



Memorandum

TO: Rules Committee

FROM: Councilmember
Pierluigi Oliverio

SUBJECT: Civil Service Commission
Reevaluate layoff criteria

DATE: January 7, 2011

Approved

Date

1/7/2011

RECOMMENDATION

Direct the Civil Service Commission to evaluate and make a recommendation to the City Council (no more than 90 days per the City Charter) to determine if the layoff process can be changed and/or amended to include "employee performance" as a tool to help identify which employees would be let go when the City of San Jose is forced to do layoffs.

BACKGROUND

The City of San Jose has adopted Civil Service rules that state what is and what is not allowed in regards to employment. However the City Charter allows for changes to the Civil Service rules by a Council vote and does not require a city wide election, see below.

SECTION 1103. Civil Service Rules; Manner of Adoption.

Civil Service Rules for the Classified Service shall be adopted, and may from time to time be repealed or amended, by ordinance of the Council. Upon adoption, Civil Service Rules shall have the force and effect of law. The Council may adopt, repeal or amend any Civil Service Rule for the Classified Service, provided it first receives from the Civil Service Commission a report or recommendation with respect to the proposed new Rule, if a new Rule is proposed to be adopted, or with respect to the proposed repeal or amendment of an existing Rule if an existing Rule is proposed to be repealed or amended; provided, however, that if the Civil Service Commission refuses or fails to submit to the Council a report or recommendation on any proposed new Rule, or proposed repeal or amendment of any existing Rule, within ninety (90) days from and after the date the Council requests such a report or recommendation, the Council may adopt such new Rule or repeal or amend such existing Rule, without first receiving a report or recommendation thereon from the Civil Service Commission.

The fiscal years ahead for local government are tough as property tax revenues will continue to be low and the true costs of pensions are revealed. If layoffs are inevitable, than let's examine the current system of layoffs by seniority. The current method means we lose some of the most productive people and create a large age gap if/when we are in the position to hire down the road. Instead, perhaps we look to see if there is an alternative that might involve employee performance as well as seniority. Maybe only layoff employees who were evaluated as "needing improvement" before laying off productive employees with less seniority. Or if two employees have nearly equal seniority that there is some allowance for merit to be used in the final determination like education, training, evaluations and certifications.

Related to the topic of layoffs but not specific to this memo perhaps we should explore allowing those that are closer to retirement the ability to choose on their own accord to retire early in a way that would still provide the savings to balance the budget. Employees with more seniority are paid more than those with less seniority so a change may allow fewer layoffs of city employees that provide services to residents.