

## **Layoff—Civil Service Employees**

### **OVERVIEW**

The reasons for a layoff include, but are not limited to, the following in accordance with *WAC* 357-46-010:

- Lack of funds
- Lack of work
- Organizational change
- Termination of project employment

In order to avoid or minimize the impacts of layoff, before initiating a layoff, departments are to contact the campus Human Resource Services (HRS) office to determine potential options available in lieu of layoff. HRS offices are located at the Pullman, Spokane, Tri-Cities, and Vancouver campuses.

Options may include, but are not limited to:

- Voluntary employee transfers
- Voluntary demotions
- Voluntary reduced work schedules
- Voluntary leave without pay
- Hiring controls

Prior to finalizing any layoff procedures, departments are to contact Human Resource Services (HRS).

### **Eligibility**

This layoff procedure applies to all civil service employees who are not covered by collective bargaining unit agreements.

An employee who is covered by a collective bargaining unit agreement is to refer to the applicable agreement for layoff rules and procedures.

### **Administration**

WSU Pullman HRS is responsible for overseeing and approving layoff processes at all WSU locations systemwide.

### **PROCESS**

#### **Department Actions**

The department is to contact HRS to discuss any proposed layoff.

#### Notify HRS of Layoff Need

To initiate a layoff; the appointing authority notifies HRS in writing of the need to proceed with a layoff. The notification must identify the following:

- Position for layoff,
- Effective date of the layoff, and
- Specific reason for the layoff (e.g., lack of work or funds, and/or for good faith reorganization).

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Notify HRS (cont.)                      The appointing authority notifies HRS of a pending layoff at least 30 days before the anticipated layoff date.

Verbally Inform Employee              The appointing authority or designee is to verbally inform the employee of the layoff and the reason.

**Human Resource Services  
Actions**                                      An HRS representative provides the affected employee with information regarding the layoff process. HRS provides the employee with a written layoff notice signed by the appointing authority and layoff options in accordance with *WAC 357-46-025*.

Permanent Employees                      A permanent employee must receive at least 15 calendar days written notice of layoff, unless the appointing authority and the employee agree to waive the 15 calendar day notice as defined in *WAC 357-46-025*. Within the 15 calendar day notice period, the employee is given no less than three working days in which to select a layoff option, if any, and/or select placement on layoff list(s) and/or an option in lieu of layoff.

HRS must furnish the written notice directly to the employee during the employee's scheduled working hours, if possible. If the employee is not available for personal service, HRS must mail the written notice by certified letter to the employee's last known address. If the notification is mailed, the employee is given no less than five working days in which to select a layoff option, if any, and/or select placement on the layoff list(s) and/or an option in lieu of layoff.

If the employee fails to return the layoff options forms to HRS within the prescribed time limits, such failure is automatically regarded as rejection of the options.

Probationary Employees                      Probationary employees do not have layoff employment options. In accordance with *WAC 357-46-185*, probationary employees must receive a minimum of one calendar day written notice before being separated.

Project Employees                              See *BPPM 60.23* and [Project Position](#) for more information regarding project appointments.

The department must notify HRS of the status and end date of each project. The conclusion of a project appointment may result in a layoff of a permanent employee. An employee laid off from a project position has layoff rights only within the specific project, unless the employee left a permanent position to accept the project appointment. See [Layoff List Option Related to Permanent Status Prior to Project Appointment](#)

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## Project Employees (cont.)

A project employee must receive at least 15 calendar days written notice of layoff, unless the appointing authority and the employee agree to waive the 15 calendar day notice as defined in *WAC* 357-46-025. After receiving notification from the department, HRS must provide notice to the project employee even if the project is ending on the specified date. Within the 15 calendar days notice period, the employee is given no less than three working days in which to select a layoff option, if any, and/or select placement on layoff list(s) and/or an option in lieu of layoff. Options provided to a project employee are limited to options within the specific project.

HRS must furnish the written notice directly to the employee during the employee's scheduled working hours, if possible. If the employee is not available for personal delivery service, HRS must mail the written notice by certified letter to the employee's last known address. If the notification is mailed, the employee is given no less than five working days in which to select a layoff option, if any, and/or select placement on the layoff list(s) and/or an option in lieu of layoff.

If the employee fails to return the layoff options forms to HRS within the prescribed time limits, such failure is automatically regarded as rejection of the options.

*Layoff List Option  
Related to Permanent  
Status Prior to Project  
Appointment*

When a permanent employee leaves a permanent position to accept a project appointment, the permanent employee is placed on the internal layoff list, in accordance with *WAC* 357-19-340.

