

Frequently Asked Questions (FAQs) Regarding Seniority and Layoff – February 2025

1. I have received a layoff notice. Will I really be laid off?

It is difficult to predict the final impacts. You may or may not be laid off depending on your City employment history and the final outcome of the reduction in force process.

2. How are layoffs typically determined?

- Typically, layoffs occur when the City determines that budget reductions are necessary to balance any anticipated budget shortfall.
- Human Resources Management (HRM) takes the list of potentially impacted classifications and calculates seniority in those classifications according to Civil Service Rule 9.
- HRM uses the seniority lists to determine which employees will move (bump/reassign), revert to a formerly held classification, or be laid off or released from their at-will positions. Impacted employees with property rights are moved to available vacant positions in their classification before they are either reverted or laid off if vacancies are available.

3. What is seniority within a classification?

Permanent Civil Service employees receive one seniority point per month in their full-time permanent classifications. For example, an employee who has been employed by the City for 12 months as a permanent full-time Account Clerk I will have 12 seniority points as an Account Clerk I. Days count toward seniority on a fractional basis; for example, if you have been in a classification for one month and 15 days, you would have approximately 1.5 seniority points in the classification.

Seniority in permanent part-time classifications is pro-rated at 50%.

Employees in “at-will” positions that are exempt from civil service do not accrue seniority.

4. How can I find out about my seniority?

- Seniority lists are generally published during the time that Council/City Administration considers potential layoffs and in advance of the actual layoff. Seniority lists for potentially affected classifications are available on HRM’s website; updates will be posted as they become available.
- If you have questions about your own seniority, you can submit a “Seniority Point Review Request Form” to HRM. The form is available on HRM’s website or from your department HR Single Point of Contact (“SPOC”), union representative, or the HRM Office at 150 Frank H. Ogawa Plaza, 2nd Floor.

5. What if I believe that there is an error in my seniority calculation?

Fill out and submit a “Seniority Point Review Request Form.” In the space provided, be sure to clearly state the reasons you believe the seniority calculation is incorrect and attach any information or documents that support your claims. HRM staff will perform research to determine if a correction is required and will notify you of the results.

6. What is bumping?

“Bumping” occurs when a position is eliminated and the employee in that position has more seniority than another employee in the same classification; the initial employee is “laid off” from that position and gets to displace or “bump” the less senior employee in the same classification.

7. Can an employee bump into another position or another department?

Yes, if the employee has enough seniority to bump a less senior employee within the same classification. Bumping occurs within the department first, then on a citywide basis. For the Common Classes listed in Appendix B of the City’s Personnel Manual, employees may bump employees at the Port of Oakland.

8. What is reversion?

If an employee is impacted by layoffs and has time in another classification, their previous service is reviewed. If the employee is more senior in a previous classification than another employee, then the employee can move to a position in their former permanent classification. They are said to “revert” to their former classification.

9. If I revert to a previous permanent classification, what will be my salary step?

Employees will usually be placed at the salary rate that is closest to but does not exceed their current rate of pay.

10. Are exempt employees eligible for reversion?

Maybe. If they formerly had permanent status in a civil service classification, took a leave of absence from their former classification to accept the exempt appointment per Civil Service Rule 8.07 (that was approved by the Civil Service Board), and are more senior to another employee in a previous classification, they may revert to a former classification.

11. How would I know if I can revert to my former classification?

If you passed your probationary period in the former classification, you usually have reversion rights to that classification. However, you must have enough seniority to bump another employee in the classification. If you are not more senior than another employee, you will be laid off. The City will consider your seniority in all previous, civil service classifications in which you have property rights.

12. What if I've worked for the City for a long time?

Seniority is calculated within classification. If you have very little seniority in a classification but you've worked for the City for a long time and have seniority in previous classifications, your overall City service would only be counted if your seniority was tied with another employee in your current classification.

13. Do performance appraisals factor into seniority?

No, performance ratings were eliminated as a factor in seniority calculations when the Civil Service Rules were revised on May 12, 2011.

14. Do provisional, temporary, or exempt appointments count toward seniority?

No, only permanent service in civil service classifications counts toward seniority.

15. Does leave without pay count against seniority?

Yes, if the unpaid leave consists of more than 30 consecutive days. Unpaid leave that is 30 consecutive days or less does NOT count against seniority.

16. Can an employee who is on leave be laid off?

Yes, layoffs affect employees in civil service positions based strictly on seniority.

17. Do temporary part-time or exempt employees accrue seniority?

No, temporary part-time employees (TPTs) and exempt ("at will") employees do not accrue seniority.

18. What happens to my seniority if I left the City and came back later to the same classification?

If you voluntarily left City employment in good standing, it depends on how long you were separated from the City. Under Civil Service Rule 9.09, if you were separated for two years or more, you will lose all seniority that was accrued prior to the break in service. If the break in service was less than two years, you would retain seniority that was accrued during your prior term of service. The two terms of service would be added together to calculate your seniority in your current classification.

19. Are selectively certified positions subject to bumping?

Maybe. If an employee was hired as selectively certified for their position, only another employee who has the same selective certification may bump the person. For instance, if a person was hired into a position that was selectively certified for Spanish language skills, only a person who is more senior in the same classification AND possesses the same selective certification for Spanish language could bump into that position.

