

**UNIVERSITY OF MINNESOTA DULUTH
DEPARTMENT OF HUMAN RESOURCES**

**CIVIL SERVICE
Layoff Information**

Frequently Asked Questions for Laid Off Employees

The University of Minnesota is committed to the policy that all persons shall have equal access to its programs, facilities, and employment without regard to race, color, creed, religion, national origin, sex, age, marital status, disability, public assistance status, veteran's status, or sexual orientation.

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Sample Layoff Letters - see <http://www.d.umn.edu/umdhr/Policies/layoff/>

QUESTIONS AND ANSWERS RELATED TO CIVIL SERVICE LAYOFFS LAYOFF RIGHTS AND PROCEDURES

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

Your rights are explained in the Civil Service Rules, primarily Rule 12.

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

2. What is “Classification” Seniority?

Classification seniority is the length of service (total paid straight-time hours) in a particular classification; an employee accumulates and retains classification seniority in each of the classifications in which the employee has worked. Classification seniority is acquired only after the completion of the probationary period in each classification, and begins at the date of entry into each classification.

Temporary employees do not accumulate classification seniority until they have completed more than one calendar year of service of 50 percent time or more within the same classification, within the same administrative unit.

3. What is “Unit” Seniority?

Unit seniority cumulative length of service (total paid straight-time work hours) in all classifications held within a seniority unit by an employee; an employee accumulates and retains unit seniority in each of the seniority units in which the employee has worked. Unit seniority shall be acquired only after the completion of the probationary period, but shall begin at the date of entry into the class in the seniority unit.

4. What is a “Seniority Unit”, and how do I find out what my seniority unit is?

Seniority Unit is the unit in which employees earn seniority. This can be a department, a group of departments, an administrative unit, a college, or an entire campus. Seniority units are determined at the collegiate or appropriate senior administrative level, with the approval of the appropriate human resources office.

Employees must be informed of the seniority unit in which they have rights at the time they become eligible to earn seniority, usually after they have passed probation.

Prior to an individual employee's change in an assigned seniority unit, the employee must be notified of:

- the current seniority unit in which the employee has rights;
- the seniority unit the employee will have rights in during a transition period;
- the seniority unit the employee will have rights in after the organizational change in the unit is complete; and
- the dates these changes become effective.

5. What is defined as a layoff?

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 reduction of an employee's appointment of 75% time or more to less than 75% time, or the reduction of an employees' appointment of 50-74% time to less than 50% time.

6. What is the Civil Service Layoff Severance Program?

The Layoff Severance Program is an elected benefit program provided to civil service and represented bargaining unit staff who receive a notice of layoff and who meet the eligibility requirements.

7. What are the eligibility requirements?

The employee must hold a continuous civil service or represented bargaining unit staff appointment of 75 percent time or greater on the issue date of the layoff notice.

8. How much time am I entitled to prior to layoff?

If you are laid off from a continuing position, you must receive a written notice from your department head at least twenty-eight (28) days before the effective date.

9. Is there a relationship between an employee's performance and layoff?

No. A layoff is considered as beyond an employee's control and is not to reflect discredit on the service of the employee. In a layoff situation where two or more employees have identical seniority, the Rule provides that the most valuable employee(s) be retained.

10. If my job is reduced in hours, is that considered a layoff?

If your position is reduced to less than 75% time and you meet the other eligibility criteria, you are considered eligible for civil service layoff rights, whether or not you continue to work at the reduced time.

11. How will my seniority apply if I am laid off?

Your seniority determines your right to bump another employee and the order of hire from the layoff list.

12. Do temporary employees earn seniority?

A temporary employee accumulates classification seniority only upon completion of more than one calendar year of service in the same classification and department. After one year, the seniority is accumulated retroactive to the employee's date of entry into the classification. This seniority right gives the employee access to the layoff list if laid off after one calendar year of service.

A temporary employee becomes a continuing employee and begins accumulating unit seniority on the first day after three consecutive years of service in a position (including reclassification) within a department. The seniority is not retroactive to the employee's date of entry into the classification.

An employee who moves from a continuing position to a temporary position forfeits all rights and benefits given to an employee on a continuing position.

13. Do I have rights if I am a probationary employee?

Probationary employees have no seniority rights unless they have passed a probationary period in a former classification and then transferred or were promoted to a probationary position. If so, they may return to the former position if laid off.

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

If you have passed probation while 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.

You have the right to bump the employee in your classification or former classification in your seniority unit who has the least seniority, provided you are qualified for the position and have more unit seniority than the employee being bumped. Your bumping rights are applied in the following order:

1) bump the least senior (based on unit seniority) or probationary employee who is performing essentially the same duties within the same classification and unit. If this is not possible, an employee may

2) bump into the position identified by the following criteria:

- the position is in the same classification and unit;
- the duties are not essentially the same;
- the bumping employee is qualified for the position;
- the employee to be bumped is less senior (based on unit seniority) than the bumping employee.

