

RESOLUTION NO. 09-29

A RESOLUTION OF THE TOWN COUNCIL CONCERNING LAYOFFS DUE TO A REDUCTION IN TOWN REVENUES

WHEREAS, the Town is forecasting a reduction in its revenue, which will require the layoff of five positions currently filled and listed in detail in Attachment No.1 of this Resolution; and

WHEREAS, Rule XII of the Town of Paradise Personnel Rules and Regulations provides the procedures for laying off Town employees as follows:

1. Statement of Intent: Whenever, in the judgment of the Town Council, it becomes necessary to abolish any position of employment, the employee holding such position or employment may be laid off or demoted without disciplinary action and without the right of appeal.
2. Notification: Employees to be laid off shall be given, whenever possible, at least sixty (60) calendar days prior notice.
3. Vacancy and Demotion: Except as otherwise provided, whenever there is a reduction in the work force, the appointing authority shall first demote to a vacancy, if any, in a lower class for which the employee who is the latest to be laid off in accordance with Section 6 is qualified. All persons so demoted shall have their names placed on the reemployment list.
4. Employee Rights: An employee affected by layoff shall have the right to displace an employee in the same department who has less seniority in a lower class in the same class series or in a lower classification in which the affected employee once had permanent status. For the purpose of this section and Section 5, seniority includes all periods of full-time service at or above the classification level where layoff is to occur.
5. Seniority: Providing merit and ability are equal and in order to retreat to a former or lower class, an employee must have more seniority than at least one of the incumbents in the retreat class and request displacement action in writing to the Personnel Director within five (5) working days of receipt of notice of layoff.
6. Employment Status: In each class of position, employees shall be laid off according to employment status in the following order: temporary, provisional, probationary and regular.

Temporary, provisional and probationary employees shall be laid off according to the needs of the service as determined by the appointing authority.

Employees within each category shall be laid off in inverse order of seniority in Town service.

7. Re-employment List: The names of persons laid off or demoted in accordance with these Rules shall be entered upon a re-employment list. Separate re-employment lists shall be maintained for each department and used by that department when a vacancy arises in the same or lower class of position before certification is made from an eligible list.

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8. Duration of Re-employment List: Names of persons laid off shall be carried on a re-employment list for three (3) years, except that persons appointed to permanent positions of the same level as that which laid off, shall upon such appointment, be dropped from the list. Persons who refuse reemployment shall be dropped from the list. Persons re-employed in a lower class, or on a temporary basis, shall be continued on the list for the higher position for the three (3) years; and

WHEREAS, based on Rule XII of the Town of Paradise Personnel Rules and Regulations and a thorough analysis of the Town's staffing requirements, the Town Manager is recommending that the persons currently holding the positions identified in Attachment No.1 be laid off.

NOW, THEREFORE the Town Council of the Town of Paradise does resolve, as follows:

Section 1. The above statements are true and correct.

Section 2. After reviewing the analysis and recommendation of the Town Manager, the Council authorizes the Town Manager to lay off the five employees in the positions as set forth in Attachment No.1 of this Resolution, the 60 day layoff notices shall be given to such employees on Monday, June 29, 2009.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 26th day of June, 2009, by the following vote:

AYES: Steve "Woody" Culleton, Joe DiDuca, Scott Lotter, Alan White and Frankie Rutledge, Mayor.


NOES: None.

ABSENT: None.

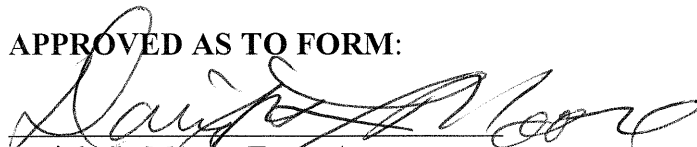
NOT VOTING: None.


FRANKIE RUTLEDGE, Mayor

ATTEST:

By: 
Joanna Gutierrez, Town Clerk

APPROVED AS TO FORM:


Dwight L. Moore, Town Attorney

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Attachment No.1

1. **Central Receptionist/Office Assistant** – Pamela Gibbs was hired April 6, 1998.
 - This is the only position in this classification.
2. **Animal Control Officer** – Irene Bailey hired May 1, 2006 has the least seniority in this classification.
 - One other Animal Control Officer hired November 21, 2005.
3. **Community Service Officer I** – Linda Gregory was hired August 13, 2007.
 - The Town has a Community Service Officer II hired on December 19, 2001.
 - The Community Service Officer III position is a different classification in that the qualifications and duties are not similar to the Community Service Officer I classification.
4. **Public Works Maintenance Worker I** – Orlando Garcia hired March 17, 2008 has the least seniority.
5. **Public Works Maintenance Worker I** – Bobby Larson hired April 10, 2006 has the next least seniority.
 - One other Public Works Maintenance Worker I hired February 20, 2006.