

Know Your Rights

Article 24 – In Case of Layoff

Determination of Layoff/Meet and Confer with CSUEU

The CSU determines when a layoff is necessary due to either a lack of funds or a lack of work. [Article 24.1] The CSU must immediately notify CSUEU and “meet and confer” with the Union over the bargaining unit impact of the layoffs. [Article 24.2]

Employee Notice of Layoff

A temporary or probationary employee who is to be laid off shall receive notice of such layoff from the President no later than forty-five (45) days before the effective date of layoff. [Article 24.20]

A permanent employee who is to be laid off for lack of funds shall receive notice of such layoff from the President no later than sixty (60) days prior to the effective date of layoff. A permanent employee who is to be laid off due to lack of work shall receive notice of such layoff from the President no later than ninety (90) days prior to the effective date of layoff. [Article 24.21]

Voluntary Programs to Avoid Layoff

At least sixty (60) days prior to the effective date of the layoff due to lack of funds and ninety (90) days for lack of work, the President shall make available voluntary programs to avoid layoff. When the layoff is due to a lack of work, voluntary programs will only be made available to employees in the classifications affected by the layoff. [Article 24.32] Such programs shall include, but shall not be limited to: (a) a voluntary reduced worktime program; (b) leaves of absence without pay. [Article 24.33]

Order of Layoff: Temporary, Probationary and Permanent Employees

Layoff shall be within classifications determined by the President. For classifications with skill levels, layoff shall be within skill level determined by the President. Twelve (12) month, 11/12 month, 10/12 month and academic year positions with the same class title shall, for the purposes of layoff, are considered a single classification.

The order of layoff shall be:

- First, temporary and probationary employees; and
- Last, permanent employees. [Article 24.3]

The President shall establish the order of layoff for temporary and probationary employees in a classification or in a skill level within a classification by considering only merit and competency in relation to program need. [Article 24.4] Non-reappointment of a temporary employee does not constitute a layoff. [Article 24.3]

The President shall establish the order of layoff for permanent employees in a classification in reverse order of seniority. For employees in classifications with skill levels, the President shall establish the order of layoff for permanent employees in a skill level in reverse order of seniority. [Article 24.5]

In the event of layoff, the number of student assistants' hours and the number of administrators in a department shall not be increased for the purpose of performing bargaining unit work. [Article 17.13]

Tie Breaking in the Order of Layoff: Permanent Employees

A tie exists when two (2) or more permanent employees in a classification, or skill level within a classification, undergoing layoff have the same number of seniority points. [Article 24.18]

The President shall break ties in establishing the layoff order of permanent employees by considering only the following factors: (a) specialized skills and competencies of the employee and (b) documented meritorious service by the employee. [Article 24.19]

Seniority Calculation

Seniority is calculated from the date of hire in the current classification. [Article 24.10] Full time permanent employees shall earn one (1) seniority point of service credit in a given class, or skill level within a class, for each qualifying month of employment. Part-time employees holding permanent status shall earn seniority points proportional to the time-base served. [Article 24.8]

Seniority points in “bumping” includes continuous time served as a temporary, probationary or permanent employee plus any service in all classes or skill levels of equal or higher rank on the campus. [Article 24.9] All time spent in family care, military, disability, loan of employee to another governmental agency or leave with pay status shall count toward the accumulation of seniority points (Section 24.12).

Employee Options in Lieu of Layoff: Vacancy, Transfer or Demotion

A permanent employee who has received a notice of layoff may exercise his/her right to elect transfer to any vacancy for which he/she is currently qualified. [Article 24.22] A permanent or probationary employee who has received a notice of layoff may elect to be transferred or demoted to any classification, or skill level within a classification, in which he/she has served as a permanent employee during the period preceding the layoff, provided there has been no break in service. [Article 24.23]

This scenario is often referred to as “bumping rights.” For example, a Payroll Tech III who previously had permanency as a Payroll Tech II could bump into a Payroll Tech II position. The Payroll Tech II employee with the least amount of seniority would then be subject to layoff. The ability to “bump” requires that the employee had permanency within that classification.

