

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

**BARGAINING UNIT 6  
AFSCME CLERICAL UNIT  
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 status, or sexual orientation.*

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## **QUESTIONS AND ANSWERS RELATED TO LAYOFFS IN THE CLERICAL BARGAINING UNIT**

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

Your rights are explained in the Agreement between the University of Minnesota and Locals 3800 and 3801, AFSCME Council 6, primarily in Articles 24 and 25.

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

### **2. How much notice am I entitled to receive prior to the layoff?**

Employees whose position(s) have been abolished or reduced shall be notified in writing at least twenty-eight (28) calendar days before the effective date of an employee's layoff, except in emergencies. If an employee is going to be bumped by another employee, they will be notified in writing within at least twenty-one (21) calendar days of the effective date of the bump except in emergencies.

### **3. What is a layoff?**

A layoff is an employee's employment being abolished or reduced below the employee's applicable definition of layoff. That is :

- a. a 100% time position reduced to less than 90% time;
- b. a 12-month appointment reduced by more than four weeks per year;
- c. a reduction below 75% for a 75-90 appointment or below 50% for a 50-74% appointment or below 36% for a 36-49% appointment;
- d. a less than 12-month appointment reduced by more than four weeks.

### **4. How will my seniority apply when I am laid off?**

The total length of University service in all continuing or temporary positions of 36% or more, including time acquired both before and after the certification of the bargaining unit, is used for bumping and consideration for vacant positions. However, only time spent within the bargaining unit classifications is counted for hiring off the layoff list. Seniority may be used only for bumping, recall and rehire in classifications in which you have passed probation.

### **5. I have a continuing appointment, have passed probation, and have worked at the University for more than two years. I have just received a layoff notice. What rights do I have?**

You have the right to another position if one is available meeting all the required conditions.

If no such position is available, you have the right to have your name placed on the layoff list and priority to a vacant position. Your rights are outlined on the following chart.

## **Layoff Rights**

-To a vacant position (within the layoff notice period, only).

-To the position identified in the layoff letter.

## **Conditions to Exercise Layoff Rights**

-You passed probation in the Classification of the vacant position.

-The position has the same applicable definition of layoff as the position from which you were laid off.

-You are qualified and meet the selection criteria of the vacant position.

-You have more University seniority than other laid off employees applying for the position during their layoff notice period.

-You have submitted an updated application to the appropriate Human Resources department, i.e., University, Hospital, and Outstate Campuses.

-You have requested to be placed on the layoff list.

-If the position offered is in your Collegiate/Administrative seniority unit and in your classification, immediate geographic area, applicable definition of layoff and the same salary you are earning at the time of layoff, you must take the position or forgo your bumping rights.

-You have passed probation in the classification of the position identified.

-The identified position is in the same immediate geographic area as your current position.

-The position is in your applicable definition of layoff at the time of layoff.

-You are qualified and meet the selection criteria of the position.

-You have more University seniority than the incumbent of the position.

-(If a position meeting all of the above criteria exists in your department, the position identified and your bumping rights will be in your department. If no such position exists in your department and you have more than two years of University seniority, the position identified and your bumping rights will be in your Collegiate/Administrative unit.)

-You have not received an offer of a vacant position in your immediate geographic area, applicable definition of layoff,

Collegiate/Administrative seniority unit, classification, and the same salary you are currently earning.

-To a position that provides less work time than your applicable definition of layoff. (This position would not be identified in the layoff letter.)

-You have passed probation in the classification.

-The position is in your immediate geographic area.

-You are qualified and meet the existing selection criteria of the position.

-The incumbent of the position has the least amount of University seniority in the classification.

-You have not received an offer of a vacant position in the your immediate geographic area, applicable definition of layoff, Collegiate/Administrative seniority unit, classification, and salary.

-Your name remains on the layoff list, but this will not extend the two-year maximum.

-You indicate to your supervisor prior to the 14th day before the actual date of your layoff that you intend to bump to a position that provides less work time.

-To a vacant position from the layoff list

-You have passed probation in the classification.

-The vacant position is in your applicable definition of layoff.

-You are qualified and meet the selection criteria of the vacant position.

-You have more University seniority in the bargaining unit than other laid off employees who would be eligible for the position.

-You have submitted an updated application to the appropriate Human Resources department.

-You have requested to be placed on the layoff list.

-If the position is offered at 90% or more of your current salary.

-You have not declined more than two vacant positions meeting the conditions outlined in this section.

**6. I have a continuing appointment and have worked at the University for less than two years. What rights do I have if I am given a layoff notice?**

Essentially the same as it would be if you have two years or more of University seniority. The difference is that the position identified for bumping will be within your own department only, not expanded to the Collegiate/Administrative seniority unit.