An employee who held permanent status prior to accepting a project appointment without a break in service may request to return to their permanent position by providing 14 calendar days written notice of intent to return to the position they held immediately prior to accepting the project appointment. The employee submits the written request to the appointing authority of the permanent position the employee previously held and sends a copy to HRS. The appointing authority may grant or deny the request and provides written notice to the employee of their decision.

**LAYOFF OPTIONS**

The layoff process at Washington State University is based on employee seniority.

Layoff options are determined in accordance with *WAC* 357-46-035 and are offered within the layoff unit (see [Layoff Units](#)).

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### **OPTIONS (cont.)**

Options within a layoff unit are offered in the following order.

#### **Option 1**

Within the layoff unit, a permanent employee scheduled for layoff must be offered the option to take a position, if available, for which the following criteria are met:

- The position is allocated to a class in which the employee holds permanent status at the time of the layoff. See [Class Series](#) for a definition of class.

If no position in the current class is available, the employee's option is to a position at the same salary range in a class in which the employee has previously held permanent status.

If no position at the same salary range is available, the employee must be given an opportunity to take a position in a lower class in a class series in which the employee has previously held permanent status. The employee is not required to have held permanent status in the lower class in order to be offered the option to take a position in the class. Lower class positions are examined for availability in descending salary order.

- The position is comparable to the employee's current position as defined by the employer's layoff procedure (see [Comparable Position](#)).
- The employee satisfies the competencies and other position requirements (see [Competency and Position Requirements](#)).
- The position is funded and vacant, or if no vacant funded position is available, the position is occupied by the employee with the least seniority (see [Seniority](#)).

#### **Option 2**

If a permanent employee has no options under Option 1 above, the employee is offered the following option:

- The employer must determine if there is an available position in the layoff unit to offer the employee in lieu of separation that meets *all* of the following criteria:
  - The position is at the same or lower salary range maximum as the position from which the employee is being laid off.
  - The position is vacant *or* is held by a probationary employee.

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### Option 2 (cont.)

- The position is comparable *or* less than comparable (see [Comparable Position](#)).
- The position is one for which the employee meets the competencies and other position requirements (see [Competency and Position Requirements](#)).
- If more than one qualifying position is available, the employee must be offered the position with the highest salary range maximum.

### Transition Review Period

An employee appointed to a position through the layoff process may be required to serve a transition review period. (*WAC* 357-46-110)

### BREAKING SENIORITY TIES

Ties in seniority are broken in the following order:

- 1) If the affected employees are located within the same layoff unit the assigned appointing authority determines, based on business necessity, which position is considered least senior.
- 2) Employee with longest continuous time within their current classification is considered most senior.
- 3) By lot.

### LAYOFF LISTS

A laid-off employee is placed on internal University layoff lists in accordance with *WAC* 357-46-070. The employee is given layoff list rights to classes in which they held permanent status and lower classes in applicable series, excluding any prior state service before any break in service.

In addition, if the employee accepts a layoff option to a position that is located beyond a reasonable commuting distance, the employee is placed on the layoff list for the classification at the previous permanent work location from which they were laid off.

All laid off employees may be placed on the statewide layoff list in accordance with *WAC* 357-46-080.

Trial service employees who do not satisfactorily complete the trial service period have reversion rights in accordance with *WAC* 357-19-117. Such employees are eligible to be on the internal layoff lists in accordance with *WAC* 357-46-070.

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### **LAYOFF LISTS (cont.)**

An employee who unsuccessfully completes a transition review period may be reinstated on any eligible layoff lists in accordance with *WAC* 357-46-125.

An employee who left a permanent position prior to accepting a project appointment is placed on the internal layoff list and provided with options in accordance with this section (60.37), if applicable (see [Layoff Options](#)).

### **APPEAL RIGHTS**

All permanent employees have the right to appeal a layoff in accordance with *WAC* 357-52.

In accordance with *WAC* 357-52-225, employees must submit appeals by filing online through the board's website, by fax, by mail, or in person within 30 calendar days after the effective date of the action appealed to:

Personnel Resources Board  
Raad Building, Third Floor  
128 Tenth Avenue SW  
PO Box 40911  
Olympia, WA 98504-0911  
Ph: 360-407-4101  
Fax: 360-586-4694  
[prb.wa.gov/forms/](http://prb.wa.gov/forms/)

### **BENEFITS AND RETIREMENT**

Each employee should contact HRS to determine the effects of layoff on State Employee's Insurance and their retirement benefits.

