

## **Personnel Rules 1100 LAYOFF**

### **Personnel Rules 1101 RESPONSIBILITIES OF APPOINTING AUTHORITIES:**

**Personnel Rules 1101.01 Applicability.** An appointing authority may lay off an employee only when such layoff becomes necessary because of one or more of the following reasons:

- (a) Abolition of a position;
- (b) Change in organization;
- (c) Decline in agency work load;
- (d) Insufficient funding;
- (e) Change in state law; or
- (f) Change in federal requirements.

### **Personnel Rules 1101.02 Procedure for Layoff.**

(a) An appointing authority shall first determine, by division, the class or classes to be affected within the agency.

(b) Each employee whose position is in an affected class shall be considered with other employees in the same class within a division of an agency in accordance with seniority, whether the employee is on duty or leave status, or receiving workers' compensation.

(c) Seniority for the purpose of layoff shall be the length of continuous full-time service with the state from the last date of hire to full-time service on the basis of years, months, and days of service including military leave pursuant to Per 701.02 except that any days, months, or years of leave without pay for educational or personal reasons shall not be counted.

(d) No permanent employee shall be laid off from any position while there are temporary fill-in, part time or probationary employees serving in the same class of position within the same division of the agency.

(e) Except in instances of an individual possessing unique credentials that are necessary for the agency to carry out a legislated mandate, seniority shall govern the order of layoff.

(f) Prior to layoff, appointing authorities, with the assistance of the division of personnel, shall attempt to reassign an employee into a vacant position under the following conditions:

- (1) The reassignment does not result in a promotion; and
- (2) The employee being reassigned qualifies for the vacant position.

(g) If there is no vacancy into which an employee can be reassigned as provided in Per 1101.02(f), an appointing authority shall attempt to demote an employee in lieu of layoff as long as the employee can be certified for the lower classification pursuant to Per 405.

(h) When demoting an employee in lieu of layoff, the appointing authority may take such action when:

- (1) Such demotion serves to protect the efficiency of the agency; and
- (2) The order of demotion occurs in a similar progression as that through which the employee was promoted.

(i) Upon notification of layoff, an employee with 10 or more years of continuous full-time service may bump another employee within the same division of the agency as long as the employee exercising bumping privileges has more seniority than the employee being bumped and is certified pursuant to Per 405.

(j) Within 5 working days of the date of notice of layoff, the employee electing to bump another employee within the agency division shall notify the appointing authority of the position into which he or she intends to bump.

(k) The employee electing to bump another employee within the same division of the agency who fails to notify the appointing authority of the decision to bump within the 5 work day time limit provided in Per 1101.02(j) shall lose the right to bump.

(l) The employee electing to bump another employee within the same division of the agency shall only be allowed to bump into a position having a lower salary grade than the position from which he or she is being laid off.

### **Personnel Rules 1101.03 Notice of Layoff.**

(a) With the exception of (b), an appointing authority shall give written notice of the proposed layoff and the reasons therefor to the affected employee(s) and to the director at least 14 calendar days before the date the layoff becomes effective.

(b) In the case of temporary fill-in, seasonal part-time, part-time, or intermittent employees, advance written notice of layoff shall not be required.

### **Personnel Rules 1101.04 Requests for Director's Review of Layoff.**

(a) With the exception of (c), requests for director's review of layoff shall be limited to the correct determination of an employee's seniority date.

(b) Requests for director's review shall be filed with the director within 5 working days after the date of the notice of layoff.

(c) Employees working less than 37 1/2 or 40 hours shall not be entitled to request the director's review of any layoff determination.

**Personnel Rules 1101.05 Employee's Personnel Record.** When an appointing authority lays off an employee, the appointing authority shall note the following in the employee's permanent record or file:

(a) That the employee left state service because of a layoff; and

(b) That the reason for leaving reflects no discredit on the service of the employee.

### **Personnel Rules 1101.06 Recall.**

(a) If the reason(s) for a layoff no longer apply, employees shall be recalled to the same agency from which the employees were laid off according to the same seniority order which the appointing authority applied to lay off the employees, provided such recall occurs within 3 years from the original layoff date.

(b) Recall shall apply only to laid off employees who return to the same classification within the same agency.

(c) Whenever a former employee who has been laid off from state service is recalled within 3 years, the previously accumulated and unused balance of sick leave allowance shall be restored and credited to the employee.

(d) When an employee is recalled, the employee's seniority date shall be adjusted by adding each year, month, and day of prior seniority credit to the effective date of return to service as provided in Per 1101.02(c).

(e) When an employee is recalled, the employee's new increment date shall be established in accordance with Per 901.04.