

Frequently Asked Questions and Answers
for Employees in
AFSCME Technical BU 7

Layoff Information

Revised: February 2009

Questions and Answers about Layoffs in BU 7

To be sent to employees with their layoff letters.

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

Q1. Your rights are explained in the Bargaining Unit 7 Agreement (the union contract), primarily Articles 5, 6, 7, 24, and 25. If you do not have a copy of the union contract, you may obtain one from the Union, AFSCME Locals 3937 & 3801. This information can also be found online at <http://www.umn.edu/ohr/benefits/layoff>, <http://umn.edu/ohr/toolkit/layoff> and <http://www.umn.edu/ohr/policies/governing/unit7contract/>.

Q2. How much notice should I receive if I am being laid off?

A2. If you are laid off from a continuing position or Temporary Posted position, you must receive a written notice at least 28 calendar days prior to the effective date of your layoff except in emergencies.

- If you are bumped by a laid off employee, you must receive a written notice at least 21 calendar days prior to the effective date of your layoff except in emergencies.
- If you are bumped by a bumped employee you must receive a written notice at least 14 calendar days prior to the effective date of your layoff.

Q3. What is a layoff?

A3. A layoff occurs when a position held by an employee is abolished or is reduced below its employee's applicable definition of layoff. That is:

- a 100% time position reduced to below 90% time;
- a 75-99% time position reduced to below 75% time;
- a 50-74% time position reduced to below 50% time;
- a 36-49% time position reduced to below 36% time;
- a 12-month position reduced by more than four weeks;
- a less than 12-month position reduced by more than four weeks.

Q4. How will my seniority help me if I am laid off?

A4. University Seniority is used primarily in a layoff for Bargaining Unit 7. Classification Seniority will provide protection from a bump by a former employee from Bargaining Unit 7 whose layoff rights include the right to a position in Bargaining Unit 7;

- University Seniority is the number of calendar days you have spent in all Temporary Posted or continuing positions of 36 percent time or more in all Bargaining Unit 7 classifications, both before and after the certification of the bargaining unit. University Seniority determines your bumping rights if you are laid off and provides protection from being bumped if someone else is laid off. University Seniority accrued while in Bargaining Unit 7 determines the order of rehire from the layoff list.
- Classification Seniority is the number of calendar days you have spent in each classification. Your bumping and layoff list rights occur according to University Seniority, but Classification Seniority is also used. When an employee formerly in Bargaining Unit 7 is laid off, their Classification Seniority is used if necessary to bump back into Bargaining Unit 7 after exhausting their layoff rights in their current bargaining unit. In this case, the bumping employee must have more seniority in the Bargaining Unit 7 classification than the employee being bumped.

Q5. What are my layoff rights?

A5. During your layoff notice period, you have the right to a vacancy in your classification and applicable definition of layoff, if you have passed probation in the classification, are qualified for the vacancy, and meet its measurable job-related selection criteria.

Vacant position in your department/unit

- If such a vacancy exist in your department or Collegiate/Administrative Unit at your same salary and you are qualified for it, you must either take the vacancy or go on the layoff list. You are no longer eligible to exercise bumping rights. While on the layoff list, you may turn down two offers to vacancies in your classification, in your Immediate Geographic Area, in your applicable definition of layoff. However, you must accept the third such position or your name will be removed from the layoff list.

Bump in your classification and your department

- If such a vacancy is not available during your layoff notice period, you have the right to bump to the position held by the employee in your classification, department, Immediate Geographic Area, and applicable definition of layoff who has the least University Seniority, provided you are qualified for that position, meet its measurable, job-related selection criteria and have more University Seniority than its incumbent. If this is not possible and you choose to do so, you may bump to a position and layoff condition that provides less work time, that is held by the least senior employee.

Bump in your classification and your Collegiate/Administrative Unit

- If no such position exists, you have the right to bump to the position held by the employee in your classification, Collegiate/Administrative Unit, Immediate Geographic Area, and applicable definition of layoff who has the least University Seniority, provided you are qualified for that position, meet its measurable selection criteria and have more University Seniority than its incumbent. If this is not possible and you choose to do so, you may bump to a position and layoff condition that provides less work time, that is held by the least senior employee.

