

Reduction-In-Force Frequently Asked Questions

The following Questions and Answers do not apply to a specific bargaining unit. Please be sure to check the Memorandum of Understanding (MOU) that applies to your classification. This does not apply to unrepresented employees. The Court has established a website to assist employees affected by reduction-in-force actions. For additional resources, please click on the following link:

Court RIF website.

1. How does a RIF occur?

Reduction-in-force (RIF) occurs when the need arises to reduce positions within the Court. The Court identifies those positions that can no longer be funded. Deletion of a position requires approval by the Executive Officer.

2. How does an employee know what his/her options are during a RIF? Who keeps the employee informed?

The Human Resources Office develops the reduction-in-force seniority lists and works with each unit manager to analyze options available to all employees. The unit manager will notify the employee of the initial meeting to discuss the reduction-in-force action. The meeting will be with both the Human Resources Office and the unit manager. The rights of the employee will be explained in writing. A representative from the Human Resources Office will be assigned to assist the employee in understanding and exploring available options within the Court. During this time, the Court's human resources staff is available to assist and answer questions.

3. If there is a difference between the MOU and Personnel Policies which applies?

The MOU supersedes the Personnel Organization and Rules. Once the MOU provisions are applied the Personnel Policy is then applied.

4. What time is counted towards seniority?

Seniority calculations are based upon the provisions contained in the MOU. In general, Employees' seniority will be based on their amount of total continuous paid service with the Court and as a reciprocal transfer with Stanislaus County. In an affected classification, the employee with the least total continuous paid service shall be the first separated except as otherwise provided herein. In cases of equal seniority among employees, the order of separation shall be determined based on performance as follows:

The Court will determine the total score for an annual performance evaluation by using numerical values assigned to each performance rating. For any year in which the employee does not receive an actual evaluation with a rating, the employee will receive a successful rating for that year.

5. Is FMLA time deducted?

FMLA time is not deducted automatically for seniority purposes. However, unpaid time off may be deducted depending on the MOU language.

Reduction-In-Force Frequently Asked Questions

- 6. Does the employee find out where he/she is on the seniority list? Are other employees aware of the seniority status?**

Affected individuals are notified as to their seniority calculation based upon the specific MOU provisions. Seniority lists contain confidential personnel information and are subject to frequent modification based on staff changes and are therefore not published or made public record

- 7. Can an employee promote during a RIF?**

Promotional opportunities are only available from an open or Court recruitment process. If the employee is interested in an available promotional opportunity, he/she would need to complete a Court application form and submit it before the final filing date.

- 8. How does the employee know if taking another position is considered a demotion?**

A Human Resources representative can assist in determining if an open vacancy is considered a demotion, lateral, or promotion. In general, compare the top step of each position. If the top step is lower than the top step of the employee's current classification it is considered a demotion.

- 9. Why can't the employee demote during a RIF and keep his/her current salary?**

A reduction-in-force is put into place due to budget constraints requiring the Court to save money

- 10. How does an individual "bump" someone else?**

Individual rights are detailed in writing to the employee, if they are to be part of a RIF. If the employee has the right to "bump" someone, he/she will be notified of the process and time frames. Generally, the employee will notify the Director of Human Resources in writing of his/her desire to exercise their "bumping" rights and the Court will inform the affected individual who is being "bumped."

- 11. When are bumping rights shared with the employee?**

The employees bumping rights are normally shared with the employee during the employee meeting.

- 12. What if the employee chooses to exercise his/her bumping rights but is concerned about the reaction of other employees?**

Invoking bumping rights occurs frequently in a reduction-in-force. Employees are encouraged to make decisions that best meet their individual situations. Court policies specifically prohibit discourteous treatment or harassment in the workplace.

- 13. If the employee decides to transfer to another position before the RIF occurs, does the employee still have the right to bump if that would have been offered?**

Reduction-In-Force Frequently Asked Questions

If the employee fails probation, he/she may elect to return to the original position and exercise any bumping rights he/she may have and the employee's name will remain on a reemployment list.

14. Does an employee need to serve a new probationary period if he/she returns to the RIF'd position that he/she already achieved permanent status?

No, the employee will retain property rights and return to the same step they left at, or using promotional rules, whichever is better for the employee.

15. Do employees have a right to future employment with the Court?

Employees who have obtained regular status in their classification will be placed on a reemployment list for future vacancies in the same classification the employee was in at the time of the reduction-in-force. Regular status must be obtained prior to the effective date of the reduction-in-force.

16. If a vacancy occurs after the RIF, will the position be offered to someone who left due to the RIF?

Re-employment lists are used in the order of seniority after a reduction-in-force to fill funded vacancies. Currently re-employment lists are in effect for specific timeframes as identified in the MOU. This specific information is provided to each employee impacted at the time of the reduction-in-force.

17. How long does an employee stay on the re-employment (re-instatement) list?

The employee may be eligible to stay on the re-employment list for a period of one (1) year from the effective date of layoff, as specified in the MOU even if he/she separates from the Court or takes another position with the Court. The list will be managed by the Human Resources Office. The re-employment list is for the classification and department the employee was in at the time of the RIF.

18. Will the employee be informed of where they fall on the re-employment list?

An authorized Human Resource representative can inform the employee where he/she falls on the list. The entire list is not provided. This information may be provided only after the effective date of the RIF. This list is constantly changing due to retirements, job placements, and/or resignations.

19. What happens if the employee is just days away from reaching the next step and is now getting demoted due to the RIF?

This would be addressed on a case-by-case basis. If the employee is reinstated, the Court has the discretion to grant credit for prior service hours. The Court may choose to grant the step increase if the employee meets the one year equivalent of service.

20. What is the cash out process for RIF employees? Does the employee receive the last payout in a separate check or is everything combined in one check?

Reduction-In-Force Frequently Asked Questions

Generally, eligible accrual balances are cashed out on the employee's last paycheck. The employee may also request to deposit their cash outs into his/her deferred compensation.

21. What happens to vacation time balances upon termination of employment for employees impacted by a reduction-in-force?

Vacation time cash out is 100% at the time of termination or change in employment status from full-time to part-time.

22. What happens to sick time balances upon termination of employment as a result of a reduction-in-force?

Sick leave cash out is determined by the MOU. Please refer to the MOU for additional information or check with your Human Resource representative.