**7. If I am offered a position at a salary lower than my current salary, do I have to take it?**

If the offer is while you are still working, you do not have to take it. After you are actually laid off, you may refuse up to two job offers in your classification, applicable definition of layoff, and salary 90% or more of your salary at the time of layoff before your name will be removed from the layoff list.

**8. How do I get my name on the layoff list?**

You must submit an updated application and request in writing with the UMD Department of Human Resources to have your name placed on the layoff list. Your name may be placed on the layoff list only if you have passed an initial probationary period in a bargaining unit classification and after you have received a written notice of layoff, or a notice of failure to pass probation after a bump or rehire from the layoff list. Your name will remain on the layoff list for three years. If you are re-employed in a position in your most recent classification at a salary of at least 90% of your rate of pay at the time of layoff or if you decline more than two offers of such a position, your name will be removed from the layoff list.

You must fill out an application online, <http://www.d.umn.edu/umdhrr/umdjjobs.html> .

If you have any questions or need assistance, you may call UMD HR at 218-726-7161.

**9. How do I know what my seniority unit is?**

Your seniority unit is your Collegiate/Administrative Unit. It is the unit on the Seniority Roster. You may also look at Appendix C of the contract, or the UMD Department of Human Resources maintains a listing of all seniority units.

**10. I am a probationary employee and being laid off. What rights do I have?**

As a probationary employee you have probationary return rights in your current classification only if you have passed probation in it previously. If you have passed a probationary period in a former classification and then transferred or promoted to your current position and are serving a probationary period, you have bumping rights to your prior continuing position.

**11. Can I use time worked in another Collegiate/Administrative unit for bumping purposes within my current unit?**

Yes. Bumping rights are based on University seniority. University seniority includes all service at the University in continuing and temporary positions at 36% or more.

**12. Do I have the right to bump an employee in a lower level classification than mine?**

You have bumping rights to positions in your department in your formerly held classification, but only if you cannot bump in your current classification. Moreover, if you have no other bumping rights, you can bump to the position of the least senior employee in your current classification or formerly held classification which provides less work time per your applicable definition of layoff, if you have more University seniority than its incumbent.

**13. If I am given a written layoff notice, when can I go on the layoff list?**

You may go on the layoff list at any time after you receive a written layoff notice. However, you should do it immediately, because during your notice period you have the first priority to vacant positions in your classification, applicable definition of layoff, immediate geographic area and are qualified and meet the selection criteria for the position. To exercise this right, you must update your application and request in writing that your name be placed on the layoff list. Write to: UMD Department of Human Resources, 255 Darland Administration Building, 1049 University Drive, Duluth, MN 55812 (218/726-8297). Your name will remain on the layoff list for a period not to exceed three years or until you return to work in your classification and applicable definition of layoff within that time.

**14. What are my rights if I am on the layoff list?**

- a. You must be recalled when a vacancy occurs in your former department, classification, and applicable definition of layoff provided you are qualified and meet the existing selection criteria for the vacant position.
- b. You may be rehired from the layoff list in order of University seniority earned in the Bargaining Unit 6, ahead of all other applicants (except recalled employees), within any of your previously held classifications and within your applicable definition of layoff provided you are qualified and meet the existing selection criteria for the vacant position.

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

If you receive a recall to your former department and classification, you must accept the position or be removed from the layoff list.

Otherwise, you may refuse the first two offers to other positions in the same classification, immediate geographic area, applicable definition of layoff, and salary more than 90% of your salary at the time of layoff, but you must accept the third or be removed from the layoff list. Any refusal of suitable employment may affect your eligibility for reemployment insurance.

Contact the supervisor of the position to which you have bumping rights to arrange a meeting about the job involved. If you have questions, either before or after this contact, call the UMD Department of Human Resources or AFSCME.

## **16. What should I do if I receive a notice of layoff?**

- a. If you have bumping rights, inform your supervisor by the date specified in your layoff notification letter whether you intend to exercise them.
- b. Verify your right to the layoff list; identify classifications where you have gained seniority.
- c. Decide if and when you wish to be placed on the layoff list.
- d. Check with Employee Benefits regarding eligibility for the Layoff/Non-Renewal Program and for continuation of your health care benefits. Call 1-800-756-2363 and press Option 2 to be connected with a counselor.
- e. Update your University of Minnesota application form.
- f. Prepare a resume to apply for jobs outside the University.
- g. After your last day of work, apply for re-employment insurance.
- h. Begin your job search. Apply for jobs that interest you, which you are qualified to perform. Call Mary Cameron, UMD Department of Human Resources, at 218-726-7912 if you have questions about the search process.
- i. You may also contact Worker Advocate, University of Minnesota Dislocated Worker Program, 300 Hardman Avenue South, Suite 3, St. Paul, MN 55075-2470, at 612-676-3700, for job placement assistance and possible training.

