

123:1-41-12

Order of displacement.

Laid-off employees and employees displaced as a result of a layoff who have the right to displace shall exercise their displacement rights in the following order:

- (A) Displacement within the classification. An employee who is to be laid off or displaced may fill an available vacancy, or if no vacancy exists, displace within his or her classification. If the employee exercises the right to displace within his or her classification, he or she shall displace the employee with the fewest retention points in that classification.
- (B) Displacement within the classification series. An employee who is to be laid off or displaced may fill an available vacancy, or if no vacancy exists, displace the employee with the fewest retention points in the next lower and then successively lower classifications in the classification series. This process shall continue, if necessary, until the employee with the fewest retention points in the lowest classification of the classification series has been reached and, if necessary, laid off.
- ~~(C) Displacement to a classification with same or similar duties. An employee who is to be laid off or who is displaced may fill an available vacancy, or if no vacancy exists, displace the employee with the fewest retention points in a classification that has the same or similar duties and a lower or the equivalent pay range. Displacement rights are limited to those classifications that are designated as a similar classification or classifications in the list published by the director in rules 123:1-24-06 through 123:1-24-08 of the Administrative Code. The displacement rights of employees to the same or similar classification shall not apply to employees of the county appointing authorities except county departments of job and family services.~~

~~An employee exercising his or her right of displacement shall exercise his or her displacement rights first into the group of same or similar classifications with the highest pay range assignment. In no event shall an employee have the right to displace into a classification with a higher pay range assignment than the laid off or displaced employee's classification.~~

~~Where more than one classification in the list of same or similar classifications, as listed in rules 123:1-24-06 to 123:1-24-08 of the Administrative Code, have the same pay range assignment, the employee exercising his or her right of displacement shall displace the person with the fewest retention points in the group of the same or similar classifications.~~

- ~~(D)~~(C) Displacement to a classification previously held. An employee who is to be laid-off or who is displaced may fill an available vacancy, or if no vacancy exists, displace the employee with the fewest retention points in the classification the laid-off or displaced employee held immediately prior to his or her current classification, provided the classification is lower or equivalent classification to the

employee's current classification. The displacement rights of employees to classifications previously held shall not apply to employees of the county appointing authorities except county departments of job and family services.

A laid-off or displaced employee may displace into a classification previously held if:

~~(1)~~ ~~The laid-off or displaced employee was certified in the previous classification;~~
and

~~(2)~~(1) The laid-off or displaced employee held a position in the previous classification within the ~~five~~ three years preceding the date an employee was laid off or displaced; and

~~(3)~~(2) The laid-off or displaced employee still meets the minimum qualifications of the previous classification; and

~~(4)~~(3) The laid-off or displaced employee shall have successfully completed his or her original probationary period.

~~If a position does not exist in that classification held by the employee immediately prior to his or her current classification, or if a laid-off or displaced employee is prevented from displacing in a previously held classification because he or she does not meet the minimum qualifications of the previously held classification, the employee may displace in the classification next previously held, and in successive previously held classifications, subject to the provisions above.~~

~~(E)~~(D) Displacement to another appointment type. Notwithstanding the provisions of this rule, an employee shall not be required to accept a position with a lesser appointment type until the employee has had the opportunity to exercise displacement rights as provided in rule 123:1-41-11 of the Administrative Code.

~~(F)~~(E) Displacement rights of employees of county appointing authorities. Employees of county appointing authorities, except county human services departments, shall only have displacement rights in the same classification and in their classification series. Employees of county departments of job and family services may also displace in classifications that are the same or similar and displace in classifications previously held.

~~(G)~~(F) Displacement rights of an employee previously displaced. If, after an employee has exercised his or her displacement rights, the employee is to be laid off or displaced due to a subsequent layoff, the employee's displacement rights shall be in accordance with the classification from which he or she was first displaced,

provided however, the employee has rights to reinstatement or reemployment in his or her previous classification. The employee's displacement rights from a previously held classification shall exist for a one-year period beginning with the date of the original layoff or displacement or until such time as the employee is removed from a layoff list.

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