STATE OF ALASKA
DEPARTMENT OF ADMINISTRATION
DIVISION OF PERSONNEL & LABOR RELATIONS
STANDARD OPERATING PROCEDURE

Layoff
DOPLR-03

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Disclaimer: This Standard Operating Procedure provides direction based on the most common contractual provisions. It is essential that collective bargaining agreements are referenced in conjunction with the procedure.

I. LAYOFF

A. Purpose

The purpose of this Standard Operating Procedure (SOP) is to provide a process when the organization must lay off employees. This includes a process for establishing organizational units for layoff purposes, the Order of Layoff for the proper units, placing laid off employees on the proper layoff lists, and otherwise monitoring laid off employees for proper treatment.

B. Scope

This SOP applies to employees who are in the classified service of the State of Alaska's Executive Branch service. Personnel Rule 2 AAC 07.405 should be referenced for the Excluded unit.

C. Authority

1. AS 39.25.150 (13) Layoff
2. 2 AAC 07.405 Layoff
3. 2 AAC 07.800 Organizational Units
4. 2 AAC 07.227 Preferential Rights Due to Layoff
5. 2 AAC 07.999 Definitions
6. General Government Unit Collective Bargaining Agreement (CBA), Articles 12, 1, 10, and 11
7. Supervisory Unit CBA, Articles 17, 2, 9, 18, and 19
8. Confidential Unit CBA, Articles 21, 1, and 20
9. Labor, Trades, and Crafts CBA, Articles 22, 8, 13, 17, and 19
10. Public Safety Officers Unit, CBA, Articles 11 and 2
11. Correctional Officers Unit CBA, Articles 10 and 9

D. Overview

This SOP specifically addresses the layoff procedures that affect the majority of those employees in the General Government (GGU); Supervisory (SU); Confidential (CEA); Labor, Trades, and Crafts (LTC); Public Safety Officers (PSEA); and Correctional Officers (ACOA). Special attention must be paid to the Personnel Rules and the appropriate CBA in conjunction with the SOP.

For any situations or circumstances not covered in this SOP consult the Division of Personnel and Labor Relations (DOPLR).

E. Layoff Occurs When

An appointing authority may layoff an employee for the following reasons:

1. A position is abolished.
2. There is a shortage of work.
3. There is a shortage of funds.
4. There are other reasons outside the employee's control.
5. There is a change in the status of a position.
6. The employee holds a permanent substitute appointment.

A layoff does not reflect discredit on the service of the employee.

II. PREPARING FOR LAYOFF

When management determines that layoff is necessary, it is important to contact the Department Human Resource Manager as soon as possible. Department Human Resources (HR) is responsible for the overall coordination of layoff for an agency in consultation with DOPLR.

Department HR will provide consultation to managers considering layoff and will assist them in developing a layoff plan and discuss alternatives. Managers may wish to consider one or more alternative work arrangements to minimize the impact of layoff. Refer to the applicable CBA to determine appropriate alternatives. Some options are listed below:

- Job Sharing: This could be on a daily or weekly basis or six months of the year.
- Working part-time (less than 37.5 hours per week).
- Working on a seasonal basis for a specific period of time providing cyclical work exists. The remainder of the year would be taken as seasonal leave without pay.
- Approved leave without pay for a specific time period.
- Voluntary layoff. Note: May require Letter of Agreement – Agency HR must request from DOPLR.
- Voluntary demotion in lieu of layoff or appointment to a lower class in another class series.
- Furlough (2 AAC 07.407). May require Letter of Agreement – Agency HR must request from DOPLR.

A. Layoff Proposal to Department HR

A layoff proposal must be created any time a division is actively considering the need to reduce the workforce. The proposal is a director's summary of the overall downsizing plan which results from reductions in the budget or scope of work, and describes the management decisions for handling the reductions.

Note: A layoff proposal is not required to implement layoff rights for a permanent substitute due to the return of the incumbent of record and for an employee failing probation with return rights.

