

m Rehiring in a Civil Service Class after Layoff**SCOPE**

This policy governs the rehiring of former City employees into active City service provided they:

- were laid off from a Civil Service class; and
- are rehired into a Civil Service class from a certification list; and
- are rehired within one (1) year from the date of employee layoff.

Specific aspects of their reemployment are detailed in this policy. For the purpose of layoff and reemployment, "organizational unit" is defined in AM-205-8, Employee Layoffs.

Note: This policy does not cover employees laid off from 1) non-Civil Service classes who return to City government either in Civil Service or non-Civil Service classes or 2) Civil Service classes who return to City government in non-Civil Service classes. If these employees are hired within one (1) year of the layoff, they may be covered under the Administrative Manual policy on Subsequent Employment, AM-213-1, Part II.

PROBATIONARY PERIOD

Persons rehired from a reemployment list into their former class and organizational unit will not be required to serve a probationary period. Persons rehired in a different class or organizational unit must serve a probationary period with leave usage the same as the initial probationary period.

PHYSICAL EXAMINATION

Prior to being rehired, a City pre-employment physical examination by the Division of Occupational Medicine, Department of Personnel, is required.

SALARY

An employee who is rehired within one (1) year of the date of layoff will:

- if rehired in the same class, receive the salary to which he/she would have been entitled if the layoff had not occurred.
- if rehired in a class which has a lower grade than the class at the time of layoff, be considered as having taken a voluntary demotion under the salary policy for demotions.

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- if rehired in a class which has a higher grade than the class at the time of layoff, be considered to have received a promotion under the salary policy for promotions.

PRIOR SERVICE CREDIT

For the purpose of calculating seniority, longevity, and vacation leave, rehired persons will be credited with that period of unbroken service earned by them at the time of their layoff.

For the purpose of determining length of service in one (1) level of a salary grade, persons rehired within 12 months of being laid off will be credited with that period of service in the grade earned by them at the time of layoff.

The electronic payroll system requires adjustments to entry date, next level movement date, promotion date, etc., in order to ensure proper reporting of these items; subsequently, these dates will be changed for rehired employees so as to preclude the accrual of service credit during the period of time the employee was laid off. Entry tickets should have "REHIRE AFTER LAYOFF" written on the top. Agencies should submit with first day at work as effective date and Central Payroll will adjust accordingly.

Example (Rehire within 1 year)

Employee hired 12/3/92

Next level movement date 8/4/96

Employee laid off 6/30/96

Employee re-hired 6/29/97

Central Payroll Division staff will adjust the Entry Date from 12/3/92 to 12/2/93 and next level movement date to 8/3/97

SICK LEAVE ENTITLEMENT

Eligible rehired employees will be credited with 100% of sick leave which was not converted to cash at the time of layoff.

EXAMPLES OF SICK LEAVE ENTITLEMENT

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The following examples are provided to assist in understanding and implementation of any sick leave entitlement.

A) 20 OR MORE YEARS OF SERVICE AT THE TIME OF LAYOFF AND SEPARATED WITHOUT PENSION BENEFITS

An employee who was laid off for 1 year or less without a pension benefit, and who had 20 years of City service, is rehired. At the time of layoff, the employee had accumulated 102 unused sick leave days. Using the conversion formula of 1 day's pay for every 3 unused sick leave days, the employee received 34 day's pay, i.e., 102 unused sick leave days divided by 3 = 34 day's pay. The conversion formula varies according to the employee's certified bargaining unit, e.g., MAPS employees convert at 1 for 3, CUB employees at 1 for 4, etc.

When reinstated the employee receives 68 days of sick leave which was not converted to cash.

B) LESS THAN 20 YEARS OF SERVICE AT THE TIME OF LAYOFF LAYOFF BETWEEN JUNE 1 AND NOVEMBER 30

An employee who was laid off in August and who had 19 years of City service, is rehired the following May. At the time of layoff, the employee had accumulated 93 unused sick leave days, 84 of which had been earned prior to the then current administrative sick leave year (sick leave conversion - the last payroll of the previous November). The employee lost 84 days because he/she did not have 20 years of service. Those 84 days, will be restored to the employee's sick leave record upon reinstatement. The 9 sick leave days which the employee had accumulated during the then current administrative sick leave year were converted to cash at the time of layoff. Using the conversion formula of 1 day's pay for every 4 unused sick leave days accumulated, the employee received 2 days pay, i.e., 11 days unused sick leave days divided by 4 = 2 days pay with 1 day left over. The 1 day left over, which could not be converted to cash at the time of layoff and which was subsequently lost, will also be restored to his sick leave record. (Because this conversion, i.e., "less than 20 years service at the time of layoff" is a pro rata form of the annual sick leave conversion, the 1 for 4 formula remains the same irrespective of the employee's bargaining unit. Further, consistent with the annual sick leave conversion policy, payment is for whole days only and is capped at 3 days pay.)

LAYOFF BETWEEN DECEMBER 1 AND MAY 31

An employee who was laid off on December 31 and who had 19 years of City service, is rehired in October. At the time of lay off, the employee was not eligible to convert to cash any of the 75

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leave days which had accumulated. All 75 sick leave days will now be restored to the employee's sick leave record.

COMPENSATORY LEAVE ENTITLEMENT

FLSA - Nonexempt

A rehired person who at the time of layoff was nonexempt under FLSA and received payment in full for compensatory leave at separation can not repurchase the compensatory leave, i.e., "buy back" is prohibited.

FLSA -Exempt

Rehired persons, who were exempt under FLSA at the time of layoff, received no payout for accumulated compensatory leave. The compensatory leave balance will not be restored.

RELATED POLICIES

AM-204-30 DETERMINATION OF BENEFITS: PART I

AM-204-31 DETERMINATION OF BENEFITS: PART II

[AM-205-1](#) SALARY

[AM-205-8](#) EMPLOYEE LAYOFFS

AM-232-1-1 FILLING A PERMANENT POSITION BY HIRING OR TRANSFER

AM-236-1 PROBATIONARY PERIOD

[AM-290](#) SALARY SCHEDULES