If an employee elects a demotion in lieu of layoff, his/her salary shall be red circled in accordance with the red circle rate provision in Article 20, Salary. [Article 24.25]

Re-employment Rights/Opportunities

The President shall enter the names of laid-off permanent employees on a re-employment list by class, or by skill level within a classification, in order of seniority. An employee’s name shall remain on the re-employment list until he/she returns to a position in the same class, or skill level within a classification, held at the time of layoff and at the same time-base as previously held. In no case shall a name remain on the re-employment list for more than five (5) years. [Article 24.28]

Position vacancies in a class, or skill level within a classification, for which there are names of qualified individuals on the re-employment list shall not be filled without first making an offer of re-employment to those on the list. If an individual on the re-employment list declines two (2) such offers, he/she waives his/her re-employment rights. [Article 24.29]

An employee re-employed under the conditions of this Article shall retain permanent status rights, service credit (subject to Public Employees Retirement System (PERS) regulations) salary steps, sick leave, and seniority credits he/she held at the date of layoff. [Article 24.30]

An employee who has been laid off and placed on the re-employment list may be eligible to participate in the fee waiver program as described in Provisions 22.34 through 22.44 of Article 22 for the duration of the time that the employee is on the re-employment list. [Article 24.34]

Article 24, Layoff – Contract Language

Determination

24.1 On a campus when the CSU determines that a layoff is necessary because of a lack of work or lack of funds, the following procedures shall apply.

Union Notice

24.2 When the CSU determines that there is a need for implementation of any procedures outlined in this Article, the CSU agrees to immediately notify the Union. The Union may submit a written request to the Office of the Chancellor to meet and confer with the Union on the bargaining unit impact.

Order of Layoff

24.3 Layoff shall be within classifications determined by the President. For classifications with skill levels, layoff shall be within skill level determined by the President. Twelve (12) month, 11/12 month, 10/12 month and academic year positions with the same class title shall, for the purposes of layoff, be considered a single classification. The order of layoff shall be:

- a. first, temporary and probationary employees; and
- b. last, permanent employees.

Temporary and probationary employees in a classification shall be separated or laid off before permanent employees in the same classification. Non-reappointment of a temporary employee does not constitute a layoff. For classifications with skill levels, temporary and probationary employees shall be separated or laid off before permanent employees in the same skill level.

Temporary and Probationary Employees

24.4 The President shall establish the order of layoff for temporary and probationary employees in a classification or in a skill level within a classification by considering only merit and competency in relation to program need.

Permanent Employees

24.5 The President shall establish the order of layoff for permanent employees in a classification in reverse order of seniority. For employees in classifications with skill levels, the President shall establish the order of layoff for permanent employees in a skill level in reverse order of seniority.

24.6 An employee who possesses documentable specialized skills that are needed for the program, not possessed by other employees in classification(s), or skill levels within classifications, undergoing layoff, may be excluded by the President from the layoff list.

Computation of Seniority Points for Permanent Employees

24.7 All seniority points calculated for and earned by permanent employees prior to June 30, 1983,

shall remain unchanged. Such seniority points shall serve as the base to which additional seniority points, computed for and earned pursuant to the terms of this Agreement, shall be added. Seniority points for each campus shall be calculated by the campus and provided to the Union by the Office of the Chancellor two (2) times per year upon written request by the Union and when the CSU determines that a layoff is necessary.

24.8 Full-time permanent employees shall earn one (1) seniority point of service credit in a given class, or skill level within a class, for each qualifying month of employment. Part-time employees holding permanent status shall earn seniority points proportional to the timebase served.

24.9 For the purpose of computing permanent employee seniority credit, length of service includes continuous time served as a temporary, probationary or permanent employee and is counted from the date of appointment to the current class held, or current skill level held within the classification, consistent with Provision 24.10 below, plus any service in all classes or skill levels of equal or higher rank on the campus, including time spent in non-CSUEU classifications, which has not been interrupted by a permanent separation.

