

*Bargaining Unit employees should review their appropriate Collective Bargaining Agreement (CBA) to determine if this procedure applies to them. In case of a conflict between the applicable CBA and these procedures, the provision in the CBA controls.*

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## **Layoff and Recall**

**OVERVIEW:** County action regarding layoff and recall procedures are described by this procedure.

**SCOPE:** This procedure applies to all persons employed by the Board.

### **PROVISIONS:**

#### **Section 1- Layoff**

1. At the recommendation of the Adminstrating Official and upon approval of the Board, all layoff procedures shall be coordinated and processed by the Human Resources Department.
2. Layoff is a period of suspension or termination of employment by the County due to specific circumstances, including but not limited to:
  - a. Budget constraints,
  - b. Changes in organizational structure,
  - c. Lack of work,
  - d. Elimination of a program/function/division,
  - e. Material changes in a job description, or
  - f. Any other reasons within the discretion of the Board.
3. A layoff shall not be implemented in conflict with any State or Federal grant regulation prohibiting the supplanting of employees.
  - a. County personnel employed with, and paid by, Federal or State grant funds will be laid off or terminated upon the elimination or cut back of such funds regardless of their length of service.

4. In the event a program, function and/or division within a Department is eliminated, personnel assigned to such may be laid off or terminated regardless of their length of service, performance reviews, or abilities and qualifications to do the work.

If an employee is performing functions associated with an eliminated program, function and/or division within a department, the employee's work hours may be reduced to reflect the elimination of the duties in lieu of layoff. If funds are available in another program, function and/or division within the department to fully fund the employee, the employee's work hours may be restored to full time.

5. In the event of a general reduction in work force, employees in the same classification and department(s) affected shall be laid off in the following order:
  - a. Temporary employees,
  - b. Probationary employees, and
  - c. Part-time permanent employees
  - d. Full-time permanent employees.
6. In the event of a general reduction in work force, employees in the same classification and department(s) with the highest values of the following factors, as determined by the Department Director shall be retained:
  - a. Performance review ratings,
  - b. Ability to do the work, and
  - c. Qualifications to do the work.
7. If these factors are relatively equal, the least senior employee, by initial hire date, in the same classification shall be laid off first.
8. Veterans' Preference shall be considered in accordance with Chapter 295, Florida Statutes and Chapter 55A-7, Florida Administrative Code.
9. A laid-off employee shall be paid for all accrued annual leave, sick leave and compensatory time in accordance with applicable procedures.

## **Section 2- Recall**

1. Recall is initiated by the Administrating Official or designee.
2. Laid-off employees shall be recalled to the same classification and department from which they were laid off in the reverse order in which they were laid off, provided that the employees have not been laid off for more than twelve consecutive months or one-

half the employee's length of continuous employment with the County at the time of layoff, whichever is less. After this period, the laid-off employee no longer has recall rights.

3. An employee who is laid off and fails to return to work within three working days after having been recalled in writing by certified mail with return receipt addressed to the last known address on record shall not be eligible for recall unless there is an acceptable reason for such failure.
4. The anniversary date for a laid-off employee who is reinstated after recall within twelve months of the effective date of layoff shall remain the same.
5. Seniority in layoff refers to most senior, by initial hire date, within classifications.
6. An employee who is reinstated within twelve months shall retain all unused sick leave that was accumulated up to the date of layoff in accordance with these regulations that was not paid out at the time of layoff.
  - a. For purposes of annual and sick leave accrual rates only, an employee reinstated to a permanent position shall retain credit for prior service.
  - b. A laid-off employee who is reinstated shall not use or accrue annual or sick leave benefits during the period the employee was laid off.