

ARTICLE 24

LAYOFF

Determination

- 24.1 A layoff shall refer to an involuntary separation, involuntary reduction in an employee's timebase, or an involuntary pay plan change, because of a lack of work or lack of funds. Non-reappointment of a temporary employee does not constitute a layoff.
- 24.2 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

- 24.3 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

- 24.4 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 or skill level within a classification shall be separated or laid off before permanent employees in the same classification or skill level within the classification.

Temporary and Probationary Employees

- 24.5 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

- 24.6 The President shall establish the order of layoff for permanent employees by classification and/or skill level within a classification in reverse order of seniority.
- 24.7 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.

Employee Notice of Layoff

- 24.8 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.
- 24.9 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.

Reassignment to Vacancies

- 24.10 A permanent employee who has received a notice of layoff may exercise their right to elect transfer to any vacancy for which the employee 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.

Retreat Rights

- 24.11 A permanent or probationary employee who has received a notice of layoff may elect to return to any classification, or skill level within a classification, in which the employee has served as a permanent employee during the period preceding the layoff, provided there has been no break in service.
- 24.12 If an employee elects to return to a classification, or skill level within a classification, in which the employee previously served as a permanent employee, their salary shall be red circled in accordance with the red circle rate provisions in Article 20, Salary, for the period of time the employee is on the reemployment list as outlined in 24.29. At the expiration of the five (5) year period, if the employee has not returned to a position in the same classification, or skill level within a

classification, held at the time of layoff and at the same timebase as previously held, the employee's salary may be reduced to the maximum salary range or sub-range of the classification that he or she is returning to, provided that such salary is not greater than the salary they received at the time of the layoff.

- 24.13 A permanent employee appointed to a bargaining unit position at the Chancellor's Office prior to July 1, 2012 who has received a layoff notice shall have retreat rights to the employee's former campus if they 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.
- 24.14 In order to elect to return to a previously held classification and/or skill level within a classification, the employee must notify the campus Human Resources Office in writing of the employee's election not later than thirty (30) days after receiving the notice of layoff.
- 24.15 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 24.10 to 24.12 above of this Article.

Computation of Seniority Points for Permanent Employees

- 24.16 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 upon written request at the same time the CSU notifies the Union that there is a need for implementation of any procedures outlined in this Article.
- 24.17 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.
- 24.18 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 24.19 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. Seniority points roll down when retreating to lower level classifications; seniority points do not roll up to higher level classifications.
- 24.19 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 24.21), 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 24.21), if the appointment or return date in the first calendar month is after the fifteenth (15th) calendar day in that month.

- 24.20 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 24.21), 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 24.21), 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.
- 24.21 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.
- 24.22 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.
- 24.23 In no case shall a permanent employee earn more than twelve (12) seniority points per year.
- 24.24 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 classification.
- 24.25 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 ($\frac{1}{2}$) step or approximately two and one-half percent ($2\frac{1}{2}\%$) above or below the maximum salary of the employee's current class, or skill level within a class.

24.26 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 (½) step or approximately two and one-half percent (2½%) above the maximum salary of the employee's current class, or skill level within a class.

Tie-Breaking in the Order of Layoff

24.27 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.

24.28 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.

Reemployment Rights/Opportunities

24.29 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 they return 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.

24.30 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, the individual waives their reemployment rights. An individual on a reemployment list may request inactive status for up to one (1) year.

24.31 To mitigate the impact of layoff, laid off employees on the reemployment list may elect to be placed on a separate list to be called for temporary and/or intermittent appointments for which they are qualified. Laid off employees on this list shall have the right of first refusal for vacant and available temporary and/or intermittent appointments for which they are qualified. The offer, acceptance or refusal of work under this provision does not constitute an offer of employment under Article 24.30.

24.32 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 they held at the date of layoff.

24.33 The CSU shall post all bargaining unit vacancies at all CSU campuses to the CSU Careers Website (<http://csucareers.calstate.edu>). A campus may not fill a vacancy without ascertaining whether there are individuals in the applicant pool who hold reemployment rights under Provision 24.29. If such an employee has applied for a vacancy, their application shall be considered.

Voluntary Programs to Avoid Layoff

24.34 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.

24.35 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 20.12 through 20.21) 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.

24.36 An employee who has been laid off and placed on the reemployment 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 reemployment 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.