24.10 Seniority credit is counted from the first calendar month of appointment to the current classification, or skill level within a classification held, or upon the return from leave without pay status (when such leave does not count for seniority credit pursuant to Provision 24.12), if the appointment or return date is on or before the fifteenth (15th) calendar day of that month. Seniority credit is counted from the second calendar month of appointment to the current classification or skill level within a classification held, or upon the return from leave without pay status (when such leave does not count for seniority credit pursuant to Provision 24.12), if the appointment or return date in the first calendar month is after the fifteenth (15th) calendar day in that month.

24.11 Seniority credit upon separation from a classification, or from a skill level within a classification, or upon the commencement of leave without pay status (when such leave does not count for seniority credit pursuant to Provision 24.12), shall terminate effective the end of the calendar month preceding the date of separation or leave if the date of separation is on or before the fifteenth (15th) calendar day of the month of separation. Seniority credit upon separation from a classification, or from a skill level within a classification, or upon the commencement of leave without pay status (when such leave does not count for seniority credit pursuant to Provision 24.12), shall extend until the end of the calendar month of separation or leave if the date of separation is after the fifteenth (15th) calendar day of the month of separation.

24.12 All time spent in family care, military, disability, loan of an employee to another governmental agency or leave with pay status shall count toward the accumulation of seniority points. All other time spent in leave without pay status, as well as periods of suspension without pay, shall not count toward the accumulation of seniority points, however, such time shall not constitute a break in continuous service.

24.13 For all permanent ten (10) month employees, one (1) point shall be credited for each month of the ten (10) months of employment. Those full-time, permanent employees participating in the 10/12, 11/12 or academic pay plan shall receive one (1) point of credited service for each of the twelve (12) months.

24.14 In no case shall a permanent employee earn more than twelve (12) seniority points per year.

24.15 In the event a class is abolished or the use of the class restricted and a new class established in its place, all time served in the prior comparable class shall be counted as service in the new class.

24.16 The term "class of equal rank" as used in this Article shall mean a class, or skill level within a class, which has a maximum salary of not more than one-half (1/2) step or approximately two and one-half percent (2 1/2%) above or below the maximum salary of the employee's current class, or skill level within a class.

24.17 The term "class of higher rank" as used in this Article shall mean a class, or skill level within a class, which has a maximum salary of more than one-half (1/2) step or approximately two and one-half percent (2 1/2%) above the maximum salary of the employee's current class, or skill level within a class.

Tie-Breaking in the Order of Layoff

24.18 A tie exists when two (2) or more permanent employees in a classification, or skill level within a classification, undergoing layoff have the same number of seniority points.

24.19 The President shall break ties in establishing the layoff order of permanent employees by considering only the following factors:

- a. specialized skills and competencies of the employee; and
- b. documented meritorious service by the employee.

Employee Notice of Layoff

24.20 A temporary or probationary employee who is to be laid off shall receive notice of such layoff from the President no later than forty-five (45) days before the effective date of layoff.

24.21 A permanent employee who is to be laid off shall receive notice of such layoff from the President no later than sixty (60) days prior to the effective date of layoff. A permanent employee who is to be laid off due to lack of work shall receive notice of such layoff from the President no later than ninety (90) days prior to the effective date of layoff. Such notice shall be in writing and mailed by certified mail, return receipt requested, to the employee's last known address.

Employee Options in Lieu of Layoff

24.22 A permanent employee who has received a notice of layoff may exercise his/her right to elect transfer to any vacancy for which he/she is currently qualified. Such qualification shall be determined in the normal manner. When two (2) or more such permanent employees elect transfer to the same vacancy in accordance with this provision, the President may select the employee to be transferred on the basis of merit.

