

## STEPS IN THE LAYOFF PROCESS

This is not meant to be a comprehensive explanation of the state's layoff process. It is intended to cover the principle steps that occur in a layoff, based on the Government Code, State Personnel Board (SPB) rules, Department of Personnel Administration (DPA) rules, and the SEIU Local 1000 Contract.

- The Governor is requiring departments to reduce expenditures. If a department is unable to achieve savings through other means, the department has the authority to determine the program(s), area(s) and classification(s) to be affected by a reduction in the workforce.
- The department usually sends State Restriction of Appointments (SROA) letters to at least three (3) times as many of its departmental employees in the affected classifications, than it anticipates having to layoff. The SROA letter gives the employee preferential (first) consideration for vacant positions in his/her current classification or designated SROA class in all State Departments. It is not a guarantee that they will be offered a job. SROA status lasts for 120 days from the date on the SROA letter.
- The Department sends a comprehensive layoff plan to DPA. This may occur before or after the SROA letters have been sent to employees. The department and DPA may engage in negotiations over the specifics of the layoff plan.
- DPA provides the Union with a written notice, 60 days before the effective date of a department's intended date of layoff.
- The Union submits a written request for the department's approved layoff plan, for other relevant information and for dates to meet and confer about the impact of the layoff.
- The Union, the department and DPA meet and confer regarding alternatives that could reduce or eliminate employees being laid-off.
- DPA compiles a seniority list of the departmental employees by classification(s) within a program(s) and an area(s) identified for layoff. Seniority is based on one (1) point for

each month of full-time state service or fraction of a point for part-time employment. Employees appear on a seniority list in the order of their service points, with the employee with the least points at the bottom of the list and so forth. Additional factors affecting seniority are:

1. Military service which will result in additional service points being added to an employee's seniority.
  2. With certain breaks in service, service before the break is counted as service points.
  3. Performance Evaluations with a rating of "Improvement Needed" or "Unsatisfactory" result in a reduction of service points.
- Thirty days prior to the effective date of a layoff, employees will receive a written notice of layoff. The letter also will explain whether the employee has an option of demoting or transferring.
  - If an employee believes his/her service points were incorrectly calculated, resulting in having erroneously received a notice of layoff letter, the employee may address the alleged miscalculation.
  - If an employee who has received a written notice of layoff and has not obtained other employment with the state by the effective date in the letter, the employee will be laid off. Employees who are laid off are entitled to have all accrued leave, except sick leave, cashed out. They may apply for COBRA to continue some or all of their insurance benefits at their expense. They are eligible to receive Unemployment Insurance Benefits (UIB).
  - Re-Employment Lists are established for each department that has a classification in which employees were laid-off, or 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, the department must offer the job to the most senior person on the re-employment list. Re-employment lists are in effect for five (5) years from the date of layoff.

- Employees who are laid off may file a grievance. This grievance should be handled by the URC staff.