



# IN CASE OF LAYOFFS

## KNOW YOUR RIGHTS

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### Determination of Layoff/Meet and Confer with CSUEU

The CSU determines when a layoff is necessary due to either a lack of funds or a lack of work (Article 24.1). The CSU must immediately notify the CSUEU and “meet and confer” with the Union over the bargaining unit impact of the layoffs (Article 24.3).

### Employee Notice of Layoff

A temporary or probationary employee who is to be laid off shall receive notice of such layoff from the President no later than forty-five (45) days before the effective date of layoff (Article 24.9). A permanent employee who is to be laid off for lack of funds shall receive notice of such layoff from the President no later than sixty (60) days prior to the effective date of layoff. A permanent employee who is to be laid off due to lack of work shall receive notice of such layoff from the President no later than ninety (90) days prior to the effective date of layoff (Article 24.9).

### Voluntary Programs to Avoid Layoff

After notice of a layoff has been made to the Union, the parties will meet and confer over potential available voluntary programs. Such programs may include, but not be limited to, a voluntary reduced worktime program or leaves of absence without pay (Article 24.36-24.37).

### Order of Layoff: Temporary, Probationary and Permanent Employees

Layoff shall be within classifications determined by the President. For classifications with skills levels, layoff shall be within skill level determined by the President. Twelve (12) months, 11/12 month, 10/12 month and academic year positions with the same class title shall, for the purposes of layoff, be considered a single classification. The order of layoff shall be:

- First, temporary and probationary employees; and
- Last, permanent employees (Article 24.5).

The President shall establish the order of layoff for temporary and probationary employees in a classification or in a skill level within a classification by considering only merit and competency in relation to program need (Article 24.6). Non-reappointment of a temporary employee does not constitute a layoff (Article 24.2).

The President shall establish the order of layoff for permanent employees in a classification in reverse order of seniority. For employees in classifications with skills levels, the President shall establish the order of layoff for permanent employees in a skill level in reverse order of seniority (Article 24.7).

An employee who possesses documentable specialized skills that are needed for the program, not possessed by other employees in classification(s) or skill levels within classifications undergoing layoff, may be excluded by the President from the layoff list (Article 24.8).



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### **Order of Layoff: Temporary, Probationary and Permanent Employees (Cont'd)**

In event of layoff, and during any period of reemployment, the number of student assistants' hours and the number of administrators in a department shall not be increased for the purpose of performing bargaining unit work (Article 17.7).

### **Tie Breaking in Order of Layoff: Permanent Employees**

A tie exists when two (2) or more permanent employees in a classification, or skill level within a classification, undergoing layoff have the same number of seniority points (Article 24.28). The President shall break ties in establishing the layoff order of permanent employees by considering only the following factors: (a) specialized skills and competencies of the employee and (b) documented meritorious service by the employee (Article 24.29). If the President is unable to break the tie based on a&b above, ties will be broken by comparing CSU Employee Identification Numbers, with the employee with the lowest last digit remains (Article 24.29).

### **Seniority Points Calculation**

Seniority points are calculated from the date of hire in the current classification (Article 24.18 and Article 24.19). Employees also count seniority points earned from higher-paying classifications (points roll down to lower classes but do not roll up to higher classes.)

Full-time permanent employees shall earn one (1) seniority point of service credit in a given class, or skill level within a class, for each qualifying month of employment. Part-time employees holding permanent status shall earn seniority points proportional to the time-base served (Article 24.18). Seniority points in "bumping" includes continuous time served as temporary, probationary or permanent employee plus any service in all classes or skill levels of equal or higher rank on the campus (Article 24.19). All time spent in a family care, military, disability, loan of employee to another governmental agency or leave with pay status shall count toward the accumulation of seniority points (Article 24.22).

### **Employee Options in Lieu of Layoff: Vacancy/Transfer**

A permanent employee who has received a notice of layoff may exercise his/he right to elect transfer to any vacancy for which he/she is currently qualified (Article 24.11).

A permanent or probationary employee who has received a notice of layoff may elect to be transferred to any classification or skill level within a classification, in which he/she has served as a permanent employee during the period preceding the layoff, provided there has been no break in service (Article 24.12). This scenario is commonly referred to as "bumping rights." For example, a Payroll Tech III who previously had permanency as a Payroll Tech II could bump into a Payroll Tech II position. The Payroll Tech II employee with the least amount of seniority would then be subject to layoff.

If an employee elects a retreat in lieu of layoff, his/her salary shall be red circled in accordance with the red circle rate provision in Article 20, Salary (Article 24.13).



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#### Re-employment Rights/Opportunities

The President shall enter the names of laid-off permanent employees on a re-employment list by class, or by skill level within a classification, in order of seniority. An employee's name shall remain on the re-employee list until he/she returns to a position in the same class, or skill level within a classification held at the time of layoff and at the same time-base as previously held. In no case shall a name remain on the re-employment list for more than five (5) years (Article 24.30).

Position vacancies in class, or skill level within a classification, for which there are names of qualified individuals on the re-employment list shall not be filled without first making an offer of re-employment to those on the list. If an individual on the re-employment list declines two (2) such offers, he/she waives his/her re-employment rights (Article 24.32).

An employee re-employed under the conditions of this Article shall retain permanent status rights, service credit (subject to Public Employees Retirement System (PERS) regulations) salary steps, sick leave, and seniority credits he/she held at the date of layoff (Article 24.34).

An employee who has been laid off and placed on the re-employment list may be eligible to participate in the fee waiver program as described in Provisions 22.34 through 22.44 of Article 22 for the duration of the time that the employee is on the re-employment list (Article 24.38).

The CSU shall post all bargaining unit vacancies at all CSU campuses to the CSU Careers Website (<http://csucareers.calstate.edu>). A campus may not fill a vacancy without ascertaining whether there are individuals in the applicant pool who hold reemployment rights under Provision 24.29. If such an employee has applied for a vacancy, their application shall be considered.