Initiating the Indefinite Layoff

- Blink: How to Initiate a Layoff
Justification for Layoffs

• Lack of funds- *be specific*

  • BAD: “Grant ending, no new funding coming in”

  • IFFY: “Faculty sponsor has run out of funds to support this position. There are no other SRA 4 levels in department and faculty sponsor has no other staff.”
*Good:*

“The layoffs are part of a massive reduction in funding and consequent work force for Dr. Michael Mouse’s lab and overall research endeavors. Substantial portions of Dr. Mouse’s research funding are ending and subsequent proposals for support have not been successful to date. Money to support the research analysis work will run out effective November 30, 2014. All employees in Dr. Mouse’s lab are being laid off, with the exception of two, a Dev Engineer & a PAII. The Dev Eng. position is necessary to maintain the equipment that has been placed. The PA II position is necessary to maintain the computer systems and distribute the data. Funding for the Dev Eng. & PA II is coming from a host of contracts and cooperative agreements with various levels of funding and varying end dates. At some point, unless additional funding is obtained for those positions, these positions as well will need to be eliminated.”
Justification cont’d

• Lack of Work: NO work of any kind

• Reorganization
  • Current org chart -vs- new org chart
  • How will work get done?
  • Are bargaining unit positions going away in favor of non-bargaining unit positions?

In all cases justifications must be truthful. If you say there has been a loss of funding, be prepared to prove it!
Seniority

• In the same job title
• Within the same Unit Code
• Inverse Order of seniority (last in, first out)
• Seniority determined:
  • PPSM/CX/RX/TX: Full time equivalent months/hours of University service; employment prior to break in service shall not be counted.
  • SX/EX/HX/SETC/NX: Most recent date of hire in a staff career position at the University.
Seniority Cont’d

• Ties in Seniority
  • PPSM/CX/RX/TX/HX: The employee with the most recent date of appointment shall be laid off first
  • EX/SX: seniority shall be determined according to alphabetical order of the last name
  • NX: the lowest number formed by the last four digits of the RN license number will be the least senior.
Seniority Cont’d

• Waiver of seniority?
  • PPSM: Yes—must be in writing
  • SX/RX/TX & EX: Department can ask for volunteers within the department and same title code - You must work with Employee Relations to ensure compliance with the contract.
  • CX: Employee may request to be laid off out of inverse seniority order after being given the least senior assignment. – You must work with Employee Relations to ensure compliance with the contract.
  • HX/NX: Employee can waive w/ University’s approval and w/o Union’s approval.
Seniority Cont’d

- Layoff out of inverse order of seniority may be allowed if less senior employee has special knowledge, skills and abilities not possessed by senior employee
- NX/HX: ability to learn within 30 days
- SX/CX/EX: can KSAs be learned within 6 months?
- Are skills transferable?
Out of Seniority Retention:  
the good, the bad, ugly

• **Good**: The position Chip Munk occupies requires a scientific background and requires knowledge, skills and abilities in chemistry, specifically, knowledge of the principles of ocean CO2 chemistry and in chemical measurements of spectrometers. A. Dale does not have a scientific background in chemistry, but rather has a finance background, processing financial data.

• **Bad**: Donald does not know how to calibrate the specialized mechanical gadgets in Dr. Jafar’s lab *(job task, not KSA)*

• **Ugly**: Even though the job card for the Donald Duck is identical to Goofy’s job card, Goofy has experience in multi-tasking specialized mechanical gadgets in Dr. Jafar’s lab that Donald does not.
Preferential Rehire Rights

<table>
<thead>
<tr>
<th>RX/TX/EX/SX/CX/PPSM</th>
<th>NX</th>
<th>HX</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;5 years of service = 1 year of preferential rehire rights</td>
<td>&lt; 5 years of service = 1 year of preferential rehire rights</td>
<td>&lt; 10 years of service = 1 year of preferential rehire rights</td>
</tr>
<tr>
<td>≥5 but &lt;10 years of service = 2 years of preferential rehire rights</td>
<td>≥ 5 years of service = 2 years of preferential rehire rights</td>
<td>≥ 10 years of service = 2 years of preferential rehire rights</td>
</tr>
<tr>
<td>≥10 years of service = 3 years preferential rehire rights</td>
<td>≥10 years of service = 3 years preferential rehire rights</td>
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</table>
## Recall Rights

<table>
<thead>
<tr>
<th>RX/TX/SX/SETC</th>
<th>NX/HX</th>
<th>PPSM/CX/EX</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt; 5 years of service = right to recall for 1 year</td>
<td>&lt; 5 years of service = right to recall for 1 year</td>
<td>Right to recall for 3 years regardless of years of service</td>
</tr>
<tr>
<td>≥5 but &lt;10 years of service = right to recall for 2 years</td>
<td>≥ 5 years of service = right to recall for 2 years</td>
<td></td>
</tr>
<tr>
<td>≥10 years of service = right to recall for 3 years</td>
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</tbody>
</table>
Severance

- PPSM: Severance is default
- RX/TX/SX: In lieu of Preferential Rehire/Recall
- May be eligible for reduced severance (RX & TX)
- RIT may be eligible for % of severance
Notice:

• At least 30 Calendar Days notice if feasible:
  • PPSM
  • SETC
  • SX
  • EX
  • NX

• At Least 60 Calendar Days notice if feasible:
  • RX
  • TX
  • CX (at least 45 calendar days notice)
  • HX
Feasibility & Notice

“Plan for the worst & hope for the best”

• Loss of Grant or Contact does *not* justify shorter notice period.
• Grants and/or contacts are awarded with end dates.
Notice Cont’d

You may notice the employee **ONLY AFTER** the proposal has been approved by ER.
Don’t Panic!

• Its all on BLINK
Still Confused?

Call Me! I am here to help.

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