## **17. How do I go about finding another job?**

Request to be put on the layoff list. Review the vacancy descriptions online at <http://www.d.umn.edu/umdhr/umdjobs.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.

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

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 are rehired within three years into a position, which meets the normal criteria for vacation eligibility.

If you are rehired from the layoff list, you have the option to buy back the vacation that was paid out at the time of layoff. If you choose this option, you must buy back the entire amount upon your return to work. This option does not include a time payment plan. A record of your unused sick leave balance is maintained and your sick leave is automatically reinstated

if you are rehired within three years into a position which meets the normal criteria for sick leave eligibility.

**19. Can I withdraw my retirement money? If so, how?**

You may apply for withdrawal of your retirement contributions at any time after your last day of work. Forms may be requested from the Minnesota State Retirement System at (612) 296-2761 or 1-800-657-5757. Refunds are considered taxable income and may be subject to an additional 10% Federal excise tax on early distributions. This can be avoided by transferring the contribution to another qualified pension plan or rolling over to an IRA. If you have at least three or more years of service, it is also possible to leave contributions in the fund and receive a deferred annuity upon reaching retirement age. For more information, call Employee Benefits.

**20. What happens to my health, dental, and life insurance coverage upon layoff?**

An employee who receives an Employer Contribution, who has three (3) or more years of continuous service, and who has been laid off and elects not to participate in the University Termination/Severance or Layoff/Non-Renewal Program, remains eligible for an Employer Contribution and all other benefits provided under Article 20 for an extended benefit eligibility period of six (6) months from the date of layoff.

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.

**21. How do I apply for Re-employment Insurance?**

Call an office of the Minnesota State Re-employment Service for an appointment to apply for Unemployment Compensation. Decisions regarding eligibility and available benefit amounts are made by the State Unemployment Compensation administrators.

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

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

**23. What should I do if I have payroll deduction taken for the Optional Tax Deferred Annuity Plan?**

You should contact Employee Benefits to have your options explained by a benefits counselor (1-800-756-2363, then select Option 2 to reach a counselor).

**24. What happens with my parking contract?**

You should contact UMD Police and Parking Services as soon as you are aware you will be laid off (218-726-7000).



**25. Do I lose staff privileges for athletic tickets if I am laid off?**

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 go back to work outside the University, you may retain your location but must pay the public price. If you are on payroll deduction for tickets, you will have to make arrangements for payment directly with the athletic department.

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

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

**27. What can the University Employee Assistance Program do for me?**

You have access to Employee Assistance Program while you are on the layoff list if you have not returned to work outside the University. An Employee Assistance Program counselor can help you with assessing financial matters, career change strategies, and emotional or stress-related difficulties. If you have questions, call 1-218-249-7077 or 1-888-355-8495.

**28. Can I use Regent's Scholarship when I am laid off?**

You are eligible for Regents' Scholarship while you are on the layoff list. Call the UMD Department of Human Resources at 218-726-7161 for further information.

**29. Will the University allow me paid time off to seek jobs in and outside the University?**

Minimally, the collective bargaining agreement requires one and one-half hours of paid time off, not charged to vacation or compensatory time, each week during the layoff notice period to interview for other University positions.

Departments are encouraged to make reasonable accommodations for employees to find new employment after receiving a layoff notice.

**30. What is the Layoff/Non-Renewal Program?**

Employees are eligible if they have received a notice of layoff and hold at least a 75% time continuing appointment. Temporary employees are not eligible.

While employees who previously have participated in termination severance programs are eligible for the Layoff/Non-Renewal Program, time included in previous programs will not be included in any subsequent programs.

Eligible employees receive a lump sum payment equal to one week of pay per full year of continuous service with the University up to a maximum of 52 weeks of pay. One week of pay

is equal to the regular hourly rate times the number of hours per week the employee was regularly scheduled to work on the last day of employment.

The University will contribute toward the cost of medical and/or dental coverage for the following periods:

<u>Full years of continuing service</u>	<u>University contribution</u>
Less than 3 years	0 months
3 through 4 years	up to 6 months
5 through 9 years	up to 12 months
10 years and over	up to 18 months

The University's contribution for this coverage will be the same as if you had remained employed. If the above contribution is for less than 18 months, you may continue coverage for the balance of up to 18 months at your own expense under COBRA.

If the sum of your full years of continuous University service and age on your last day of employment is 75 or greater and you have received a notice of layoff, you can continue your medical and/or dental coverage until the last day of the month in which you become eligible for Medicare or for other group coverage, whichever comes first.

**31. I have read the layoff information that was given to me, but I am not sure I understand all my rights. Is there anyone I can talk to?**

You may contact Barb Gundersen, UMD Department of Human Resources, 218-726-8297 for further information. You may also contact your AFSCME representative.