

## ARTICLE 30

### LAYOFF

30.1 When the President determines that a layoff is necessary at Cal Maritime because of a lack of work or a lack of funds, the following procedures shall apply.

#### Notice of Impending Layoff

30.2 When the CSU determines that there may be a need for implementation of any procedures outlined in this Article, the CSU agrees to immediately meet and confer with the Union on the bargaining unit impact including, but not limited to, voluntary programs, reduced work time, leaves of absence, and other personnel actions.

#### Order of Layoff

30.3 Layoff shall be within a defined occupational series grouping as established by Appendix B. The order of layoff shall be:

- a. first, temporary employees,
- b. second, probationary and apprentice employees, and
- c. last, permanent employees.

30.4 Non-reappointment of a temporary employee does not constitute layoff.

30.5 Temporary, apprentice, and probationary employees shall be laid off in a defined occupational series grouping without regard to length of service. The criteria determining the order of layoff shall be:

- a. merit and competency in relation to program needs; and
- b. affirmative action needs of Cal Maritime.

30.6 Permanent employees shall be laid off in a defined occupational series grouping as defined in Appendix B in reverse order of seniority.

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

## **Computation of Seniority Points for Permanent Employees**

- 30.8 Full-time permanent employees shall earn one (1) seniority point of service credit in a defined occupational series grouping 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.
- 30.9 For the purpose of computing permanent employee seniority credit, length of service includes continuous time served at Cal Maritime as a temporary, probationary, apprentice or permanent employee in a defined occupational series grouping and is counted from the date of appointment at Cal Maritime to a class within a defined occupational series grouping. Seniority credit earned by employees for continuous time served at Cal Maritime prior to July 1, 1995 shall be retained for the calculation of seniority in accordance with this Article.
- 30.10 In no case shall a permanent employee earn more than twelve (12) seniority points per year.
- 30.11 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, as long as both classes are within the same occupational series grouping.

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

- 30.12 A tie exists when two (2) or more permanent employees in a defined occupational series grouping undergoing layoff have the same number of seniority points.
- 30.13 In establishing the layoff order of permanent employees, ties shall be broken considering only the following factors:
- a. specialized skills and competencies of the employee;
  - b. documented meritorious service by the employee; and
  - c. affirmative action needs of the Cal Maritime.

## **Notice of Layoff**

- 30.14 A temporary, apprentice 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.
- 30.15 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. 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**

- 30.16 A permanent employee who has received a notice of layoff shall have the right to elect transfer to any vacancy for which the employee is currently qualified in the bargaining unit at Cal Maritime. Such qualification shall be determined in the normal manner. When two (2) or more such permanent employees elect transfer to the vacancy, the employee to be transferred shall be selected on the basis of any of the following factors:
- a. specialized skills and competencies of the employees;
  - b. documented meritorious service by the employee; and
  - c. affirmative action needs of Cal Maritime.
- 30.17 A permanent or probationary employee who has received a notice of layoff may elect to be transferred or demoted to any previously held classification outside of the occupational series grouping in which the employee held permanent status at Cal Maritime, provided there has been no break in service.
- 30.18 In order to elect provision 30.16 or 30.17 of this Article, an employee must notify the Cal Maritime Human Resources Office in writing of the employee's election not later than seven (7) days after receiving the notice of layoff.
- 30.19 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 30.16 and 30.17 of this Article.
- 30.20 If an employee elects a demotion in lieu of layoff, they employee shall receive a payment above the maximum in accordance with Article 24, Salary.

### **Reemployment Rights**

- 30.21 The names of laid off permanent employees shall be entered on a reemployment list by classification in order of seniority. An employee's name shall remain on the reemployment list until the employee returns to a position within the defined occupational series group in the same classification or lower 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 reemployment list for more than four (4) years.

- 30.22 Position vacancies in the same or lower classifications in a defined occupational series

group for which there are names of qualified individuals on the reemployment list as established in provision 30.21 above 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, the employee waives their reemployment rights. An individual on a reemployment list may request inactive status for up to one (1) year.

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

30.24 Provisions of this Article shall apply only to Cal Maritime where the layoff occurred, except for provision 30.25 below.

### **Reemployment Opportunities**

30.25 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 permanent employees in receipt of notice of layoff or former permanent employees on a reemployment list. No campus may fill a vacancy without first ascertaining whether there are individuals in the applicant pool who have been referred through the clearinghouse. Such individuals who have applied for the vacancy shall be interviewed.