

Article 18 - LAYOFF – FREQUENTLY ASKED QUESTIONS



Q. Under what circumstances will a layoff occur?

A.

- Lack of funds
- Lack of work
- Efficiency of operations
- Abolishment of a position

Q. Will the union and/or the employee be notified in advanced when a layoff will occur?

A. Yes. The agency must notify the union before, or when, they submit their rationale to the Ohio Department of Administrative Services for a layoff. The notice to the employee must be hand delivered 14 days (or mailed 17 days) prior to the layoff.

Q. Can the union challenge the agency's decision to layoff employees?

A. Yes, if management does not follow the proper procedures according to state law and the collective bargaining agreement, the union can challenge the layoff. If the employer fails to properly implement the rationale and actions it forwards to DAS for approval, it may be grievable.

Q. What is a paper layoff?

A. A paper layoff is figuring out on paper who will bump into what position before the actual layoff takes place. Employees facing potential layoff will receive an Order of Displacement form to fill out and return to indicate their willingness to exercise their displacement and bumping options. This form is used during the paper layoff process to help assure employee rights are properly protected, and it helps the union and management move quickly to assist employees who do not have displacement options.

Q. Is early retirement possible when a layoff occurs?

A. Yes. If 50 or more employees are laid off in a state institution (or employee unit) or the number laid off exceeds 10% of the employee population at the institution (or employee unit), then the agency must establish an early retirement program.

Q. Can an employee fill a posted vacancy if he/she is going to be laid off?

A. Yes if the position is in the same classification and the employee is qualified to perform the duties. An agency can also make other vacant positions available for displaced employees.

Q. Who can a laid off employee bump?

A. The employee can bump a least senior employee if they are qualified to perform the job duties of the position he/she is bumping into. The employee must follow the bumping sequence below by displacing the least senior person within the same or related Class series (job groups as defined by Appendix I) within the same office, institution or county. (Article 18.04)

1. Bump the least senior person in the same classification title.
2. Bump the least senior person in a classification in the same or equal pay range as the current classification the employee is in. If there is more than one such classification the choice will be ordered by seniority with the least senior person being displaced.
3. Bump the least senior person in the next lower classification title in the classification series.
4. Bump the person with the least state seniority in the same or equal pay range in descending order. In this case remaining classifications in your job grouping

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would be organized by pay range with a displacement alternative if you had more seniority than the least senior person holding the classification.

5. If the order of displacement offers no displacement rights the employee may then displace into the geographic jurisdiction (defined by Appendix J) using the same displacement sequence that is outlined in 1-4 above. (Article 18.05) Employees have the right to maintain their appointment type (i.e., full-time, part-time) in the first two priority locations they identify in the geographic area providing they have enough seniority.

6. If no displacement option exists above, the person may displace within the geographic jurisdiction into a classification the employee held within the past 5 calendar years within the agency. (Article 18.06)

Q. Do I have to take a part-time position in my county or institution (Article 18.04) before I am allowed to displace into the geographic jurisdiction (Article 18.05)?

A. No. If no full time positions are left for you to bump into and the only position available as an option is part-time, you do not have to take it before displacing a least senior employee in the geographic jurisdiction if you do not want part-time work.

Q. If I do not meet the qualifications of the positions description of the least senior person-what happens?

A. You may displace the next least senior person in the classification where you are able to perform the duties.

Q. If I do not have any options to bump in my office, Institution or county, do I have any choices with respect to different locations in the geographic jurisdiction?

A. Employees will be given an opportunity to prioritize the locations for displacement in the wider geographic jurisdiction providing they have more seniority than the least senior employees at other work locations. Prior to displacement in the geographic jurisdiction the employee will be given seniority lists to help them determine what displacement opportunities exist. Final displacement choices will also depend on the choice exercised by other laid off employees who have more seniority.

Q. Will I be required to displace into a vacancy?

A. It depends. Employees displacing in the office, institution or county may select between a vacancy and a position occupied by an employee. Employees are encouraged, however, to displace into vacant positions as such action can avoid a subsequent displacement of other employees. Available vacancies must be filled before an employee can bump into the geographic jurisdiction. Employees who bump into the geographic jurisdiction (Appendix J) will be required to displace into a vacancy if one is available before they can bump the least senior employee.

Q. Can the bumping procedure and requirements be altered?

A. Yes. Per Article 18.17 the agency and union representative involved in a particular layoff can agree to alter the procedure. Questions about possible alterations should be directed to your chapter president and the staff representative assigned to your chapter.

Q. How long will a laid off employee have recall rights or reemployment rights?

A. An employee whose classification is changed as a result of bumping and displacement or who is laid off, has recall rights or reemployment rights for 24 months from the effective date of layoff.

Q. What is the difference between recall and reemployment?

A. Recall is the return to the same, similar or related class series in the same agency. Reemployment is the return to the same classification in a different agency.

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Q. If I bump under Article 18.05 but my classification doesn't change, do I have recall rights back to my original office, county or institution?

A. No, but under article 18.12 if you submit a bid/apply for a vacancy in your original office, county or institution, you will have a right to fill that vacancy before it can be filled by promotion or transfer per Article 17.

Q. If I am out on sick leave, military leave, leave without pay or disability leave, can I still be laid off?

A. Yes. Employees who are on sick leave, military leave, leave without pay or disability leave will not have their date of layoff extended by the leave.

Q. If I choose to be laid off rather than exercise any of my displacement options, will I still be eligible for unemployment payments?

A. Yes

Reference:

Article 18

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AFSCME LOCAL 11 AFL-CIO