The proposal should be submitted as far in advance of the effective date of layoffs as possible, preferably 60 days prior to the proposed effective date. The goal is to provide the affected employees with 30 days written notice prior to implementation of a layoff action whenever practical, and no less than two weeks. The written layoff proposal (**Addendum A**) should be submitted to the Department HR Manager from the Department Division Director with a copy to the Administrative Services Director or equivalent. Addendum A identifies the elements to be included in the proposal.

Other Considerations for Layoff Proposal

- Agencies are responsible for complying with contract provisions and the Personnel Rules regarding the employment of emergency, provisional, or nonpermanent employees prior to placing an employee on layoff.
- Management should ensure all performance evaluations and positions descriptions are up-to-date for potentially affected employees.
- If an agency considers contract work as a method of reducing costs it is important to refer to the applicable CBA to ensure compliance.

III. FORMULATE LAYOFF PLAN REQUEST

Once management has submitted the layoff proposal it is reviewed by the Department HR to ascertain what particular administrative and contractual actions will need to be taken, and to ensure that any potential violations of contract provisions are avoided. Department HR staff will ensure timeliness, consistency, contractual compliance, and sensitive handling of the layoff process by:

- confirming the organizational unit is properly identified,
- identifying employees, vacant positions, and nonpermanent positions in an organizational unit,
- calculating layoff/seniority points, and
- producing a Layoff Plan.

A. Confirming Organizational Units for Layoff Purposes

Organizational Unit Overview

Organizational units are defined in collective bargaining agreements. Any deviation from this structure must be approved by the DOPLR and supported by compelling business reasons. This ensures that agencies are laying off employees in the prescribed fair and equitable manner. Employees may only be laid off using regulatory and contractually defined organizational units and approved exceptions.

The typical subdivision of departments into organizational units for layoff purposes is:

i. Division (Department-SU only)
ii. Location
iii. Job Classification Series
iv. Position Status

These subdivisions apply solely within each bargaining unit. For example, an employee in the SU cannot bump an employee in the GGU.

In instances where management has submitted a layoff proposal, Department HR will confirm the organizational unit has been properly identified.

Notice of an organizational unit change is required to the Director of DOPLR when:

- The name of the organizational unit changes.
- An organizational unit is abolished.
- A new organizational unit is created.
- A new organizational unit moves to a different department.

Notice of an organizational unit change is not required when:

- A position or positions are added to the organizational unit.
- A position or positions are deleted from the organizational unit.
- The organizational chart is changed to reflect restructuring of the unit.

Proposing Alternate Organizational Units

An appointing authority may propose other subdivisions of an agency into organizational units for purposes of layoff by submitting a written plan for subdivision, other than that described above, to the Director of the DOPLR in accordance with 2 AAC 07.800 and applicable contract provisions. Organizational units may be recognized on the basis of geographic area, function or class of employment, and may be different for different classes and types of employment. The types of employment are full-time, part-time, and seasonal [2 AAC 07.800 (a)].

Any exceptions must be approved at least 30 calendar days before a notice of layoff is sent to any employee in the affected unit. Records of approved subdivisions are maintained by the DOPLR.

Notification of Recognized Organizational Units

Affected employees must be informed of existing organizational units through posting and/or distribution.

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Other Considerations for Organizational Units

- The CBAs for GGU (Article 12.03.C.2.) and SU (Article 17.2.A.1.) allow for geographically expanded organizational units for layoff purposes under defined circumstances. These expansions must be complied with when determining the order(s) of layoff. **Addendum B** provides additional information on GGU geographic expansion. **Addendum C** provides additional information on SU geographic expansion. Note: For GGU, if the position impacted is a single class position or the lowest level of the job class series, geographic expansion does not apply.
- Recognized organizational units are posted on the Recruitment Services website.
- The Director of DOPLR may withdraw recognition of organizational units upon notice to the appointing authority at any time the Director determines that withdrawal of recognition is in the best interest of the State service (2 AAC 07.800(c)).
- Organizational Units for ACOA is defined by the CBA. Each correctional facility is a separate organizational unit as well as the Training Academy and the Central Office of Prisoner Transportation unit.
- LTC employees are laid off by job class duty station (location) seniority. Position status is not a factor. Note: If an employee changes duty stations all layoff rights are terminated.
- PSEA does not have an organizational unit as employees are laid off by job class seniority.

