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.)

Option 1

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

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/

BENEFITS AND RETIREMENT Each employee should contact HRS to determine the effects of layoff on insurance and retirement eligibility and self-pay options.

Returning to work within 24 months following layoff, for at least 8 hours a month or more, automatically reactivates benefit eligibility.

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

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/
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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.

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. (WAC 357-01-304)

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.
- Days of leave without pay (LWOP) are determined based on appointment full-time equivalency (FTE). Days of LWOP are deducted from the employee's seniority, except for:
  - Military leave in accordance with WAC 357-31-370, and
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Seniority (cont.)

- Effective October 1, 2021, periods of LWOP due to a proclamation issued by the governor directly related to health and safety in accordance with WAC 357-46-053 (3).

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.

LAYOFF UNITS

The WSU organization is divided into layoff units, which are generally a college, a group of like administrative units, or a geographically-separated activity.

Layoff Unit 1
- Departments, offices, and programs reporting to the President (unless otherwise designated below)

Layoff Unit 2
- Departments, offices, and programs reporting to the Provost (unless otherwise designated below)

Layoff Unit 3
- Departments, offices, and programs reporting to the Vice President for Finance and Administration

Layoff Unit 4
- Enrollment Management

Layoff Unit 5
- Departments, offices, and programs reporting to the Vice President for Information Technology Services

Layoff Unit 6
- Departments, offices, and programs reporting to University Advancement and External Affairs (area 39)

Layoff Unit 7
- College of Agricultural, Human, and Natural Resource Sciences

Layoff Unit 8
- Voiland College of Engineering and Architecture

Layoff Unit 11
- College of Veterinary Medicine

Layoff Unit 12
- College of Education

Layoff Unit 13
- Carson College of Business

Layoff Unit 14
- College of Pharmacy
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LAYOFF UNITS (cont.)

Layoff Unit 15    College of Nursing
Layoff Unit 16    Libraries
Layoff Unit 17    Departments, offices, and programs reporting to the Vice President for Academic Outreach and Innovation
Layoff Unit 18    Intercollegiate Athletics
Layoff Unit 19    WSU Extension
Layoff Unit 20    WSU Tri-Cities
Layoff Unit 21    WSU Vancouver
Layoff Unit 22    WSU Spokane
Layoff Unit 23    Human Resource Services
Layoff Unit 24    Student Affairs
Layoff Unit 25    College of Communication
Layoff Unit 26    College of Arts and Sciences
Layoff Unit 27    Elson S. Floyd College of Medicine
Layoff Unit 28    Departments, offices, and programs reporting to the Vice President for Development and Chief Executive Officer of the WSU Foundation
Layoff Unit 29    Departments, offices, and programs reporting to University Relations (area 28)
Layoff Unit 30    Departments, offices, and programs reporting to the Office of Research (area 35)
Layoff Unit 31    WSU Everett