy 50.025.01 and OAR 105-040-0020, Types and Order of Applicant Lists.
- (m) Human Resources shall document 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.
- (n) Human Resources shall implement the necessary personnel actions per required notification timeframes.