

Frequently Asked Questions and Answers
Regarding Employees in
Civil Service

Layoff Information

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Frequently Asked Questions and Answers Regarding Layoffs for Employees in Civil Service

To be sent to employees with their layoff letters

Q1. Where do I find the policies concerning my rights regarding seniority and layoff?

A1. Your rights are explained in the Civil Service Rules, primarily Rule 12. You may obtain a copy from your administrative unit or by calling the Office of Human Resources, (612) 625-2000. A copy of the Civil Service Rules is also on the University Human Resources web page:
<http://www1.umn.edu/ohr/policies/governing/civilrules/index.html>.

THE LAYOFF DECISION

Q2. What is a layoff?

A2. A layoff is defined as the termination of an employee's employment for reasons that are beyond the employee's control and do not reflect discredit upon the employee. A layoff is also defined as the involuntary reduction of the appointment of an employee having an appointment of 75% or more to less than 75%, or the reduction of an employee's appointment of 50-74% to below 50 % time. (CSR 12.3.2)

Examples of instances where layoffs would occur for 75-100% Civil Service positions include:

- A 12-month (A-term) employee's percentage of appointment is reduced to below 75% time;
- A 100% employee's 12-month term of appointment is reduced to below 9 months;
- A 9-month appointment is reduced to below 100% time; or,
- Any other scenario in which an employee's work effort is reduced to below 75% over the course of a year.

Q3. Is it a layoff if my appointment is reduced from 100% to 75%?

A3. It is not considered a layoff when a Civil Service employee's appointment is reduced from 100% -to 75% - time (assuming you are on a 12- month appointment).

Q4. I have a 12-month, 80% appointment which was involuntarily reduced to a 9-month, 80% appointment. Does this constitute a layoff?

A4. Yes. An appointment reduction of this type would result in the total work effort falling below the 75% (1560 hours) threshold over the course of a year and thus would be considered a layoff.

Q5. What role does Seniority play in layoffs?

A5. Seniority determines the employee's rights to bump another employee and the order of hire from the layoff list. Two types of seniority are used in layoff situations: classification seniority and unit seniority.

Q.6. What is Unit Seniority?

A6. Unit seniority is the total amount of time in paid straight time hours the employee served in all classifications in the seniority unit in which the employee passed a probationary period. Seniority for bumping is based on Unit Seniority. (CSR 12.2.1)

Q7. What is Classification Seniority?

A7. Classification seniority is the amount of time in paid straight time hours that the employee served in each classification in which the employee passed a probationary period or served more than one year on a temporary position. Bumping and layoff list rights will only apply to the classification (s) in which the employee has classification seniority. Classification seniority is primarily used to determine in which classes the employees has rights and for referrals from the layoff list (CSR 12.2.2). For layoff list implications please refer to CSR 12.3.3.3. Special provisions apply to broad banded classifications (CSR 12.3.6).

Q8. I am a temporary employee, do I earn seniority?

A8. As a temporary employee you earn classification seniority only upon completion of more than one calendar year of service in the same classification at 50% time or more and in the same administrative unit. After one year, the seniority is accumulated retroactive to your date of entry into the classification. This seniority right gives you access to the layoff list if laid off after one calendar year of service (CSR 12.2.3).

As a temporary employee you become a continuing employee and begin accumulating unit seniority on the first day after two consecutive years of service in a position (including reclassification) within an administrative unit. The seniority is not retroactive to your date of entry into the classification (CSR 6.5.7.1).

Q9. I am currently serving a probationary period. What seniority rights do I have if laid off?

A9. As a probationary employee you have no seniority rights in your current classification. If you previously have passed a probationary period in your current or former classification, then have transferred or promoted to your current position and are serving a probationary period, you have classification seniority rights in your former classification, which may also be your current classification. If you have passed a probationary period while in your current seniority unit, you have unit seniority for service in the seniority unit (CSR 12.2.2).

Q10. What is the seniority value of the time I previously worked in other seniority units?

A10. The time you worked in previous units may affect your position on the layoff list if you are laid off. Names are entered on the layoff list by classification in order of classification seniority. Classification seniority is the total length of service in a classification and may have been accumulated from service in more than one seniority unit (CSR 12.2.4 and definitions “Seniority Unit”).

Q11. Can an administrative unit reassign a more senior employee who is being laid off to the position of the least senior or probationary employee in the same classification and seniority unit?

A11. Yes, the administrative unit can choose to reassign the more senior employee and lay off the least senior employee or end the appointment of the probationary employee.

