

LAKE COUNTY BOARD OF DD/DEEPWOOD

BOARD POLICY

Reviewed and Approved by the Board:

Date: August 23, 2021

Signature on File

Elfriede Roman, Superintendent

I. SUBJECT: MANAGEMENT LAYOFF POLICY

II. PURPOSE:

To provide management employees with job security, in the event of reduction in the number of management employees is necessary, through the adoption of procedures allowing for displacement and recall rights within classification series.

III. REFERENCES:

Ohio Revised Code Section 5126.21(E).

IV. POLICY:

Section 1. The Superintendent may layoff management level employees whenever a reduction in force is necessary due to lack of work, lack of funds, job abolishment, reorganization or for reasons of economy and/or efficiency of Agency operations. When the Superintendent determines that a layoff or job abolishment is necessary, he/she shall notify the affected employee(s) in advance of the effective date of the layoff or job abolishment.

Section 2. The Superintendent shall determine in which program areas, and management classifications employees will be laid off and the number of employees to be laid off therein in accordance with their experience, skill, ability and qualifications to perform the remaining work without further training. When two (2) or more employees have relatively equal experience, skill, ability and qualifications to do the job without further training, as solely determined by the Superintendent, the employee(s) with the least seniority will be laid off first. "Seniority" when used in the Policy shall be defined as the employee's total length of continuous service with the Agency pro-rated for part-time service, if any.

Section 3. Any employee receiving notice of a layoff shall have five (5) days following receipt thereof to exercise his right to displace the least senior employee within position(s)

of lower salary range in the same Program Division, provided the laid off employee possesses the skill, ability and qualifications to perform the work without further training.

Any employee who is displaced from his/her position shall have five (5) days in which to exercise his/her displacement rights in a similar manner. Any employee who does not have sufficient skill, ability and/or qualifications to displace another employee within a position of lower salary range in the same Program Division shall be laid off and placed on the appropriate recall list.

Section 4. As an alternative to and in substitution of an employee's exercise of displacement rights, the Superintendent reserves the right, in his/her discretion, to offer an employee reassignment to any vacant position within the same Program Division. The employee's acceptance of a reassignment shall serve to extinguish the exercise of any and all displacement rights hereunder. An employee who performs the work of a lower rated position due to the exercise of bumping/recall rights or acceptance of a reassignment shall be compensated at the salary range for the lower rated position.

Section 5. When employees are laid off, the Superintendent shall create a recall list for each program area and classification. Employees who are laid off shall be placed on a recall list for a period of one (1) year from their effective date of layoff. The Superintendent shall recall employees from layoff within each program area and classification as needed. If there is a recall, employees who are still on the recall list shall be recalled, in inverse order of their layoff, provided they are presently qualified to perform the work in the job classification to which they are recalled without further training.

Section 6. If an employee is recalled to a lower salaried position, he/she shall have the right to return to the job classification he/she held prior to being laid off in the event it subsequently becomes a vacant position that the Superintendent intends to fill within one (1) year of the date of the original lay-off. If the employee is recalled to a lower salaried position, the employee shall have the right to refuse the recall and maintain his/her recall eligibility.

Section 7. Notice of recall from a long-term layoff shall be sent to the employee by certified mail, return receipt requested. The Superintendent is deemed to have fulfilled his/her obligations by mailing the recall notice by certified mail, return receipt requested, to the last mailing address provided by the employee to the Agency's HR Department.

Section 8. The recalled employee shall have five (5) calendar days following the date of mailing of the recall notice to notify the Superintendent of his/her intention to return to work and shall have ten (10) calendar days following the mailing date of the recall notice in which to report for duty, unless a different date for returning to work is otherwise specified in the notice.

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V. DISTRIBUTION:

Board Members
All Management Staff
All Staff (via Department Managers)
LEADD President

VI. REVIEWED:

8/21, 8/19, 8/18, 8/17, 8/16, 8/15, 8/14, 8/13, 6/11, 6/09, 6/07, 6/05, 7/98