

Layoff Policy Exceptions 2009

Recognizing the magnitude of the impact that projected budget reductions may have on the state workforce, and in an effort to provide agencies with more flexibility regarding DHRM Policy 1.30 – Layoff, the following policy exceptions are available to all Executive Branch agencies effective immediately.

From Policy 1.30 – Layoff:

Before implementing a layoff, agencies must:

1. determine whether the entire agency or only certain designated work unit(s) are to be affected;
2. designate business functions to be eliminated or reassigned;
3. designate work unit(s) to be affected as appropriate;
4. review all vacant positions to identify valid vacancies that can be used as placement options during layoff, and
5. determine if they will offer the option that allows other employee(s) in the same work unit, Role, and performing substantially the same duties to request to be considered for layoff if no placement options are available for employee(s) initially identified for layoff.

Once an agency has worked through the steps listed above, they then proceed with the identification and notification of impacted employees as follows:

1. Identify position(s)/duties to be eliminated using steps provided in the Layoff Policy.
2. Identify employees affected by the decision to reduce or reconfigure the work force using steps provided in this policy. Determine if placement options exist within the agency and make offer(s) to affected employee(s). This may result in:
 - o placement in the same Pay Band;
 - o demotion in lieu of layoff; or
 - o separated-layoff.
3. If no placement option exists prior to layoff for employees identified by the layoff sequence, agencies may decide to notify other employees in the same work unit, geographic area, and Role, who are performing substantially similar job duties of the need to place an employee or employees on LWOP-layoff. Employees may then notify management of their interest in being considered for LWOP-layoff.
4. Management assesses the impact of placing specific employee(s) on LWOP-layoff and determines which employee(s) will be affected by that decision.

Available Exceptions to the above provisions of policy

During the steps noted above an agency *may choose* to implement the following exceptions to policy:

1. Give employees who have been designated for layoff the option to request placement, or to waive their placement and recall rights.
 - a. Request Placement
 - i. Employees whose positions have been identified to be abolished and have been notified of their pending layoff may request placement.
 - ii. Employees who request placement are subject to the usual placement rights and procedures set forth in policy.
 - iii. These employees are eligible for severance benefits.
 - b. Waive Placement and Recall

- i. Employees whose positions have been identified to be abolished and have been notified of their pending layoff may choose to waive their placement and recall rights.
- ii. These employees retain severance benefit eligibility.
- iii. The agency does not need to attempt to identify placement positions for the employee prior to their layoff date.
- iv. The agency does not need to attempt to identify recall positions for the employee in LWOP-Layoff.
- v. Employees who choose to waive their placement and recall rights should be given a reasonable period of time during which they may revoke this decision.
- vi. If an employee chooses to revoke their decision to waive their placement rights the agency will attempt to place them into another position during the pre-layoff period, and/or recall them during the LWOP-Layoff period using the guidance set forth in policy.

Notes on the benefits of this exception:

- Streamlines the layoff process.
- Impacted employees can better plan for their futures.
- Will allow agency to focus on placing only those employees who wish to retain employment with the agency.
- May provide placement options for employees who would otherwise be laid off.
- Benefits employees who choose WTA by allowing them to move forward immediately without concern of last-minute placement option superseding layoff.

2. Expansion of the Substitution rules

a. Option 1 – **Any organizational unit, geographic area, same pay band**

- i. Employees identified for layoff must first be notified of their pending layoff before an agency may request substitutes.
- ii. Substitutes **do not** need to be in the same work unit, geographic area, and role.
- iii. The employee identified for layoff must be minimally qualified to perform the job duties of the substitute employee.
- iv. Substitutes are not eligible for placement or recall rights.
- v. Substitutes are eligible for severance benefits.

b. Option 2 - **Any organizational unit, geographic area, same role**

- i. Employees identified for layoff must first be notified of their pending layoff before an agency may request substitutes.
- ii. Substitutes do not need to be in the same work unit, or geographic area, but must be in the same role.
- iii. The employee identified for layoff must be minimally qualified to perform the job duties of the substitute employee.
- iv. Substitutes are not eligible for placement or recall rights.
- v. Substitutes are eligible for severance benefits.

Notes on the benefits of this exception:

- May provide placement options for employees who would otherwise be laid off.
- Permits those willing/able to leave the organization to do so.
- Provides greater workforce flexibility by allowing the placement of impacted employees in the same or different roles for which they are minimally qualified.