

ARTICLE 11 LAYOFF AND RECALL

11.1 LAYOFF

The University shall determine the basis for, the extent of, and the effective date(s) of layoffs in accordance with the provisions of this Article. This Article is used to address performance or behavior issues of an employee.

11.2 REASONS FOR LAYOFF

Layoff of a permanent employee shall be based upon any cause such as:

- A. Lack of work
- B. Lack of funds
- C. Good faith reorganization
- D. Reduction in the number of work hours
- E. Ineligibility to continue in a reallocated position
- F. Termination of project employment

11.3 SENIORITY POOL AND LAYOFF UNITS

- A. All employees holding the same job classification within the same bargaining unit and within the same layoff unit shall constitute a seniority pool. For the purposes of this Article, employees who have completed probation and who are veterans or the unmarried widows/widowers of veterans shall have added to their seniority their total active military service (or that of their deceased spouse), not to exceed five (5) years with appropriate verification (DD-214). An eligible veteran" does not include any person who as a veteran voluntarily retired, as evidenced by the DD-214 or other official military records, with twenty or more years' active military service and has military retirement pay in excess of five hundred dollars per month.
- B. Layoff units are designated in BPPM 60.37.

11.4 DETERMINATION OF LAYOFFS

Employees will be laid off in accordance with seniority pool and layoff units as defined in Section B above. The University will determine the timing of layoffs and the number of employees to be laid off. In accordance with Article 11.5.B the University will discuss with the Union, other options, including, but not limited to the following:

- A. Voluntary transfers
- B. Voluntary Leave Without Pay (without loss of seniority)

- C. Voluntary reduction in work hours
- D. Voluntary demotion
- E. Early retirement

11.5 NON-VOLUNTARY LAYOFF

- A. The least senior permanent employee in the seniority pool shall be the first laid off provided the other employees in the seniority pool possess the necessary knowledge, skills, and abilities to accomplish the essential functions of the remaining work.
- B. Prior to implementing a layoff, the University will suspend open recruitments in the bargaining unit for vacant positions in the Employee's current classification or in any other classification in which the Employee has held permanent status.
- C. All Layoff options are based on the position being comparable to the Employee's current position as defined by the employer's layoff procedure.
 - 1. A comparable position for a part-time or less than twelve (12) month position is an equivalent part-time position which is less than forty (40) hours per week or less than twelve (12) months a year and within a 50-mile radius.
- D. The Employee satisfies the competencies and other position requirements.
 - 1. Competency and position requirements are documented criteria which may include licensing/certification requirements, position description, class specifications, skills/competencies listed on the recruitment announcement, bonafide occupation requirements, and additional documented competencies or requirements not reflected in the position description.

11.6 LAYOFF PROCESSES

Employees will be offered the following Layoff Options in the following order:

- A. Continued employment in a vacant position within the Employee's layoff unit, either in the Employee's current classification or any classification in the same salary range in which they held permanent status.
- B. If a vacant position is not available within an Employee's layoff unit, the Employee shall have the opportunity to displace any non-permanent employee within the layoff unit, including probationary employees, who occupy a position in the

Employee's current classification or any classification in the same salary range, which they held permanent status. Accepting a non-permanent position will not change the Employee's permanent status or rights under the Agreement, including the layoff rights.

- C. Next, an Employee being laid off shall be offered the opportunity to displace any permanent Employee, within the layoff unit, who is occupying a position either in the Employee's current classification or any classification in the same salary range in which they held permanent status, in order of seniority.
- D. If the Employee has no option to take a position at the same salary range, the Employee must be given an opportunity to take a position in a lower class in a class series in which the Employee has held permanent status, in descending salary order. The Employee does not have to have held permanent status in the lower classification.
- E. If the Employee accepts a position at a lower salary range maximum, they will be paid an amount equal to their current salary, provided it is within the salary range of the new position. In those cases where the Employee's current salary exceeds the maximum amount of the salary range for the new position, the Employee will be compensated at Step M of the new salary range.
- F. If continued employment is not available, the Employee shall be placed on an internal layoff list in accordance with this Article.

11.7 LAYOFF NOTIFICATION

- A. Employees with permanent status shall receive written notice at least thirty (30) days before the effective layoff date and a copy shall be furnished to the Union concurrently. The notice shall include the basis for the layoff and any options available to the Employee.
- B. If the University elects to implement a layoff action without providing a thirty (30) day notice, the Employee with permanent status shall be paid their salary for the days the Employee would have worked had full notice been given.
- C. The written notification of layoff to a permanent status employee will include five (5) working days in which to select placement on the layoff list(s) and/or an option in lieu of layoff. Such notice will be furnished directly to the Employee during their

scheduled working hours and also sent to the Employee's last known address. When the notice is furnished directly to the Employee, the day it is furnished will not be counted as a day of notice.

- D. When it is determined that layoff (s) will occur, the Employee(s) will:
1. Receive a copy of this Article;
 2. Be advised in writing of available options in lieu of layoff;
 3. Be advised in writing of their specific layoff list placement; and
 4. Be advised in writing of their right to file a grievance, which shall be filed at Step Three – Administrator.

11.8 UNIVERSITY INTERNAL LAYOFF LIST

- A. The University shall maintain an internal layoff list of all permanent employees who are laid off.
- B. An employee on the internal layoff list shall have the first option to a permanent vacant position, either in the Employee's current classification or any classification in which the Employee had held permanent status. In the event of such refusal, the employee's name will remain on the layoff list for Bargaining Unit positions only for the remainder of the two (2) year period following the effective date the Employee was originally laid off. An employee will then be allowed to exercise a first right of refusal for one (1) offered permanent Bargaining Unit position.
- C. An Employee shall have their name removed from the internal layoff list for any of the following:
1. Accepting an offered position,
 2. Refusing to accept one (1) offered positions as identified in Section B above,
 3. Failing to make arrangements for returning to work within three (3) working days after being recalled,
 4. Failing to respond within seven (7) days to an offer sent to the last known address of the Employee; or
 5. Two (2) years following the effective date that the Employee was laid off.

11.9 RECALL

- A. If the University determines to fill a vacant position in a seniority pool from which employees were laid off, such employees shall be recalled in the order of seniority with the most senior employee having the first option to a vacant position.
- B. The Employee shall be recalled at their same range and step as when the Employee was laid off or to the step the Employee would have acquired had they not been laid off, whichever is greater.
- C. In addition, if the Employee accepts a layoff option to a position which is located beyond a fifty (50) mile radius, the Employee is placed on the layoff list for the classification at the previous permanent work location from which the Employee was laid off.

11.10 PROJECT EMPLOYMENT

- A. Employees who accept project employment, as defined in Article 7.2.C, directly from permanent employee status, have the right to return to their prior position if the position remains vacant, funded, and in the same job classification and program.
- B. If the position no longer exists, as identified in Section 11.2 above, employees have layoff options as outlined in this Article, with the exception of Sections F, and G.