B. Identifying Employees in Organizational Units for Layoff Purposes

Overview

The first step is to confirm the organizational unit has been properly identified as compared with the record of approved units maintained by DOPLR. The next step is to identify employees in the applicable unit.

The primary resource to identify the employees in the unit is through the “Monthly Department Report – for Layoff” found in the Layoff folder of Alaska Data Enterprise Reporting (ALDER). The report should include PCN, BU, Division/Region/Section, Location, Position Type, Class Title, Class Code, Employee Name, Employee ID, and whether or not a position is flexed and if so, the levels. The required information regarding flexed positions must be manually researched using OPD. The report should also include all vacant and non-permanent positions. The report should then be sorted by BU, Division, Location, Job Class, and Position Type to determine the initial organizational unit.

Department HR must:

- identify, research, and reconcile any variants between position control data and employee base data;

- review LOAs and apply applicable layoff provisions; and
- coordinate with Classification leads in DOPLR to discuss pending classification actions.

It's important that any classification actions in progress while layoff is being actively planned are carefully scrutinized to ensure the action is warranted and is not an attempt to affect the outcome of the layoff process. It's also important to track or monitor appointments, transfers, etc. that may alter the order of layoff.

Other Considerations for Identifying Positions and Employees

- Position Control data should be used in determining layoff orders. Acting status is not considered for purposes of inclusion within the organizational unit.
- Vacant positions are to be included in the order and are considered the least senior. .
- All positions in a job class series covered by a flexible staffing agreement, approved by DOPLR, shall be treated as a single class for purposes of layoff and recall. **Addendum D** provides guidance on determining the layoff order for positions in a job class series with flexible staffing. Consultation with DOPLR is recommended prior to initiating a layoff in a job classification that contains flexibly staffed positions. Where each employee is in their training plan must be identified and monitored to ensure the layoff order is correctly prepared.
- For layoff unit purposes, a part-time employee is one whose regularly scheduled hours are less than 37.5 (or 40) hours per week.
- For employees who are job sharing or working a reduced workweek, the positions status is to be used unless a LOA specifies otherwise.
- Both part time and full time seasonal positions are considered seasonal.
- For layoff of a seasonal position, employees on seasonal leave without pay (SLWOP) are included with the rest of the unit and must be identified.
- Department HR staff must review and ensure the applicable CBA, Personnel Rules, and the Guidelines and Frequently Asked Questions about Nonpermanent Employees During Layoff (**Addendum E**) are followed.
- For ACOA layoffs, follow Article 10.3 Order of Layoff.
- Any question about who is in an organizational unit for layoff purposes should be resolved with the DOPLR in writing.

C. Calculating Points

Overview

Calculating layoff points or verifying seniority points of employee(s) is necessary to establish who will be laid off first (order of layoff) and for the purposes of recall from layoff. Points are based on the total length of probationary/permanent service in the classified service, or seniority as defined in the applicable CBA. Provisional service is only calculated if converted to probationary time in the same position.

The official personnel file located in the Employee Planning Information Center (EPIC) of DOPLR must always be used when determining and verifying points.

The DOPLR will verify the SOP and applicable CBA have been followed before issuing the final Order of Layoff.

Note: Although a layoff plan is not required to implement layoff rights for a permanent substitute due to the return of the incumbent of record, for an employee failing probation in a promoted position, and when an employee chooses to remain the incumbent of a position that changes status, layoff points will still need to be calculated to place the employee on the layoff list for recall purposes.

Layoff Points

Points are computed using a method of calculation established by the Director of the DOPLR (**Addendum F** and **G**).

Initial points should be calculated by Department HR immediately preceding, and no more than two weeks before the submittal of the Layoff Plan to the DOPLR Recruitment Services.

Length of State service is computed as the total of all periods of probationary or permanent status in the classified service, whether continuous or not. Non-permanent, emergency, exempt, and partially exempt service is not included. Particular attention should be paid to employees who are covered by USERRA and those who have Seasonal Leave Without Pay (SLWOP).

Before issuance of the Order of Layoff, point calculations must be verified by DOPLR. Upon layoff, points for all employees being laid off are updated to reflect their actual length of service.

