

Policy Type: Human Resources
Policy Title: Layoff Procedure for Non-Represented Classified Staff
Policy Number: HR-29

Purpose

This procedure is followed when the College President (or designee) determines a layoff, affecting classified employees covered by civil service rules, is necessary. This procedure describes key terms used in the layoff process, the employee notification process, the employee layoff options, and the employee notification of other related information.

Scope

This procedure pertains to classified, non-represented employees.

Terms and Definitions:

A. Layoff

A layoff is an action that is taken because of a lack of funds, lack of work, or organizational change that results in:

1. Separation from Green River Community College employment; or,
2. Employment in a class with a lower salary range maximum; and/or,
3. Reduction in the number of months worked during a year; and/or,
4. Reduction in the number of hours worked during the work week.

B. Comparable Position (definition is per the requirement of WAC 357-46-040)

A position is considered comparable to the one from which an employee is being laid off if it is:

1. Within the same classification;
2. Requires the same skills and knowledge;
3. Requires the same percent of full time worked;
4. The same annual work cycle; and,
5. The same geographic location (i.e., District).

C. Layoff Units

A layoff unit is an administrative entity (department, division, college etc.) or a combination of such entities within which an employee scheduled for layoff may have the option for placement into another position (the "employment option") if one is available. The College has established layoff units that provide options to employees scheduled for layoff while minimizing disruption of the institution's operation. Non-represented, classified employees of the College are considered a single layoff unit.

Procedure:

A. Notifying Human Resources that it is necessary to layoff a non-represented, classified employee

The President or designee:

1. Determines that the need for layoff exists because of a lack of funds, lack of work or organizational change.
2. Determines the position or positions affected.
3. Notifies Human Resources of the need for layoff.

B. Determining an employee's layoff option

Human Resources determines the position, if one exists that will be identified as an employee's layoff option according to the following criteria. The position must be:

1. Within the employee's layoff unit; and,
2. Comparable to the employee's current position as defined in this procedure; and,
3. The same class as the employee's current position; and,
4. Vacant or, if no vacant position is available, occupied by the incumbent having the lowest employment retention rating (seniority).

In addition, for a position to be considered as a layoff option, the employee must meet the position's competency and other requirements.

If a position in the current class is not available, the layoff option, if one is available, must be:

1. A position in a class in which the employee has held permanent status in the last period of unbroken service that is at the same salary range as the employee's current position; or,
2. A position in a lower class in an occupational category/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 class) ; and,
3. Vacant or, if occupied, the incumbent has the lowest employment retention rating of incumbents in positions eligible to be considered as a layoff option.

In addition, for a position to be considered as a layoff option, the employee must meet the position's competency and other requirements.

C. Determining an employee's employment retention rating

Human Resources determine employee retention ratings. The employment retention rating (seniority) is the total length of an employee's most recent period of unbroken qualifying service calculated as follows:

Length of service in calendar days for the most recent period of unbroken classified employment subtracting time spent on leave without pay (excepting military leave) and adding eligible time spent in the military for veterans calculated according to WAC 357-46-060.

In the event that there is a tie in employment retention ratings, the tie will be broken by choosing lots.

D. Criteria for "legitimate business requirements" that may be considered in determining layoff options

The College President or designee may exclude a position from consideration as an employment option based on "legitimate business requirements." Legitimate business requirements include those circumstances or characteristics that render a position uniquely sensitive to disruption in continuity. Examples include the need to meet critical deadlines or the need to achieve critical research goals.

E. Preparing the layoff notice, layoff notice content, and serving the layoff notice

The Human Resource office prepares the layoff notice for the College President or designee's signature. Permanent employees being separated due to layoff will receive at least fifteen calendars days' notice, unless the employer and employee agree to waive the fifteen day notice period. The layoff notice includes:

1. The reason for layoff;
2. The employee's employment retention rating (seniority) calculation;
3. The employee's layoff options, if any;
4. Notification of any requirement for the employee to serve a transition review period, if a layoff option is selected;
5. The specific layoff list(s) on which the employee is entitled to request placement, if any;
6. An explanation of how the employee requests placement on the statewide layoff list;
7. The offer to hold a pre-termination meeting, providing the opportunity for the employee to explain why the action or option(s) are not appropriate.
8. How/when the employee must notify the Human Resource office of the employee's desire to have a pre-termination meeting and layoff option selection; and,
9. Notification of the employee's right to appeal the layoff.

The layoff notice will be hand delivered, unless the employee is unavailable to accept receipt.

F. Selecting a layoff option and completing and submitting the option selection form

Each employee scheduled for layoff will receive the layoff notice and an employee option selection form. The employee scheduled for layoff is responsible for completing and returning the completed employee option selection form to the Human Resource office by the deadline specified on the form. The form must be received by the specified deadline or the employee will be considered to have resigned from employment and will not be eligible for an employment option or placement on a layoff list.

The Human Resource office may accept an option selection form that was submitted after the specified deadline if the employee can show that the inability to meet the form submission deadline was beyond the employee's control because the employee was incapacitated to the degree that completion and submission of the form were not possible.

G. Employee options for avoiding or reducing the impact of layoff

An employee may seek to avoid or reduce the impact of layoff by applying for other College positions through the agency's employment process.

An employee may notify his/her supervisor or Human Resources office of his/her willingness to take leave without pay, to voluntarily take a reduction in percent of time or work year, or to voluntarily demote. An employee's willingness to take such measures will be considered but does not ensure that it will be possible to avoid the necessity of layoff.

H. Notification of Separation for Probationary Employees

A probationary status employee who is separated from employment because of lack of funds, lack of work, or organizational change will receive at least one day's written notice. Probationary employees are not eligible for placement on a layoff list or an employment option. Human Resources is responsible for preparing the notice of probationary period separation, obtaining the appointing authority's signature on the notice and arranging for service of the notice of probationary period separation.

Specific Authority: Civil Service Rule (WAC 357-46)

Law Implemented:

History of Policy or Procedure

Draft: Replaces Policy No. 810 (1991), November 26, 2008

Adopted: April 27, 2009

Revised: January 21, 2009

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