THE LAYOFF NOTICE

Q12. What are the requirements of a layoff notice?

A12. The employer is required to issue a layoff letter at least twenty-eight (28) days prior to the effective date of the layoff. (CSR 12.3.2.1)

THE BUMPING PROCESS

Q13. What are my layoff rights if I receive a layoff notice?

A13. If you have passed probation in the seniority unit, and are about to be laid off, you have several options:

If a vacancy exists in your unit and you are qualified for it, you may choose a transfer or demotion to it instead of being laid off (CSR 12.3.1.4).

You have the right to bump the employee in your classification or former classification in your seniority unit who has the least unit seniority, provided you are qualified for the position, and have more unit seniority than the employee being bumped (CSR 12.3.2.1).

Your bumping rights are applied in the following order:

- First, bump the least senior (based on unit seniority) or probationary employee who is performing essentially the same duties within that same classification and unit. If none exists;
- Second, bump the least senior (based on unit seniority) or probationary employee who is performing duties *not essentially the same* but still within the same classification and unit. If none exists;
- Third, bump into a formerly held classification, within the unit, now filled by a less senior employee (provided the laid off employee has passed probation in the formerly held classification).

If none of the bump options are possible, in the order listed, you may exercise the right to any posted vacancy in the system provided you have passed probation in its classification and are qualified for it (CSR 12.3.2.5).

If you have passed probation and cannot or do not exercise your right to bump, you will be put on the University layoff list if requested (CSR 12.3.3.1).

Q14. How do I know what my seniority unit is?

A14. The Office of Human Resources maintains a list of all seniority units and the individual seniority unit maintains information concerning its scope. Your local HR contact can explain your seniority unit to you. Otherwise, the information can be obtained from your Human Resources Consultant. (CSR 12.1.1 and definition “Seniority Unit)

Q15. Can I use time worked in another seniority unit for bumping purposes within my current unit?

A15. No. Bumping rights are based on unit seniority. Only the time you worked within your current seniority unit applies to your unit seniority (CSR 12.2.2.1).

Q16. When I am in my layoff notice period, how long can I take to decide whether to bump?

A16. Your supervisor will discuss with you the amount of time you have to make your decision.

Q17. If I am laid-off, will I have to meet both the required qualifications and the selection criteria for the identified position in order to be considered qualified for the bump?

A17. No, you must meet the required qualifications for the position. Selection criteria are not considered when determining qualifications for bumping.

Q18. What role does the supervisor of the position of the least senior employee, the person who might be bumped, have in the bumping decision?

A18. The supervisor meets with you and discusses the required qualifications of the job and your qualifications. If you are qualified and choose to bump, the supervisor also meets with the employee who will be bumped in order to communicate the options the bumped employee may have.

Q19. If it is determined that I am not qualified for the position held by the least senior employee in the classification, can the position of the next least senior employee in the same classification be identified as the position to which I have the right to bump?

A19. No, the employee has rights only to the position held by the least senior employee in the same classification for which they are qualified (CSR 12.3.2).

Q20. If I decide not to bump to the position held by the least senior employee, do I have rights to bump the next least senior employee?

A20. Management is required to identify the least senior position that meets the definition. You do not bump the next least senior employee (CSR 12.3.2).

Q21. Does an employee ever have rights to a position in a lesser percent time?

A21. Yes, an employee in a 75%-100% time position could have bumping rights to positions from 75%-100%, and an employee in a 50-74% time position could have bumping rights to positions from 50-74% time (CSR 12.3.2).

Q22. What is my layoff status if my position is reduced to a percentage that constitutes a layoff, if I choose to stay in the same position at the lesser work time instead of exercising my layoff or bumping rights to a vacancy or a position in my original percentage appointment?

A22. You may choose to work at the lower percentage and go on the layoff list. When you are able to secure employment from the layoff list at a higher percentage, you may accept the new job. If you accept a job at the new percentage that is equal or higher to the original appointment, you waive the rights to the layoff list.

Q23. Since my first option is to a vacancy, what happens if a vacancy occurs in my classification just after I decide to bump the least senior employee?

A23. You and your supervisor will discuss whether you choose to go to the vacancy or chose the bump (CSR 12.3.1.4).

Q24. If I'm a laid-off civil service employee, can I bump an employee in a bargaining unit?