Seniority Points

For some bargaining units such as LTC, ACOA and PSEA, the order of layoff is based on the reverse order of seniority. Seniority lists are maintained by Department HR and updated on a periodic basis as specified by CBA. Seniority lists are established in accordance with the applicable CBA and are based on either duty station, seniority within a job class, or within a bargaining unit. It is not necessary to create a layoff point calculation worksheet for these employees.

Other Considerations for Layoff/Seniority Points

- When calculating layoff/seniority points, LOAs relevant to layoff/recall may exist so it is necessary to contact Labor Relations in DOPLR to make sure the proper protocol is being followed.
- Pay special attention to employees who have accrued leave without pay (LWOP) as it may affect their seniority as outlined in the applicable CBA; the seniority may need to be adjusted

at the time of layoff if the employee has been on LWOP for more than 30 consecutive days (LTC Article 22).

Types of Tie Breakers

In cases where two employees have the same amount/number of points, it becomes necessary to determine tie breakers to create the Order of Layoff. Consult the applicable CBA for the applicable tiebreaker criteria. For those bargaining units in which Veteran status is one of the criterion, the definition of veteran can be found in AS 39.25.159.

D. Producing the Layoff Plan

After the organizational unit is properly confirmed, employees potentially affected by the layoff have been identified including geographic expansion, and layoff points have been calculated, Department HR must prepare the Layoff Plan. A layoff plan must be prepared for each impacted organizational unit. This also applies to each single position organizational unit to ensure documentation of the propriety of the action.

Addendum H identifies the elements to be included in the Layoff Plan. Those employees or union stewards entitled to Super Seniority under the terms of the applicable CBA are listed as having the highest seniority and shall be the last to be laid off in the organizational unit. The applicable CBA identifies the criteria that must be met to be eligible for Super Seniority and should be verified with Labor Relations in DOPLR prior to applying Super Seniority to the order of layoff.

The following documents must be attached to the Layoff Plan:

- A copy of the Monthly Department reports used to identify the employees/positions within the organizational unit and department nonpermanent positions.
- The electronic copies of the initial Layoff Points Calculation sheets, **Addendum G** (not required for employees laid off by seniority list, e.g., LTC).
- The Seniority List, if applicable.

The finalized Layoff Plan with applicable attachments should be sent to Recruitment Services in DOPLR.

IV. DOA DOPLR REVIEW

Once the Department Layoff Plan is submitted to Recruitment Services in the DOPLR, DOPLR staff will ensure the appropriate organizational unit was identified, verify layoff/seniority points, and issue the final Order of Layoff. DOPLR will normally prepare the certified Order of Layoff in five to ten working days, depending on the number of employees involved in calculations and the number of pending requests. Once review is complete and corrections made, if needed, the Director of the

DOPLR shall certify the Order of Layoff (**Addendum I**) by sending written notice to Department HR with a copy to the Union. Department HR is responsible for further distribution to management as appropriate.

The certified Order of Layoff is valid for 45 calendar days.

V. IMPLEMENTATION OF LAYOFF PLAN

Department HR staff has 45 calendar days from the date of the Order of Layoff to issue layoff notices. The following actions may occur simultaneously:

- Produce and distribute layoff notification letters. If not hand delivered, the notification should be sent via certified mail to the employee's home address. See Section A below for more information.
- Compile layoff information packets. Ensure recall conditions and information sheets are appropriate to the applicable bargaining unit.
- Ensure affected employees Performance Evaluations are current.
- Coordinate and conduct individual or group information sessions regarding layoff and recall rights, benefits, unemployment, etc. as necessary. Invite union representatives.
- Establish a tracking system for notification and response deadlines required of employees with displacement or bumping rights.
- Deliver notification regarding rescinding layoff notice, if necessary, due to displacement/bumping decisions of other layoff candidates.
- Review nonpermanent positions to determine if the work could reasonably be assigned based on the needs of the agency to an employee facing layoff and offer as appropriate.
- Placement of the affected employees to layoff status via a Personnel Action Request Form (PARF).
- Coordinate final payments of salary, leave, etc.
- Verify the employee is on the Layoff List on the appropriate effective date and that the layoff action is in the payroll system.

