

GRAYS HARBOR COLLEGE

Administrative Procedure

Subject: Reduction-In-Force, Non Represented Classified Staff

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Administrative Procedure Number: 700.02

Date Adopted: 1/16/82 Revised: 2/5/87, 1/19/93, 1/17/95, 2/20/01, 4/8/09

This policy applies to all Grays Harbor College classified employees who are not subject to a collective bargaining agreement and super cedes any previous administrative procedure on this subject matter.

Grays Harbor College is committed to provide an implementation procedure to ensure that a layoff is administered without prejudice, that it is equitable to our employees, and that disruption to other employees and the business function of the College is minimized.

Employees may be laid off without prejudice according to these layoff procedures that are consistent with Chapter 357-46-010 WAC. The basis for layoff must be for business reasons and such reasons include, but are not limited to, the following:

1. Lack of funds
2. Lack of work
3. Organization change

Layoff is an employer-initiated action taken in accordance with this policy and Chapter 357-46 WAC that could result in any of the following:

1. Separation from service with Grays Harbor College
2. Employment in a job class with a lower salary range maximum
3. A reduction in the work year
4. Reduction in the number of work hours

The College President or designee will determine the positions to be abolished or vacated due to layoff.

DEFINITIONS (Based on WAC 357-46-020):

The following definitions will apply throughout this procedure:

Comparability of positions:

1. For full time positions: 40 hours per week; for part-time positions is less than 40 hours per week;
2. Comparability of positions in the layoff unit also means the same shift and the same geographic location.

Position Requirements: (WAC 356-46-045) Position requirements are:

1. The competencies and other position requirements identified in position descriptions, recruiting announcements and/or the job analysis documents.

Position requirements may also include:

1. a bona fide occupational qualification approved by the Human Rights Commission, license or certification requirements,

Employment Retention Rating: The employee's employment retention rating is determined using seniority. WAC 357-46-053.

Computation of Employment Retention Rating (ERR) (WAC 357-46-020 (8) and (9)):

The Human Resource Staff will compute ERR for non-represented classified employees. The employee years of seniority (seniority date) will be the basis for the ERR. Seniority is calculated by using the original date of hire for the employee into the classified service.

Ties in seniority will be broken by measuring the employee's last continuous time within his or her current classification; if a tie still exists, by measuring the employee's last continuous time in the current agency, and if a tie still exists, by lot.

Veteran's preference will be granted by adding up to 5 years of active military service to the veteran's seniority in accordance with the WAC 357-46-060.

Layoff Unit:

The layoff units for non represented classified staff shall be:

- a. The main campus
- b. All Satellite campuses

AVOIDING LAYOFF OR MINIMIZING EFFECTS (WAC 357-46-020)(2)

In order to avoid or minimize the impacts of layoff, before initiating layoff, the College will attempt to mitigate the need through alternative actions whenever practical, and when actions can be taken without undue disruption to business operations. Such actions may include, but are not limited to:

- Voluntary employee transfers or voluntary demotions
- Voluntarily reduced work schedules
- Voluntary leave without pay
- Hiring controls

LAYOFF NOTICE & CONTENTS OF WRITTEN NOTICE (WAC 357-46-030)

When a position is subject to layoff, the President, designee, or appointing authority shall give permanent employees at least 15 calendar days' written notice, unless the College and employee agree to waive the 15 day notice period. The layoff notice will state the following:

- The reason or basis of the layoff
- The employee's layoff options
- The employer's internal layoff lists the employee is entitled to request placement on in accordance with WAC 357-46-070 and the statewide layoff list in accordance with WAC 357-46-080
- The date by which the employee must select a layoff option
- The employee's right to appeal the layoff.
- If the employee has no layoff options, or has declined all RIF employment options, the following statement shall be included in the layoff letter:

If you have no layoff options, or decline your formal or informal layoff options, you will be separated from state service on the effective day of your layoff. Prior to your separation, you are offered the opportunity to request a meeting with the Appointing Authority to discuss your layoff. I am willing to consider any information that would affect your layoff options or your separation from state service. Please bring any relevant information with you to the scheduled meeting. You may request this meeting by calling (appointing authority phone number) no later than five (5) days after notification of your separation from state service. (source: Levine verses the City of Alameda, 2008 Ninth Circuit of Appeals Decision).