A24. Yes, under bargaining units 6 and 7 but only if you have exhausted your rights under the civil service rules and if you have held a bargaining unit position and have passed probation in it and have more seniority than the least senior bargaining unit employee in that classification in that unit. Refer to the appropriate bargaining unit contracts for specifics.

AFSCME Clerical: Article 25.12

<http://www1.umn.edu/ohr/policies/governing/unit6contract/article25/index.html>

AFSCME Technical: Article 25.12

<http://www1.umn.edu/ohr/policies/governing/unit7contract/article25/index.html>

Q25. If I'm a laid-off bargaining unit employee, can I bump into a previously held civil service classification?

A25. No

Q26. What is my status if I'm a laid-off civil service employee who held a continuing position, and bumped an employee in the same seniority unit who held a continuing appointment in a temporary position?

A26. You retain your continuing status even if the job is temporary (CSR 6.5.7.4).

Q27. What happens to me when the temporary position ends?

A27. You are given a 28 day notice of the temporary position ending and can exercise layoff rights (CSR 6.5.7.4).

Q28. How does management determine the rights of a laid-off employee in a rate-arranged classification?

A28. Management identifies the assigned range (i.e. C14) and identifies other employees in the same classification with the same range assignment who have less unit seniority. Laid-off employees only have bumping rights to other positions in the same classification and same salary range. (CSR 12.3.2.6)

THE LAYOFF LIST

Q29. I have received a layoff notice. When can my name be placed on the layoff list?

A29. If you have passed probation in a position having a classification covered by the Civil Service Rules, your name can be placed on the layoff list as soon as you receive a written layoff notice and submit an updated employment application. Please refer to the Layoff List Information for Civil Service Employees for complete information (CSR 12.3.3).

To have your name placed on the layoff list, write to:

Layoff List Coordinator
Office of Human Resources
200 Donhowe Building
319 15th Ave. SE
Minneapolis, MN 55455-0106
Fax: 612-624-6037
E-mail: llrqt@ umn.edu

Your name will remain on the layoff list for a period not to exceed 24 consecutive months or until you return to work at the University within that time (CSR 12.3.5.3). To have your name placed on the Layoff List, you will need to provide:

- A copy of your layoff letter to the Layoff List Coordinator;
- A new or updated application on line at <http://www.umn.edu/ohr/employment>;
- A written request to the Layoff List Coordinator to have your name placed on the list. The form was attached to your layoff notice.

Q30. What are my rights to reemployment if my name is on the layoff list?

A30. If you were laid off and your name is on the layoff list, you have the following rights:

- To be recalled when a vacancy occurs in your former administrative unit and classification provided you are qualified for the vacancy (CSR Definitions “Recall, and 12.3.3.3)
- To be rehired in classification seniority order ahead of all other applicants, except recalled employees, for a vacancy within any of your previous classifications, provided you are qualified for the vacancy and apply for it;
- To receive the consideration of a current employee when applying for any vacancy in a classification covered by Civil Service Rules regardless if you have seniority in that classification.

Q31. Can I refuse a job offer from the University for a position for which I have a right to be rehired and still remain on the layoff list?

A31. If you receive a recall to your former administrative unit for a vacancy in your most recent classification, you must accept the position, otherwise you are considered to have resigned and your name will be removed from the layoff list (CSR 12.3.5.3).

For positions other than recall, you may reject the first job offer to a position at a reasonable salary for which you have the right to be rehired, however, you must take the second or your name will be removed from the layoff list. A salary offer is generally considered reasonable if it is within 10% of your previous salary.

GENERAL QUESTIONS

Q32. How should I go about finding another position at the University?

A32. Update your employment application to reflect your most recent work experience and apply for other University positions. University job vacancies are posted at <http://www.umn.edu/ohr/employment>.

In addition, Dislocated Worker Program services are available through the Minnesota Department of Employment and Economic Development (DEED). The Dislocated Worker Program is delivered from employment and training agencies around the state. Individuals may inquire about Dislocated Worker Programs at a local WorkForce Center office. Participation in a Dislocated Worker Program is subject to a test of eligibility. Information is available at <http://www.deed.state.mn.us/dw/>.

Q33. What happens to my vacation and sick leave balances if I am laid off?

A 33. Your unused vacation time will be paid out with the following exception: If you have 10 or more years of service at the University and 200 or more hours of unused vacation, the money from the payout will be put into a Health Care Savings Plan. Records will be maintained and your vacation accumulation rate and unused sick leave will be reinstated if you are rehired from the layoff list into a position that is eligible to accrue vacation and sick leave at a percentage appointment of at least 50%. If you are rehired from the layoff list, you also have the option to buy back all of the vacation that was paid out at the time of layoff. This option does not include a time payment plan or an option to buy back only a portion of your vacation paid out at your layoff. If you have less than ten years of service, your unused vacation leave will be paid out.

