

ORDINANCE NO. 050425

Amending Chapter 2, Code of Ordinances, by repealing Section 2-1115, Reduction in force; layoffs, and enacting in lieu thereof a new section of like number and subject matter, which adjusts affected employee's salaries in accordance with the pay ordinance in effect at the time the layoff, grants the City Manager authority to stabilize affected employees' pay and gives affected employees an opportunity to alternative employment.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 2, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 2-1115, Reduction in force; layoffs, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

**Sec. 2-1115. Reduction in force; layoffs.**

A department head may separate any employee without prejudice because of lack of funds or curtailment of work, after giving notice of at least ten working days to such employee. However, no regular employee shall be separated from any department while there are provisional, probationary, seasonal or temporary or contractual employees serving in the same class of positions in that department. Whenever a classified position is abolished or a reduction in force becomes necessary, layoffs shall be accomplished in the following manner:

- (1) For classes of positions within the managerial, professional, supervisory or confidential group:
  - a. Employees in division A as set out in section 115 of the Charter who received a performance rating of less than "Meets Expectations" on their last performance appraisal will be laid off first.
  - b. The remainder of the employees in division A as set out in section 115 of the Charter will be laid off in inverse order of their total service with the city.
  - c. All employees in division B positions shall be subject to layoff on the basis that the best qualified employees to perform the work shall be retained.
  - d. The names of regular and seasonal employees who have been laid off shall be placed on the appropriate reemployment list in accordance with the provisions of this article. An appointing authority may, with the approval of the director of human resources, appoint an employee who is to be laid off to any

existing vacancy in a lower class for which he is qualified.

- (2) Transfer, demotion or promotion in lieu of layoff. Whenever employees are to be laid off, they may transfer, demote or promote to another vacant position in the city providing that:
  - a. Positions are authorized, budgeted, and the city intends to fill the vacancies.
  - b. Employee meets qualifications of the new position as determined by the human resources director.
- (3) Salary adjustments upon demotion.
  - a. The employee's salary will be adjusted in accordance with the pay ordinance in effect.
  - b. The City Manager has the authority to stabilize any employee's salary, even if the salary for that employee would be outside of the established pay range.
- (4) For those classes of positions covered by the provisions of the memorandum of understanding between the city and Local 500--American Federation of State, County and Municipal Employees, employees will be laid off in accordance with the provisions of the memorandum of understanding.
- (5) For those classes of positions covered by the provisions of the memorandum of understanding between the city and Local 42--International Association of Fire Fighters, a department head may separate any employee without prejudice because of lack of funds or curtailment of work, after giving notice of at least ten working days to such employee. However, no regular employee shall be separated from any department while there are provisional, probationary, seasonal or temporary employees serving in the same class of positions in that department.
- (6) Procedures.
  - a. Any department with a vacancy must accept an affected employee who has been certified and is qualified for the vacancy.
  - b. Each affected employee may be given one opportunity of alternative employment as soon as practical.
  - c. If an affected employee refuses the position offered, it will be the employee's responsibility to compete for other positions within the

city system through the established competitive process.

- d. The human resources department will coordinate outplacement assistance for those associates who leave the organization.
  - e. Decisions for layoffs shall not be subject to the grievance process or further appeal.
- (7) Limited term merit employees do not have any rights under this ordinance.
- (8) The City Manager shall be authorized to develop and enter into severance agreements with displaced employees subject to the requisite Council approvals.
- (9) Nondiscrimination in reduction in force. Layoffs and demotions which result from a reduction in force shall be made without regard to an employee's race, color, religion, national origin or ancestry, gender, sexual orientation, age, marital status or disability.

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Approved as to form and legality:

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Lana K. Torczon  
Assistant City Attorney