CLASSIFIED STAFF LAYOFF PROCEDURES

Classified Staff Senate
March 10, 2015
Talking about the procedures

- I was asked to present on this topic.
- Please do not take the fact that I am presenting on this topic as evidence of any imminent layoffs or plans. I do not know myself yet what is going to happen in this regard.
UPS is coming

- UPS is to be “live” as of July 1, 2015.
- Layoff procedures change on July 1, 2015.

- Whether the layoff is covered by OSER (Chapter 230) or UPS procedures will depend on the date of notice of the layoff to the employee. Not based on the date the layoff takes place.
Current state (OSER)

- University must prepare a comprehensive, written layoff plan.
  - Why layoff is necessary
  - Employing unit(s) affected
  - Layoff group (classification title or series)
    - Number of positions
    - Names, seniority date, gender, racial/ethnic code, disability status, and FTE of position.
  - Exemptions to layoff and reasons for the exemptions
Layoff plan continued

- Name and release date of project and probationary employees
- Acknowledgement that any LTE employees laid off prior to permanent employees
- Date that written layoff will be provided to affected employees
- Draft of layoff letter(s) which includes alternatives in lieu of termination or layoff.
Layoff plan continued

- Signature of agency Affirmative Action Officer
- The AA division of OSER may also require reporting of this information.

- Division of Merit Recruitment and Selection (DMRS) will review the plan and respond to the appointing authority (HR Director for classified) in writing before University layoff action.
At risk letters

- We are required to formally notify classified employees potentially affected by layoff that they are at risk of layoff.
- Give notice as soon as practicable
Layoff notice

- Written notice of the action not fewer than fifteen (15) calendar days prior to its effective date.
Under the current structure LTEs, Project and Probationary appointments must be laid off, so long as the permanent employee is qualified to perform the duties.

Under UPS: the number of temporary positions shall be reduced whenever practicable before invoking layoff procedures.

Probationary employees may be dismissed prior to non-probationary employees.
At Risk

- Under UPS, the at risk letters are no longer required.
Layoff Selection and Plan

- University will have to prepare a plan, but no longer reviewed by DMRS

- Requirements:
  - Justification of the layoff
  - Effective date
  - Identification of the eliminated functions
  - Positions to be eliminated
Administrators are to consider:

- Needs of the institution to deliver services
- Relative skills, knowledge, and expertise of employees.
- Length of service of employees
- And “other appropriate criteria”.
Once layoff group identified

- Members of the group may elect to retire or be voluntarily laid off.

- Notice period: Increased to 30 days prior to the effective date of the layoff.

- Appeal to appropriate grievance procedure
  - Under GEN 14.
Alternatives

- Employee may be assigned to another position they are qualified for.
- Within the operational area as determined by the employer.
- Rates of pay and benefits will not decrease with a lateral move.
- Rates of pay and benefits may be reduced with a downward move.
  - But the employee may elect to be laid off rather than take the downward move.
Application for vacant positions

- For three years from date of layoff, application is the same as a current employee.

- No person may be employed in a permanent position in that operational area to perform duties reasonably comparable to the duties of the laid off employee without first making an offer of return to the laid off employee.