

ARTICLE 25

LAYOFF

Purpose

- 25.1 A layoff is an involuntary separation of a temporary, probationary, or permanent employee, or an involuntary reduction in time base and/or pay plan for a temporary, probationary, or permanent employee, due to a lack of work and/or a lack of funds.
- 25.2 On a campus when the Employer determines that a layoff is necessary because of a lack of work and/or lack of funds, the following procedures shall apply.

Notice of Layoff

- 25.3 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 Union on the bargaining unit impact.
- 25.4 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.
- 25.5 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.
- 25.6 Notice to an employee shall be in writing and mailed by certified mail, return receipt requested, to the employee's last known address.

Voluntary Programs to Avoid Layoff

- 25.7 At least sixty (60) days prior to the effective date of layoff of a permanent employee, the President shall make available voluntary programs to avoid layoff.
- 25.8 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.

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

Order of Layoff

25.9 Layoff shall be within classifications determined by the President. Ten (10) month, twelve (12) month, and 10/12 and 11/12 positions with the same class title shall, for the purposes of layoff, be considered a single class. 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 layoff.

25.10 Temporary and Probationary Employees

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

25.11 A temporary or probationary employee who possesses documentable specialized skills that are needed for the program, not possessed by other employees in a classification(s) undergoing layoff, may be excluded by the President from the layoff list. This provision does not affect the order of layoff specified in provision 25.9.

25.12 Permanent Employees

The order of layoff for permanent employees in a classification shall be in reverse order of seniority.

Physician-Specialty Care employees who were previously classified as Physician or Physician-Primary Care, and are privileged to perform primary care at the time of layoff, shall have retreat rights to the Physician-Primary Care classification at the campus in order of seniority.

A Physician-Specialty Care employee who is laid off and retreats to a Physician-Primary Care classification shall have the right of first refusal to return to a vacant Physician-Specialty Care position formerly held by the employee on the campus. The employee must meet all requirements of the position and be in good standing at the time they seek return to the position.

Computation of Seniority Points for Permanent Employees

- 25.13 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.
- 25.14 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. Part-time employees holding permanent status shall earn seniority points proportional to the time base served.
- 25.15 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 permanent separation.
- 25.16 For all permanent ten (10) month employees, one (1) point shall be credited for any pay period in which the employee was in pay status for eleven (11) or more working days. Full-time employees participating in the 10/12 pay plan or 11/12 pay plan shall receive one (1) point of credited service for each of the twelve (12) months.
- 25.17 In no case shall a permanent employee earn more than twelve (12) seniority points per year.
- 25.18 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.
- 25.19 The term "class of equal rank" as used in this Article shall mean a class which has a maximum salary of not more than approximately two and one-half (2-1/2) percent above or below the maximum salary of the employee's current class.
- 25.20 The term "class of higher rank" as used in this Article shall mean a class which has a maximum salary of more than approximately two and one-half (2-1/2) percent above the maximum salary of the employee's current class.

Tie-Breaking in the Order of Layoff

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

- 25.22 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 employees;
 - b. documented meritorious service by the employees.

Employee Options in Lieu of Layoff

- 25.23 A permanent employee who has received a notice of layoff may exercise the right to elect transfer to any vacancy for which they are 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.
- 25.24 A permanent or probationary employee who has received a notice of layoff may elect to be transferred or demoted to any classification in which they have served as a permanent employee during the period preceding the layoff, provided there has been no break in service.
- 25.25 In order to elect provisions 25.23 through 25.24 above, an employee must notify the campus Human Resources Office in writing of the election not later than twenty (20) days after receiving the notice of layoff.
- 25.26 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 25.23 through 25.24 of this Article.

Reemployment Rights

- 25.27 The President shall enter the names of 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 they return to a position in the same class, time base, and pay plan held at the time of layoff. In no case shall a name remain on the reemployment list for more than five (5) years.
- 25.28 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, they waive their reemployment rights. An individual on a reemployment list may request inactive status for up to one (1) year.

25.29 An employee reemployed under the conditions of this Article shall retain permanent status rights, service credit (subject to CalPERS regulations), salary, sick leave, and seniority credits they held at the date of layoff.

Reemployment Opportunities

25.30 The CSU shall post all bargaining unit vacancies on the Career Opportunities section of the CSU website, thereby making available to employee in classifications undergoing layoff information regarding employment opportunities at other campuses. A campus may not fill a vacancy without ascertaining whether such an employee or former employee has applied at the campus. If such an employee has applied for a vacancy, and self-identified as a laid off employee or an employee who is in receipt of a notice of layoff, their application shall be considered.