Bump in lower classification and your department

- If no such position exists, you have the right to bump to the position in a lower classification in which you have passed probation held by the employee in your department, Immediate Geographic Area, and applicable definition of layoff who has the least University Seniority, provided you are qualified for that position, meet its measurable selection criteria and have more University Seniority than its incumbent. If this is not possible and you choose to do so, you may bump to a position and layoff condition that provide less work time, that is held by the least senior employee.
- If you cannot take a vacancy or bump a less senior employee, according to the provision in the contract, your name will be placed on the layoff list.

Q6. I am being re-assigned and a less senior employee is being laid off. Can a department minimize the effects of multiple wave bumping during a layoff by reassigning more senior employees, whose positions are being abolished, to the positions occupied by the least senior employees?

A6. Yes. Departments, Collegiate/Administrative units, and more broadly defined units are encouraged to reassign employees who have continuing appointments and are being laid off to the positions of the least senior employees who have continuing appointments, or to temporary posted positions, probationary positions, temporary no post positions, or supplemental positions. This will minimize the disruptions caused by multiple wave bumping. For information about providing notice to the bumped employee, the appropriate Human Resources Consultant should be contacted regarding the notice required under each set of circumstances.

Q7. I currently have a continuing appointment and I am being laid off, what happens if I take a vacant temporary position.

A7. If the laid off employee initiates the action, their appointment status becomes temporary. If the employee is reassigned to the position by the employer, the employee retains a continuing appointment.

Q8. How do I know my seniority unit?

A8. The Collegiate/Administrative Units are listed in Appendix C of the bargaining unit contract. If you are laid off and have bumping rights, your layoff notice will identify the position in your seniority unit to which you have bumping rights.

Q9. Can I use my seniority gained in another Collegiate/ Administrative unit for bumping purposes in my current unit?

A9. Yes. Bumping rights are based on University seniority. University seniority includes all service at the University in continuing and temporary positions.

Q10. What are my layoff rights if I have a temporary appointment?

A10. If you are appointed to a Temporary No Post position, you have no layoff rights. If you are appointed to a Temporary Posted position, have passed probation in the position, and are laid off, you have the right to the layoff list, but you do not have the bumping rights. If your Temporary Posted position has extended for more than three years, your appointment has become continuing and you have the same layoff rights as other employees in continuing appointments, including bumping rights.

Q11. I am currently serving a probationary period. What layoff and seniority rights do I have if laid off?

A11. If you are in your initial probationary period you have no seniority rights. If you previously have passed a probationary period in your current or former classification, you have layoff and seniority rights in that classification.

Q12. Can I use time worked in another bargaining unit for bumping purposes within my current unit?

A12. Bumping rights are based on University Seniority. If you are laid off, your University Seniority will determine your right to a vacancy or a position in classifications in which you have passed probation. Your seniority from all your former positions are combined and used to determine your bumping rights in your current classification and department.

Q13. If I am on the layoff list, does the time I previously worked in other bargaining units improve my chances to get rehired?

A13. Former employees are hired from the layoff list in order of time spent in the Bargaining Unit 7. The time you worked in other bargaining units does not affect your chances to be rehired.

Q14. If I am laid off, do I have the right to bump the least senior employee in a position with a lower pay range if I am qualified for that position and have more seniority than that employee?

A14. Yes, but only if you have passed probation in that lower classification and do not have bumping rights in your current classification.

Q15. I have received a layoff notice. When can my name be placed on the layoff list?

- A15. If you have passed probation in a position in Bargaining Unit 7, 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 AFSCME 6 & 7 Employees](#) for complete information.

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: llrqst@ umn.edu

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.

Q16. What are my reemployment rights if I am on the layoff list?

A16. If you are laid off, and your name is on the layoff list, you have the following rights:

- To be recalled if a vacancy occurs in your former department, classification, Immediate Geographic Area and layoff condition or lower class and layoff condition provided you are qualified for the vacancy, as determined by the employer;
- To be offered a vacancy in any of your previous classifications in your Immediate Geographic Area and layoff condition, provided you have passed probation in the classification, are qualified for the vacancy and meet its job-related measurable selection criteria. This right occurs in order of University Seniority from among all former employees in your classification whose names are on the layoff list and ahead of all other applications, except recalled employees.