<u>Other Considerations for Layoff Plan</u>

- An employee accepting a voluntary demotion in lieu of layoff or an appointment to a lower level unrelated job classification effective concurrent with the actual layoff retains layoff rights. If an employee accepts another position prior to the planned layoff effective date, the employee is not eligible for layoff rights.
- Before the final pay and leave payout occurs, consult with Payroll Services to ensure resolution of any outstanding pay issues such as overpayments, retroactive payments (e.g., overdue pay increments), or travel reimbursement due, and ensure leave audits are resolved. Payroll Services will need at least two weeks' notice to process these actions.
- To ensure final layoff and related actions are processed correctly, Department HR must send the final list of employee actions to Recruitment Services and Payroll Services.

A. Notification

Contractual provisions and the Personnel Rules designate the minimum notice period. Typically for a probationary employee, ten (10) working days' written notice in advance of the effective date of layoff is required. Although ten (10) working days' written notice is typically required for a permanent employee as well, every effort should be made to provide thirty (30) days' written notice. Notice should go out to all potentially affected employees at the same time.

Employees who have more seniority may have the option to displace the employee with the least number of layoff points in that job class, or to bump an employee at a lower level in the job class series within the organizational unit, or choose layoff. When an employee has more than one option (e.g., layoff or bumping), the employee is given ten (10) working days to acknowledge which option(s) they are willing to accept. In situations where the same employees or position vacancies exist on multiple layoff orders, contact DOPLR to ensure the proper layoff options have been identified for notification.

Addenda J through Q identify the typical elements to be included in the written notice. Templates by bargaining unit are maintained by DOPLR. Templates must be closely reviewed to ensure all elements of each individual situation are addressed, including appropriate attachments.

Upon receipt of an employee's acknowledgement of their layoff options, Department HR determines the impact of the chosen option(s) and provides written notice to affected employees either confirming their layoff date (**Addendum R**) or rescinding the layoff notification (**Addendum S**).

B. Record Keeping

The following documents must be received by the Recruitment Services in the DOPLR before the effective date of layoff:

a. A copy of the official Layoff Notice.
b. Layoff Point Calculation through the date of layoff (electronic file).
c. Conditions of Employment Upon Return From Layoff form or other document indicating recall conditions, if applicable.

Documents are retained by DOPLR Recruitment Services and Department HR for no less than 10 years.

A copy of the layoff notice must be attached to the Personnel Action (PA), whether it is a separation or other action resulting from the layoff. The "Remarks" section should include the job class for return rights, the expiration date of layoff rights, and any other action occurring (such as a change in status or voluntary demotion in lieu of layoff). See **Addendum T** for PA comments language.

VI. RIGHTS AND RECALL OF LAID OFF EMPLOYEES

Employees who are laid off will be placed on the layoff list for certification purposes for a specific time period, typically two or three years (see applicable CBA).

The names of permanent or probationary employees who are voluntarily demoted in lieu of layoff will be placed on the appropriate layoff list for the class from which demoted.

If a laid off employee accepts or declines an appointment to an emergency or nonpermanent position their layoff rights shall not be impacted.

Once an employee has received their notice of layoff, other options such as transfer, rehire, and voluntary demotion should be discussed with Department HR to explain how layoff rights may be impacted.

A. Termination of Rights

Layoff rights will be terminated if the employee:

- Resigns from state service.
- Changes duty station (applicable to LTC contract only).
- Is appointed to a job class at the same or higher salary range than the job class from which they were laid off regardless of whether the job is full-time, seasonal, or part-time (LTC is excluded per Article 22.04.C).
- Fails to accept a recall offer to a position in the same job class from which they were laid off that is consistent with the designated conditions of availability for recall (CEA is excluded per Article 21.04).
- Has been in layoff status for the contractual time period (2 or 3 years).
- Fails to advise the DOPLR in writing of their current mailing address. For this purpose, the return of a recall letter by the postal authorities, if properly addressed to the last address on record, shall be deemed sufficient grounds for removal.
- Fails to respond to a written recall notice within the required time limits specified below. Time limits shall be applied from the date the inquiry is sent provided that the last day for the receipt of the response is on a work day;
  a. Fourteen (14) calendar days when the employee resides outside Alaska; or
  b. Ten (10) calendar days when the employee resides within Alaska.

