

## **ARTICLE 25**

### **LAYOFF**

#### **Notice of Impending Layoff**

25.1 When the CSU determines that there is a need for implementation of any procedures outlined in this Article, the CSU shall notify the union. After sending such notice, and upon request, the CSU agrees to immediately meet and confer with the Association on the bargaining unit impact.

#### **Voluntary Programs to Avoid Layoff**

25.2 At least forty-five (45) days prior to the effective date of a layoff of a permanent employee, the President shall make available voluntary programs to avoid layoff.

25.3 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.

- a. leaves of absence without pay in accordance with Article 23, Leaves of Absence Without Pay, of this Agreement.

#### **Order of Layoff**

25.4 Layoff shall be within classifications determined by the President. 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.

25.5 Temporary and Probationary Employees

The President shall establish the order of layoff for temporary and probationary employees in a classification by considering only the following factors: merit and competency in relation to program needs.

25.6 Permanent Employees

The President shall establish the order of layoff for permanent employees in a classification in reverse order by classification seniority.

25.7 All seniority points calculated for and earned by permanent employees prior to July 1, 1982 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.

25.8 Full-time permanent employees shall earn one (1) seniority point of service credit in a given class for any pay period the employee was in pay status for eleven (11) or more working days.

25.9 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, plus any service in classes of equal or higher rank on the campus which has not been interrupted by a break in service.

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

25.11 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.

25.12 The term "class of equal rank" as used in this Article shall mean a class which has a minimum salary of less than one (1) step above or below the minimum salary of the employee's current class.

25.13 The term "class of higher rank" as used in this Article shall mean a class which has a minimum salary at least one (1) step above the minimum salary of the employee's current class.

### **Tie-Breaking in the Order of Layoff**

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

25.15 If a tie exists, then the tie shall be broken first by time within Unit 8; if the tie remains, then it shall be broken by time with the CSU.

### **Notice of Layoff**

25.16 A temporary or probationary employee who is to be laid off shall receive notice of such layoff from the President no later than thirty (30) days before the effective date of layoff.

25.17 A permanent employee who is to be laid off shall receive notice of such layoff from the President no later than forty-five (45) days prior to the effective date of layoff.

25.18 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**

25.19 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 documentable merit.

25.20 A permanent or probationary employee who has received a notice of layoff may elect to be transferred or demoted to any 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.

- 25.21 In order to elect 25.20 and/or 25.21 above, an employee must notify the campus Personnel Office in writing of his/her election no later than twenty (20) days after receiving the notice of layoff.
- 25.22 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 25.20 and 25.21 above of this Article.

### **Reemployment Rights**

- 25.23 The President shall enter the names of the laid-off permanent employees on a reemployment list by class 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 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.
- 25.24 Position vacancies in a class 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 the 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.
- 25.25 An employee reemployed under the conditions of this Article shall retain permanent status rights, service credit (subject to PERS regulations), salary steps, sick leave, and seniority credits he/she held at the date of layoff.

### **Reemployment Opportunities**

- 25.26 The CSU shall provide a job clearinghouse to advise and inform employees in classifications undergoing layoff of employment opportunities at other campuses. The services of the clearinghouse shall be available upon request to the permanent employees on 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.