To view the HRS website for more information, go to:

[hrs.wsu.edu/](http://hrs.wsu.edu/)

### **UNEMPLOYMENT COMPENSATION**

An employee separated from WSU through a layoff may qualify for unemployment compensation.

Contact the Employment Security Department for more information:

[esd.wa.gov/](http://esd.wa.gov/)

### **DEFINITIONS**

#### **Comparable Position**

A comparable position in the layoff unit for full-time, 12-month positions is 40 hours per week and 12 months per year within a 50-mile radius.

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### Comparable Position (cont.)

A comparable position for a part-time or less than 12-month position is an equivalent part-time position which is less than 40 hours per week or less than 12 months a year and within a 50-mile radius. For example, a 50 percent position can claim another 50 percent position; however, the employee may not claim a position that is greater than 50 percent.

### Competency and Position Requirements

Competency and position requirements are documented criteria that may include licensing/certification requirements, position description, class specifications, skills/competencies listed on the recruitment announcement, bonafide occupation requirements, and additional documented competencies or requirements not reflected in the position description.

### Class Series

A class series is a grouping of job functions having similar purpose and knowledge requirements.

Each class series is divided into several levels of work functions and responsibilities.

### Project Position

A project position is a classified position created to serve a specific purpose and/or complete a defined project that is of a time-limited nature with an expected end date in accordance with *WAC* 357-19-305. See also *BPPM* 60.23.

### Seniority

HRS determines the employee's seniority date based on the total length of qualifying service.

Layoff seniority is total days calculated from the employee's continuous service date and adjusted as follows:

- Days of service in an administrative professional, faculty, or other exempt position are deducted from seniority except as required by *WAC* 357-19-225.
- Days of leave without pay (LWOP) are deducted from the employee's seniority, except for military leave in accordance with *WAC* 357-31-370. LWOP days are determined based on appointment full-time equivalency (FTE).

The continuous service date is the most recent hire date without a break in state service.

Eligible veterans also receive seniority credit not to exceed five years in accordance with *WAC* 357-46-060. Veterans are required to supply copies of Department of Defense (DD) Form 214, Certificate of Release or Discharge from Active Duty, to HRS.

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<b>LAYOFF UNITS</b>	The WSU organization is divided into layoff units, which are generally a college, a group of like administrative units, or a geographically-separated activity.
<b>Layoff Unit 1</b>	Departments, offices, and programs reporting to the President (unless otherwise designated below)
<b>Layoff Unit 2</b>	Departments, offices, and programs reporting to the Provost (unless otherwise designated below)
<b>Layoff Unit 3</b>	Departments, offices, and programs reporting to the Vice President for Finance and Administration
<b>Layoff Unit 4</b>	Enrollment Management
<b>Layoff Unit 5</b>	Departments, offices, and programs reporting to the Vice President for Information Technology Services
<b>Layoff Unit 6</b>	Departments, offices, and programs reporting to University Advancement and External Affairs (area 39)
<b>Layoff Unit 7</b>	College of Agricultural, Human, and Natural Resource Sciences
<b>Layoff Unit 8</b>	Voiland College of Engineering and Architecture
<b>Layoff Unit 11</b>	College of Veterinary Medicine
<b>Layoff Unit 12</b>	College of Education
<b>Layoff Unit 13</b>	Carson College of Business
<b>Layoff Unit 14</b>	College of Pharmacy
<b>Layoff Unit 15</b>	College of Nursing
<b>Layoff Unit 16</b>	Libraries
<b>Layoff Unit 17</b>	Departments, offices, and programs reporting to the Vice President for Academic Outreach and Innovation
<b>Layoff Unit 18</b>	Intercollegiate Athletics
<b>Layoff Unit 19</b>	WSU Extension
<b>Layoff Unit 20</b>	WSU Tri-Cities
<b>Layoff Unit 21</b>	WSU Vancouver

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**LAYOFF UNITS (CONT.)**

<b>Layoff Unit 22</b>	WSU Spokane
<b>Layoff Unit 23</b>	Human Resource Services
<b>Layoff Unit 24</b>	Student Affairs
<b>Layoff Unit 25</b>	College of Communication
<b>Layoff Unit 26</b>	College of Arts and Sciences
<b>Layoff Unit 27</b>	Elson S. Floyd College of Medicine
<b>Layoff Unit 28</b>	Departments, offices, and programs reporting to the Vice President for Development and Chief Executive Officer of the WSU Foundation
<b>Layoff Unit 29</b>	Departments, offices, and programs reporting to University Relations (area 28)
<b>Layoff Unit 30</b>	Departments, offices, and programs reporting to the Office of Research (area 35)
<b>Layoff Unit 31</b>	WSU Everett