

AP4001 LAYOFF PROCEDURE FOR CLASSIFIED STAFF

AP4001

- 4001.1 This layoff procedure applies to all classified staff employees at Big Bend Community College and is made pursuant to WAC 357-46. All classified staff employees at Big Bend Community College are members of a single (one) layoff unit.

- 4001.2 When a decision is reached to reduce the workforce at Big Bend Community College, the Appointing Authority will request the Vice President of Human Resources and Labor to initiate the layoff. Employee(s) may be laid off without prejudice according to layoff procedures that are consistent with WAC 357-46. The reasons for a layoff, consistent with WAC 357-46-010, may include, but are not limited to, lack of funds, lack of work, organizational change, termination of a project or special employment and/or availability of fewer positions than there are employees entitled to such positions.

- 4001.3 In order to avoid or minimize layoffs, Big Bend Community College will attempt to mitigate the need for layoffs through consideration of alternate actions whenever practical, and when such actions can be considered without undue disruption to operations. Alternate actions such as transfers, voluntary demotions, voluntary reduced work schedules or voluntary leave without pay may be considered.

- 4001.4 When a position is subject to layoff, the Appointing Authority will provide written notice to the affected employee(s). Permanent employees will be provided at least fifteen calendar days written notice, unless the employer and employee agree to waive the fifteen calendar days notice period. The layoff notice for permanent employees must minimally include the reason or basis for the layoff, the employee's layoff options, the specific layoff list(s) that the employee is entitled to request placement on, the date by when the employee must select a layoff option, and the employee's right to appeal the layoff. The employee will be given five calendar days within the 15 day notice period within which to select an option.

Probationary employees being separated due to layoff must receive at least one calendar day's written notice.

- 4001.5 Layoff options will be provided to permanent employees being laid off in accordance with WAC 357-46-035. Probationary employees do not have layoff options. Options with the layoff unit will be offered in the following order:
 - 1. Within the layoff unit, a permanent employee scheduled for layoff must be offered the option to take a position, if available, that meets the following criteria:
 - a. The position is allocated to the class in which the employee holds permanent status at the time of the layoff. If no option to a position in the current class is available, the employee's option is to a position in a class in which the employee has held permanent status that is at the same salary range. If the

employee has no option to take a position at the same salary range, the employee must be given an opportunity to take a position in a lower class in an occupational category/class series in which the employee has held permanent status, in descending salary order. The employee does not have to have held permanent status in the lower class in order to be offered the option to take a position in the class.

- b. The position is comparable to the employee's current position as defined by the employer's layoff procedure.
 - c. The employee satisfies the competencies and other position requirements.
 - d. The position is funded and vacant, or if no vacant funded position is available, the position is occupied by the employee with the lowest employment retention rating.
2. If the employee has no option under (1) above the following will apply:
- a. If a permanent employee has no option available under subsection (1) of this section, the employer must determine if there is an available position in the layoff unit to offer the employee in lieu of separation that meets the following criteria:
 - b. The position is at the same or lower salary range maximum as the position the employee is being laid off from;
 - c. The position is vacant or held by a probationary employee or an employee in a nonpermanent appointment;
 - d. The position is comparable or less than comparable; and
 - e. The position is one for which the employee meets the competencies and other position requirements.
 - f. If more than one qualifying position is available, the position with the highest salary range maximum is the one that must be offered.

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

4001.6 Permanent employees shall advise Big Bend Community College's Vice President of Human Resources and Labor whether he/she accepts or rejects the option(s). The employee's selected option(s) shall be indicated on the option sheet provided with their layoff notice and must be received in the Human Resource Office within five working days of the date of a written layoff notice and receipt of the option(s). If the

employee fails to return his/her option sheet to the Vice President of Human Resources and Labor within the prescribed time limit, such failure shall automatically be regarded as a rejection of the option(s) and the layoff will proceed as scheduled.

- 4001.7 Big Bend Community College’s Appointing Authority may exclude a position from consideration as an employment option based on “legitimate business requirement”. Legitimate business requirement includes those circumstances or characteristics that render a position uniquely sensitive to disruptions in continuity. Examples include such things as the need to possess unique technical skills to meet the requirements of the position, to meet critical deadlines or the need to achieve critical research goals.
- 4001.8 An employee’s employment retention rating is equal to the employee’s seniority. An employee’s seniority date is the total amount of service an employee earns as a result of unbroken classified employment and statutory allowance. An employee is considered to have a break in service if the employee is separated, dismissed, or resigns from state service. Any calendar day that a classified employee spends in leave-without-pay status or in a non-classified position will be deducted from the calculation of seniority on a calendar day for calendar day basis, except when the leave-without-pay is taken for military leave in accordance with WAC 357-31-370 and and cyclic employment leave in accordance with WAC 357-19-297. Veteran’s preference will be granted by adding seniority in accordance to WAC 357-46-060 in a layoff situation.
- 4001.9 Employees will be laid off in accordance with employee retention rating (seniority). Big Bend Community College will determine if the employee possesses the required competencies and other position requirements and the comparability of the position.
- Competency and position requirements are documented criteria which 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.
- Comparability of positions includes number of hours per week, shift time, and number of weeks or months per year.
- Big Bend Community College may require updated information from the employee regarding his or her current skills and abilities.
- If two or more employees have the same retention rating, ties will be broken in the following order: longest continuous time within their current job classification; longest continuous time with the institution; and then by lot.
- 4001.10 A permanent employee who is subject to layoff action may appeal to the Personnel Resources Board per WAC 357-52.