When an employee's layoff rights are terminated, Department HR must send the employee written notification (**Addendum U**) which includes the reason for termination. A copy of this letter must be provided to Recruitment Services and Payroll Services to ensure the employee is promptly removed from the Layoff List and a separating Personnel Action is processed.

B. Layoff Lists

For GGU, SU, and CEA employees, the order of return from layoff within the job class of the position is:

1. Laid off employees from the organizational unit.
2. Laid off employees from the Department.
3. Laid off employees statewide.

Employees are recalled following the criteria above and using the reverse order of layoff, i.e., super seniority employees first, followed by other employees in descending order of points. An employee may have less seniority than others on the layoff list for the job class; however, if the employee was laid off from the organizational unit where the recall is occurring the employee will have first preference to placement in the position. If there are no employees on the list for the organizational unit, employees from the Department with rights to the job class in the applicable bargaining unit will be given the next priority over all others on the list. If there are none from the organizational unit or Department, then recall will apply on a statewide basis by layoff points. It is not until all laid off employees have been certified one at a time and are not available or otherwise decline the position that the employer may fill the vacancy through the normal recruitment processes.

Some CBA's allow layoff candidates the option to expand their rights to lower levels of the job class series.

Positions in a job class series covered by a flexible staffing agreement, approved by the DOPLR, shall be treated as a single class for purposes of layoff and recall (GGU 12.01.E).

For PSEA, ACOA, and LTC employees, recall is made in order of seniority from among those employees laid off in the classification in which the recall occurs. Specifically, PSEA recall order is based on seniority in the job class statewide, LTC recall is specific to duty station and job class, and ACOA is specific to the organizational units outlined in the CBA and job class.

<u>Other Considerations for Employees on Layoff</u>

- An employee on layoff may apply competitively for positions in job classes, other than that from which they were laid off, or as a rehire or transfer if applicable. This includes applying for other positions in other bargaining units. Layoff rights are specific to applicable CBAs while rehire and transfer provisions are specific to a job class.
- The GGU (Article 12.01.C) & SU (Article 17.1.C) contracts provide limited layoff rights when an employee accepts a change in status in lieu of layoff. The employee will only be placed on the layoff list for the division, location, job class, and position status originally held. Applicable contractual provisions must be reviewed as limited expansion rights may apply.
- When a filled position is reclassified, employees on the layoff list <u>may</u> have rights to the position if the reclassified position is <u>in the organizational unit</u> from which a layoff occurred. GGU is applicable to all reclassification actions; SU is specific to upward reclassifications; and for other CBAs follow Personnel Rule 2 AAC. 07.227.

- Prior to establishing a nonpermanent position qualified bargaining unit members on layoff may need to be provided the opportunity to perform the work (see Addendum E).
- For employees who have an established ADA accommodation, it's important to remember the accommodation is specific to the position (not the employee) and will have to be reevaluated for recall purposes.

C. Leave

- No loss of previously earned sick or medical leave or other earned benefits shall occur during the period a laid off employee has layoff rights.
- Accrued annual or personal leave and compensatory time is paid according to the applicable CBA and is most often paid in a lump sum payment upon layoff.
- Sick or medical leave balances are restored when an employee is recalled to work in a probationary or permanent position within the applicable layoff recall time period.
- SU members may elect to "buy back" the amount of personal leave they would have remaining if the separation time were treated as paid leave (Article 29.G.2)
- If the layoff did not result in a separation (e.g., change in status layoff, bumping, or demotion in lieu of layoff), earned leave and other earned benefits will continue based on the current employment status.

D. Insurance Coverage

A laid off employee may be able to elect to continue health and life insurance coverage. Information regarding continuation options and payment requirements are available from the Division of Retirement and Benefits or the applicable health trust.