If the layoff notice is personally delivered, the date of delivery will constitute the first day of notice. If the layoff notification is mailed to the employee, the notice must be sent via U.S. Mail and the mailing date will constitute the first day of notice. The Human Resource (HR) Director will record the date of mailing or the date the notice was personally delivered to the employee.

If the employee accepts a layoff option, the employee will also be notified of any requirement to serve a transition review period in accordance with WAC 357-46-120.

The employee shall advise the HR Director or appointing authority in writing within five working days of the date of such notice whether the employee accepts or rejects any of the option(s) offered. If the employee fails to respond to the HR Director or appointing authority within the prescribed time limits, such failure shall automatically be regarded as a rejection of the option(s) offered in lieu of layoff.

When there are no layoff options or when an option is rejected, permanent employees may be separated after the 15-calendar days' notice in writing described above. Probationary employees must be given at least a one-day notice of layoff.

SEQUENCE OF OPTIONS FOR NON-REPRESENTED CLASSIFIED EMPLOYEES (WAC 357-46-035)

The College will offer options to permanent, non-represented classified employees in the following sequence:

1. Within the layoff unit, a permanent employee scheduled for layoff must be offered the option to take a position, if available, that meets the following criteria:
 - (a) The position is allocated to the class in which the employee holds permanent status at the time of the layoff. If no option to a position in the current class is available, the employee's option is to take a position in a class in which the employee has held permanent status that is at the same salary range. If the employee has no option to take a position at the same salary range, the employee must be given an opportunity to take a position in a lower class within a class series in which the employee has held permanent status, in descending salary order. The employee does not have to have held permanent status in the lower class, just within the class series, in order to be offered the option to take a position in the class.
 - (b) The position is comparable to the employee's current position as defined by the College's layoff procedure.
 - (c) The employee satisfies the competencies and other position requirements.
 - (d) The position is funded and vacant, or if no vacant funded position is available, the position is occupied by the employee with the lowest employment retention rating.
2. If a permanent employee has no option available under subsection (1) of this section, the employee, in lieu of separation, will be offered an available funded position within a layoff unit that meets the following criteria:
 - (a) The position is at the same or lower salary range maximum as the position the employee is being laid off from;
 - (b) The position is vacant and less than comparable or held by a probationary employee or an employee in a nonpermanent appointment as defined in WAC 357-01-210; and
 - (c) The position is one for which the employee meets the competencies and other position requirements.
 - (d) If more than one qualifying position is available, the position with the highest salary range maximum is the one that must be offered.

Employees who accept a voluntary demotion in lieu of layoff are eligible to be on the internal layoff list for the class from which they demoted and classes at that salary range and lower salary ranges in which the employee held permanent status during the current period of unbroken service and lower classes in the same occupational category. Permanent status is not required for the lower classes in the occupational category.

Employees who accepted less than comparable positions as defined by the employer's layoff procedure are eligible to be on the internal layoff list for classes in which they held permanent status at the same or lower salary range and lower classes in the same occupational category. Permanent status is not required for the lower

classes in the occupational category.

Employees who have not successfully completed a trial service period and are placed in a nonpermanent position following reversion are eligible to be on the internal layoff list for classes in which the employee previously held permanent status during the current period of unbroken service.

Employees who remain in a position reallocated to a lower salary range are eligible to be on the internal layoff list for the class the employee held permanent status in prior to the reallocation.

Employees who have been demoted for cause from a class are not eligible to be on the internal layoff list for that class.

APPEALS

The right to appeal a layoff is specifically addressed in Chapter 357-52 WAC.

LAYOFF LISTS

Grays Harbor College's layoff lists is maintained and administered by the College in accordance with WAC 357-46-070. Grays Harbor College will provide information and assistance to its employee's who are subject to a layoff.

Nothing in this layoff procedure shall be construed to negate the rights of the College to transfer, promote, demote, dismiss or separate any employee of any employment status in any manner permissible under the Civil Service Rules.

Approved by:

Dr. Edward Brewster

Date