20. How are ties in seniority broken?

If after the initial seniority is calculated and the seniority of two or more employees is equal, there are four ways the tie can be broken for non-sworn, civil service employees per Civil Service Rule 9.02(b):

- (1) Employee with greatest actual time in class in which the layoff is being made and in classes with the same or higher maximum salary (this step includes an adjustment for any disciplinary suspensions);
- (2) Employee with greatest total time in City service;
- (3) Employee who received the highest score on the entrance examination in the class; and
- (4) Employee whose application for the position in the subject class was first received.

In breaking a tie, the first rule is applied first. If there are still ties after applying that rule, then the second rule is applied, and so forth. Tie-breakers changed when the Civil Service Rules were amended on May 12, 2011.

21. Can I be laid off if I have not passed probation?

Yes, but you will not have reinstatement rights in that classification. If you are laid off during probation and the eligible list you were hired from is still active, your name will be returned to the eligible list. You will be considered for future vacancies, should they arise, in that classification while that eligible list remains active.

22. What is a reinstatement list and how long will I remain on the list?

According to Civil Service Rule 9.03 Reinstatement List, permanent employees who are laid off or revert to a former classification will have their names kept on a reinstatement list for three (3) years from the date of layoff. (Names shall be placed on the reinstatement list ranked by seniority on a Citywide basis, from highest to lowest seniority). The reinstatement list will be used by the Personnel Director when a vacancy arises in the same or lower classifications. The Personnel Director shall use this list before any other type of appointment. The name of any permanent employee on a reinstatement list who has remained on the list for three (3) full years shall be removed from the list and that person shall lose all civil service status. The Personnel Director, in their discretion, may extend the active period of the reinstatement list.

NOTE: Check your union [Memorandum of Understanding \(MOU\)](#) for the agreements related to your bargaining group.

22. Will I be reinstated?

Maybe. It depends on whether positions in your classification become available while you are eligible for reinstatement.

23. If I am laid off and then reinstated, will I retain my seniority?

Laid off employees do not lose seniority if they have passed probation and are reinstated (versus employees who voluntarily leave City service). However, you do not accrue additional seniority while you are laid off. If you are reinstated from a current reinstatement list, seniority from the two terms of service (before and after the layoff) will be combined in future seniority calculations.

24. If I am reinstated, do I have to serve another probationary period?

No, reinstated employees are not placed on probation again.

25. If I am reinstated, what will be my salary rate upon return to the City?

Reinstated employees typically return to the City at the same rate of pay or salary step that they were receiving prior to being laid off.

26. Are reinstated lists given priority over eligible lists?

Yes, active reinstatement lists must be exhausted before vacancies can be filled by candidates from other eligible lists or by re-employment.

27. Will my paid leave accruals (e.g., vacation, comp time, floating holidays and management leave) be cashed out if I am laid off?

Depending on the Memorandum of Understanding (MOU) that covers your bargaining unit, you may be eligible cash out your paid leave accruals.

28. Will my sick leave be cashed out if I am laid off?

Depending on the Memorandum of Understanding (MOU) that covers your bargaining unit, you may be eligible cash out your sick leave.

29. When will I receive my final paycheck?

The City will issue final paycheck to separated employees once the employee's department completes and submits to Central Payroll all the necessary separation paperwork. Your final paycheck will include your salary and any cash out of accrued leaves (please refer to the MOU that covers your bargaining unit) as of the date of your separation from City service.

30. What happens to my health benefits if I am laid off?

Your medical coverage continues through the end of the following month in which your employment ends (e.g., if the termination date is 2/28/25, medical coverage continues through 3/31/25).

Dental and vision coverage continue through the end of the month in which your employment ends (e.g., if the termination date is 2/28/25, your dental and vision coverage is through 2/28/25).

You are eligible to continue your current coverage through COBRA by paying 102% of the premium. All laid off employees will receive a COBRA packet in the mail from Navia Benefits Solutions after their employment ends.

31. What will happen to my retirement contributions if I am laid off?

Please contact the City's Retirement Office at (510) 238-6479 for specific information regarding your options.

32. What will happen to my deferred compensation contributions if I am laid off?

Please contact Jeanette Delgado at (510) 238-7445 or jdelgado@oaklandca.gov for specific information regarding your options.

33. If I am laid off, are there resources available to me?

The City will provide support center services to assist you with your transition. These services may include consultations with Employee Assistance Program counselors, City representatives from the Benefits Division and Retirement Division, and individuals or agencies to assist you with unemployment information and job placement opportunities.

34. What do the Civil Service Rules say about layoffs?

Sections of Civil Service Rule 9 pertain to Reduction-in-Force and can be found in the Civil Service Rules (Personnel Manual) adopted by the Civil Service Board on March 14, 2013 and posted on the City's website at:
<https://www.oaklandca.gov/resources/read-civil-service-board-rules>

35. What does my MOU say about layoffs?

Sections of the various Memoranda of Understanding govern the Reduction-in-Force process, typically listed in the Personnel Article for each MOU. You should check your MOU to understand what provisions apply to your bargaining unit.