E. PERS, TRS, SBS-AP, and Deferred Compensation

Contributions in the Public Employees Retirement System (PERS), Supplemental Benefits System Annuity Plan (SBS-AP), and the Deferred Compensation Plan will remain on account unless the laid off employee takes action to withdraw funds or collect a benefit. Prior to making the decision to withdraw funds or collect a benefit, the laid off employee is strongly encouraged to consult with a Retirement & Benefits Counselor.

F. Conditions for Recall

Employees are placed on the layoff list for the bargaining unit and the conditions outlined in their collective bargaining agreement such as department, location, job classification, and position status from which laid off. Some CBAs allow employees to submit a statement to change the conditions of recall within the bargaining unit. This may include job classes, departments, locations, and position status. GGU and SU employees must use the Conditions of Employment Upon Return From Layoff form for this purpose. Other eligible bargaining unit members must submit some form of written statement. The form or written statement must be submitted to the DOPLR Recruitment Services for processing.

Employees who accept a change in position status are placed on the layoff list for the division, location, job class and position status originally held (GGU and SU). An employee who accepts a change in position status may also change their conditions of recall by completing the Conditions of Employment Upon Return From Layoff form. However, changes are limited to department, location and position status only.

Other Considerations for Conditions for Recall

- ACOA CBA requires written expansion of rights to other facilities at the time of layoff.
- In GGU and SU CBAs, in instances in which a job class has formal, distinct options under one job class title and is so indicated in the classification specifications, recall rights may be restricted to specific options (other than from which laid off) by the employee, provided the employee meets the minimum qualifications for those options.
- For any recall from layoff which entails a change of duty station, the employee may be responsible for any travel or moving expenses incurred, at the discretion of the appointing authority and the appropriate CBA.

G. Recall Process

Employees are recalled in accordance with the provisions of the applicable CBA and Personnel Rules as outlined in Section VI Rights and Recall of Laid off Employees.

To confirm the appropriate candidate is being recalled, flexibly staffed positions are appropriately handled, and multiple recall notices are not sent to the same laid off employee, Department HR must contact Recruitment Services prior to issuing written notice for recall.

Department HR must send a laid off employee written notification recalling them to work via return receipt mail (**Addendum V**). A copy must be sent to the DOPLR Recruitment Services and Payroll Services when the original notification is mailed.

When an employee responds to a recall notice or fails to respond to a recall notice within the 10-14 day period, Department HR must immediately notify Recruitment Services and Payroll Services of the response, or lack thereof, and ensure a PARF is created timely and distributed appropriately. Once notified, Recruitment Services will remove the employee from the layoff list. For a recall from layoff, Payroll Services will process the return from layoff action and calculate the appropriate LWOP adjustments.

Recall candidates will be required to complete and submit the Pre-Employment Certification form prior to reappointment. Department HR will review and evaluate the Pre-Employment Certification form to ensure there are no employment conflicts and the employee is eligible for appointment to the position. If an employee is deemed ineligible for the position the employee will remain on the layoff list. For questions regarding employee placement, contact Recruitment Services.

Once recalled, the employee's status at the time of layoff is restored. If the employee was laid off prior to the completion of the probationary period, upon recall the employee will complete the remaining probationary period. The remaining portion of the probationary period is determined by extending the period one month for every twenty-three (23) working days that the employee was not working as a probationary employee in the job class. The appropriate step placement and merit anniversary date must be determined based on the applicable CBA or Personnel Rules.

An employee who is working in a lower range job is entitled to at least the former step placement when recalled to the job class from which laid off. Should the normal rules of step placement not provide for at least that step, requests for approval of a higher step placement are submitted to the Director of the DOPLR.

For seniority based recalls, Department HR must adjust seniority lists according to the appropriate CBA.

H. Recall of a Laid off Employee on Active Military Duty under USERRA

- A laid off employee on active military duty under USERRA is recalled to work in accordance with the recall language in the appropriate CBA.
- When a laid off employee is recalled to work while on active military duty under USERRA, the employee is not required to report to work until the active military duty has ended.
- The position to which the employee has been recalled may be filled with either a nonpermanent substitute appointment or a permanent substitute appointment until the employee returns from active military duty. Due to this unique circumstance, Department HR must contact both Recruitment Services and Classification before the substitute appointment is made to determine which position type is appropriate.