Q17. Can I refuse a job offer from the University and still remain on the layoff list?

A17. If you are recalled by your former department to 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. For other than recalls, you may reject the first two referrals or job offers to positions in your classification, Immediate Geographic Area, within the applicable definition of layoff of your former position, that pay at least 90 percent of your salary when laid off. You may not reject the third such referral or job offer and remain on the layoff list. However, your rejection of any reasonable offer of reemployment may affect your eligibility for reemployment insurance. Decisions regarding eligibility for reemployment insurance benefits are made by the State Reemployment Insurance administrators.

Q18. Does a laid off Civil Service employee who has passed probation on the Civil Service position have rights to a BU 7 vacancy or position in a previously held BU 7 classification?

A18. Yes. A Civil Service employee retains rights in their previously held BU 7 classifications if they have passed probation in a BU 7 classification, and did not have a break in service between their BU 7

position and their Civil Service position. However, the employee must first exhaust their layoff rights in Civil Service, up to but not including their placement on their bargaining unit's layoff list.

- If the employee is covered by the Civil Service Rules, any laid off employee who has passed their probationary period and chooses not to exercise their bumping rights may be placed on the layoff list. So, if the employee declines to bump in their Civil Service classification, they in effect have immediate layoff rights in BU 7.
- The laid off employee's first layoff right in BU 7 is to a vacancy in a previously held BU 7 classification in which the employee has passed probation. This right applies only within the applicable terms and conditions of the employee's position at the time of layoff. The right is to a vacancy in BU 7 that the Employer determines the employee is qualified, in inverse order in which the BU 7 classifications the employee held provided there are no applicants for the vacancy from BU 7.
- If a vacancy is not available, the employee may bump into the position held by the BU 7 employee with the least classification seniority in a former classification held by the laid off employee in which probation was passed and the laid off employee has more classification seniority than the BU 7 employee to be bumped. The position must be in the same department or Collegiate/Administrative Unit from which the layoff occurred, depending on if the employee has less or more than two years of service in the Collegiate/Administrative Unit.
- If neither a vacancy nor a position to bump is available in BU 7, the employee's name is placed on the layoff list for the bargaining unit in which the layoff occurred.

Q19. How should I go about finding another position at the University?

A19. 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/>.

Q20. What happens to my vacation and sick leave balances if I am laid off?

A20. You will be paid out for your vacation balance at your layoff. 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.

Q21. Can I withdraw the money from the contributions to my retirement account?

A21. 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.

Q22. What happens to my health, dental, and life insurance coverage if I am laid off?

A22. 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.

Q23. How do I apply for Unemployment Insurance Benefits if I am laid off?

Q23. 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/field/>.

Q24. If I am laid off, what will happen to my payroll deductions for loans from banks, credit unions, or biweekly payroll?

A24. 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.

Q25. What happens to my payroll deduction taken for the Optional Tax Deferred Annuity Plan when I am laid off?

A25. 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.

Q26. What happens with my parking contract when I am laid off?

A26. You should call the Parking Services contract representative at (612) 626-7275 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.

Q27. Will I lose my staff privileges for athletic tickets if I am laid off?

A27. 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.

Q28. What can the University Employee Assistance Program (U-EAP) do for me if I am laid off?

A28. A U-EAP counselor can help you with assessing financial matters, career change strategies, and emotional or stress related difficulties while you are on the layoff list, if you have not returned to work outside the University. EAP services are provided by:

Twin Cities EAP services are provided by:

The Sand Creek Group, Ltd.

612-625-2820

800-632-7643

cap@umn.edu

Crookston: Northwestern Mental Health Center, 218-281-3940

Duluth: St. Luke's Employee Assistance Program, 218-249-7077

Morris: Stevens Community Medical Center, 320-589-7625

Rochester: Contact the Twin Cities EAP services

University employees in Greater Minnesota may also use the Twin Cities EAP.

Q29. Can I use the Regents' Scholarship when I am laid off?

A29. Yes. If you were eligible for the Regents' Scholarship and you are now on the layoff list, you have access to the Regents Scholarship Program for as long as you remain on the layoff list. Contact the Regents' Scholarship program at (612) 625-2016 or llrqst@umn.edu for further information.