24.23 A permanent or probationary employee who has received a notice of layoff may elect to be transferred or demoted to any classification, or skill level within a classification, in which he/she has served as a permanent employee during the period preceding the layoff, provided there has been no break in service.

24.24 A permanent employee at the Chancellor's Office who has received a layoff notice shall have retreat rights to his/her former campus if he/she had gained permanency at that campus. Such retreat rights exist only if the employee's appointment at the Chancellor's Office was immediately after separation from the campus.

24.25 If an employee elects a demotion in lieu of layoff, his/her salary shall be red circled in accordance with the red circle rate provisions in Article 20, Salary.

24.26 In order to elect the options in Provisions 24.22 - 24.25 above, an employee must notify the campus Human Resources Office in writing of his/her election not later than thirty (30) days after receiving the notice of layoff.

24.27 An employee replaced by the demotion or transfer of an employee who has received a notice of layoff shall have the same rights as outlined in Provisions 24.22- 24.25 above of this Article.

Reemployment Rights/Opportunities

24.28 The President shall enter the names of laid-off permanent employees on a reemployment list by class, or by skill level within a classification, in order of seniority. An employee's name shall remain on the reemployment list until he/she returns to a position in the same class, or skill level within a classification, held at the time of layoff and at the same timebase as previously held. In no case shall a name remain on the reemployment list for more than five (5) years.

24.29 Position vacancies in a class, or skill level within a classification, for which there are names of qualified individuals on the reemployment list shall not be filled without first making an offer of reemployment to those on this list. If an individual on the reemployment list declines two (2) such offers, he/she waives his/her reemployment rights. An individual on a reemployment list may request inactive status for up to one (1) year.

24.30 An employee reemployed under the conditions of this Article shall retain permanent status rights, service credit (subject to Public Employees' Retirement System (PERS) regulations), salary steps, sick leave, and seniority credits he/she held at the date of layoff.

24.31 The CSU shall provide a job clearinghouse to advise and inform employees in classifications, or skill levels within classifications, undergoing layoff of employment opportunities at other campuses. The services of the clearinghouse shall be available upon request to permanent employees in receipt of notice of layoff or former permanent employees on a reemployment list. A campus may not fill a vacancy without ascertaining whether such an employee or former employee has applied. If such an employee has applied for a vacancy, his/her application shall be considered.

Voluntary Programs to Avoid Layoff

24.32 At least sixty (60) days prior to the effective date of a layoff due to a lack of funds, the President shall make available voluntary programs to avoid layoff. At least ninety (90) days prior to the effective date of a layoff due to a lack of work, the President shall make available voluntary programs to avoid layoff. When the layoff is due to a lack of work, voluntary programs will only be made available to employees in the classifications affected by the layoff. If there are no employees in the affected classifications other than those notified of the possible layoff, voluntary programs will not be offered.

24.33 Such programs shall include, but shall not be limited to:

a. a voluntary reduced worktime program;

A voluntary reduced worktime program may reduce the time worked by an employee within the workweek or within the work year. The 10/12 or 11/12 pay plan as provided for in this Agreement shall be considered a voluntary reduced worktime program. Prior to a layoff, the President shall extend the provisions of the 10/12 or 11/12 pay plan (Article 20, Salary, Provisions 20.15 through 20.25) to employees in classifications undergoing layoff and may extend the provisions of the 10/12 or 11/12 pay plan to employees in classifications not otherwise eligible.

b. leaves of absence without pay in accordance with Article 16, Leaves of Absence Without Pay, of this Agreement.

24.34 An employee who has been laid off and placed on the re-employment list may be eligible to participate in the fee waiver program as described in Provisions 22.34 through 22.44 of Article 22 for the duration of the time that the employee is on the re-employment list. In order to participate in the program, the employee shall have or shall initiate a career development/job related plan through the Human Resources Office and shall meet all applicable fee waiver requirements. This benefit is for the use of the laid off employee only and is not transferable. A benefit already transferred remains transferred until the end of the academic term.