Any unused sick leave balance at the time of a layoff will be forfeited.

Please refer to the OHR website for more information.

<http://www1.umn.edu/ohr/benefits/leaves/vacation/civil/index.html>

Q34. What happens to my health care flexible spending account when I am laid off?

A34. If you elected a health care flexible spending account, your pre-tax contribution to the account ends with the pay period in which you terminate employment. Only expenses incurred while you are participating in the health care flexible spending account are eligible for reimbursement.
<http://www1.umn.edu/ohr/benefits/fsa/healthleave/index.html>

Q35. Can I withdraw the money from the contributions to my retirement account?

A35. After termination of service, you can request a refund of your deductions. Refund applications are available only from the Minnesota State Retirement System (MSRS). Forms may be requested by calling (612) 296-2761 or (800) 657-5757. The refund includes interest at 6 percent per year, compounded annually. The refund is taxable income. If you take a refund, federal tax law requires that MSRS withhold 20 percent, unless you arrange a direct roll-over of your refund into an IRA or other qualified plan. In addition, your refund will likely be subject to a 10 percent tax penalty. This tax is assessed when you file your next tax return. More detailed tax and estimate information is provided with your refund application. If you have at least three years of service, it is also possible to leave the contributions in the Fund and receive a deferred annuity upon reaching retirement age.

Q36. What happens to my health, dental, and life insurance coverage if I am laid off?

A36. If you receive the University contribution, have three or more years of continuous service and elect not to participate in the University Layoff Severance Program, you remain eligible for a University contribution toward your medical, dental, and life insurance coverage for up to six months or until you are covered by another group plan, whichever occurs first. After the six months, you will be able to continue your coverage by paying the full cost for an additional 12 months or until you are covered by another group plan, whichever occurs first. If you have less than three years of service or work less than 75% time, you may elect to continue medical, dental and life coverage in effect at the time of termination under COBRA (Consolidated Omnibus Budget Reconciliation Act) Continuation Coverage by paying the total cost, plus the 2% administrative fee for a duration of up to 18 months or until you are covered by another group plan, whichever occurs first.

NOTE: Unless you make arrangements to continue insurance coverage, it will terminate on the last day of the payroll period that contains your last day of work.

Q37. How do I apply for Unemployment Insurance Benefits if I am laid off?

A37. You can apply for unemployment insurance benefits using the Applicant Self-Service System available online and by phone through the Department of Employment and Economic Development:

- Online at www.uimn.org
 - Click on *Apply for UI Benefits*
- By phone using the automated phone option; you can choose English, Spanish, Hmong or Somali.
 - Twin Cities area: 651-296-3644
 - Greater Minnesota: 1-877-898-9090
 - TTY (for the deaf and hard of hearing): 1-866-814-1252

The applicant Self Service System is available Monday through Friday, 6 a.m. to 6 p.m. You may also wish to contact your local Minnesota WorkForce Center online at <http://www.mnwfc.org>.

Q38. If I am laid off, what will happen to my payroll deductions for loans from banks, credit unions, or biweekly payroll?

A38. Your payroll deductions will cease with your last regular paycheck. You should make the necessary arrangements with your bank or credit union for payment of your loans with them. The remaining amount of your loan from biweekly payroll will be deducted from your last paycheck.

Q39. What happens to my payroll deduction taken for the Optional Tax Deferred Annuity Plan when I am laid off?

A39. You should contact Employee Benefits to have your options explained to you by a Benefits Counselor, (612) 624-9090, Option 2 or 1-800 756-2363 Option 2.

Q40. What happens with my parking contract when I am laid off?

A40. You should email the Parking and Transportation Services contract representative at parking@umn.edu as soon as you are aware you will be laid off. Laid off employees may retain their contract for up to three months, but must prepay their parking. Those that return to work within one year will be placed at the top of the waiting list for the contract facility they previously occupied.

Q41. Will I lose my staff privileges for athletic tickets if I am laid off?

A41. You may continue to purchase athletic season tickets at the staff rate during your layoff for the length of time you remain on the layoff list. If you obtain work outside the University, you may retain your location but must pay the public price. If you are on a payroll deduction for tickets, you will have to make arrangements for payment directly with the athletic department.