

State Civil Service Layoff Process: Rights of Laid Off Employees

If an employee has received a written notice of layoff and has not obtained other employment with the State by the effective date in their letter, they will be laid off and therefore have the following rights:

1. They are entitled to have all accrued leave except sick leave cashed out.

2. They may apply for COBRA to continue to have some or all of their insurance benefits at their expense.

3. They are eligible to receive Unemployment Benefits.

4. They will be placed on a State reemployment list. The reemployment lists are established for each Department that has a classification in which employees were laid off, demoted, or transferred in lieu of being laid off. Names are placed on the list in order of service points, with the person with the most points at the top of the list. If the Department fills a position in the classification that was subject to layoff, they must offer the job to the most senior person on the reemployment list. Reemployment lists are in effect for five (5) years from the date of layoff.

5. Limited-term, temporary, or contract employees must be laid off before state civil service employees in the same class in the area of layoff.

6. Employees on IDL are treated in a manner similar to employees on leaves of absence are treated. That is, their seniority scores are computed along with those of everyone else in the class/area of layoff. If an employee's seniority score is high enough to retain employment, they will have a right to return to their job. If, however, their seniority score is not high enough, they will be laid off, demoted in lieu of layoff, or transferred. The seniority score of an employee on IDL, unlike that of an employee on a leave of absence, is projected through the length of the IDL, since IDL is not a break in service and IDL benefits continue.

7. If an employee on a leave of absence is in a class of layoff, in an area of layoff, his/her seniority score is computed along with those of all other employees. The seniority score of the employee on the leave of absence is computed through the effective date of the leave of absence. If the employee's seniority score is high enough for him/her to retain employment, he/she may remain on leave. If the employee's seniority score is not high enough for him/her to retain employment, he/she is legally entitled to a 15 day notice of the leave termination and a 30 day notice of layoff. The employee is reinstated from the leave of absence and laid off on the same date.

8. PERS contributions may be left on deposit or withdrawn at the time of layoff.