If more than open position meets the above criteria, the employee to be bumped shall be the least senior (based on unit seniority) or probationary employee in that set of positions. If this is not possible, an employee may

3) bump into the position identified by the following criteria:

- the position is in a previously held classification in which the bumping employee passed probation in the same unit;
- the position is in the same unit;
- the bumping employee is qualified for the position;
- the employee to be bumped is less senior (based on unit seniority) than the bumping employee.

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

No. Bumping rights are based on unit seniority. Only the time you worked within your current seniority unit applies to your unit seniority.

16. Of what use is time worked in previous seniority units?

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.

17. If I am laid off and am qualified for it, do I have the right to bump an employee in a position having a lower pay range?

Yes, but only in certain circumstances. If you have passed probation in a lower classification and do not have bumping rights in your current classification, you will have bumping rights to the position in your seniority unit held by the least senior employee in your former lower classification, provided you have more unit seniority than the incumbent of that position and are qualified for that position.

18. If I receive a layoff notice, when can my name go on the layoff list?

You are eligible for the layoff list and associated rights to appropriate vacancies the day

after you receive your written notice of layoff. You may remain on the layoff list for a period not to exceed two years or until you return to work at the University within that time.

19. What are my rights once on the layoff list?

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 department and classification provided you are qualified for the vacant position.

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.

20. Can I refuse a job offer and remain on the layoff list?

You must accept a recall to your former department and classification or be removed from the layoff list. With respect to others, you may refuse the first but must accept the second offer of a job in an equivalent classification and location with a comparable salary. However, any refusal of suitable employment may affect your eligibility for Unemployment Compensation.

21. Can grievances be filed concerning layoffs?

Civil Service Rule 14 defines a grievance as "...a charge of an alleged improper application of the Civil Service Rules or the Civil Service Classification or Compensation Plan, or alleged improper interpretation of these rules." Issues regarding layoff that fit this definition may be grieved in accordance with Rule 14.

QUESTIONS CONCERNING JOB SEARCHES

22. How do I go about securing another University job?

Request to be put on the layoff list. Review the vacancy descriptions online at <http://www.d.umn.edu/umdhr/umjobs.html> to determine which positions you are interested in applying and qualified for. University job vacancies at UMD are posted outside 255 Darland Administration Building. If you need assistance, you may call (218) 726-7161.

QUESTIONS CONCERNING VACATION, SICK LEAVE, INSURANCE, RETIREMENT, AND UNEMPLOYMENT

23. What happens to my vacation balance?

You will be paid out for the unused vacation balance you had at the time of layoff. Your vacation accumulation rate will be maintained if you secure another University job within one (1) year, which meets the normal criteria for vacation eligibility.

24. What happens with sick leave?

A record of your unused sick leave balance is maintained and your sick leave is automatically reinstated if you return to work within one (1) year in a position, which meets the normal criteria for sick leave eligibility.

25. Can I withdraw my retirement money and, if so, how?

You may apply for withdrawal of your retirement money thirty (30) calendar days after your last day of work. Forms are available in the Employee Benefits Office, 1-800-756-2363 option 2.

26. What happens to my health and life insurance coverage upon layoff?

If you have three (3) or more years of continuous service, and have been laid off and elect not to participate in the University Termination/Layoff Severance Program, you remain eligible for an Employer Contribution and all other benefits for an extended benefit eligibility period of six (6) months from the date of layoff.

If you have less than three (3) years of service or work less than 75% time, you may continue at your own expense, the health, dental and life insurance coverage in effect at the time of your termination for a duration of not longer than eighteen (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 specific dates after you perform your last day of work. Please call Employee Benefits at 1/800-756-2363 option 2 for the end date of your coverage.

27. How do I apply for Unemployment Compensation?

You will receive information regarding Unemployment Compensation at the time of termination. You may apply as soon as you are out of work. Decisions regarding eligibility and available benefit amounts are made by the Unemployment Compensation administrators.

QUESTIONS CONCERNING PAYROLL DEDUCTIONS

28. What about payroll deductions for loans to banks or credit unions?

Your payroll deductions will cease with your last regular paycheck. You should make any necessary arrangements with your bank or credit union.

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

You should contact Employee Benefits to have your options explained to you by a benefits counselor, 1-800-756-2362, option 2.

30. Will I still get my back pay for any salary increases that were due to me at the time of layoff?

Yes. You may receive the back pay due to you, but you must request it and keep your department informed of your current address and telephone number.

31. What can the Employee Assistance Program do for me if I am laid off?

An 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. You may contact them at 1-218-249-7077 or 1-888-355-8495.

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