



## Info on Reduction in Force (RIFs) for VSEA members

*Note: When the State of Vermont lays off any of their State employees, here are the rules that come into play.*

### A. What is accomplished by the reduction in force / re-employment (recall) rights articles in your collective bargaining agreement?

- The contract establishes a fair and equitable system for determining the order of layoffs.
- Both seniority and past performance are factors which management must take into account when identifying the affected employees.
- Seniority is the only factor for employees with at least five (5) years continuous State service.

### B. When layoffs are necessary, who determines which job titles will be affected?

- The individual department (appointing authority) makes the determination.
- VSEA receives five (5) days prior notice and is given the opportunity to discuss alternatives.

### C. Who determines the order of layoff?

- The Department of Human Resources in Montpelier determines which employee(s) in the affected class(es), or series, will be laid off.
- The order of separation is controlled by the contract.

### D. What if there are vacancies in your department or agency, will you still be laid off?

If vacancies exist in your department or agency which management intends to fill, at the same or a lower pay grade and if you meet the minimum qualifications and can do the job, you will be offered that position in accordance with the recall provisions of the contract.

### E. What is the order of layoff?

A RIF is accomplished on a geographic basis by class, series, and department. A geographic basis is that area within a 35-road mile radius of the positions regular duty station. The order is as follows:

1. Employees with less than three (3) years continuous State service who have a current annual rating of "Unsatisfactory".
2. Employees in their first year of service. This is based upon their end of probation evaluation.
3. Employees who have received only one annual evaluation. This is based upon ratings.
4. Employees who have received only two annual evaluations. This is based upon ratings.
5. Employees with more than three (3) years but less than five (5) years of continuous State service will then be separated. Layoffs will be based upon seniority with consideration given to performance rating evaluations. Those employees with "above average" ratings with a three (3) year period will be separated last.
6. Employees who have five (5) or more years of continuous State service will be separated last. This is based solely on seniority.

### F. Can you "bump" other employees with less seniority?

The contract provisions on displacement ("bumping") are confusing, and we encourage our members to discuss these questions with their steward or field representative. All determinations on displacement options are made by the Department of Human Resources after extensive review of all the issues such as seniority and vacancies. Employees have five calendar days to exercise their bumping rights.

In brief, the following displacement path is followed:

1. Vertical and horizontal displacement rights will apply within a series of classes and within a department and within a 35-mile geographic area.
2. Employees will first be notified of any displacement options within their job class, i.e. bumping less senior employees in the department and within the 35-mile geographic area.

3. Employees will next be notified of horizontal options (associated classes) for which the laid-off employee has pre-registered.
4. Employees will also be notified of vertical displacement options within the approved series of vertical displacement; first displacing the most junior employee in the next lower series.
5. Employees are then offered options to displace (in this order) original probationers in permanent or limited service positions, provisional employees, or temporary employees who fill positions at the same or lower pay grade when you meet the minimum qualifications for the position.

NOTE: A list of vertical classes within series is maintained as part of the contract. It is updated quarterly.

### G. What is your status if you displace a temporary employee?

You will retain your recall rights and Health Insurance Benefits as described below.

### H. How will you be notified of your layoff?

You will be notified, in writing, by your department or agency at least thirty (30) calendar days prior to the effective date. This notice will advise you of the following:

- a) to file an updated employment application with the Department of Human Resources;
- b) to define your reemployment parameters (explained below);
- c) to schedule a personal interview, if you wish, to discuss reemployment opportunities;
- d) to inform you of any vertical bumping rights you might have.

### I. What is the effective date of layoff?

The effective date of layoff is your last day of work.

### J. What are recall rights?

- Recall Rights are mandatory rights to a permanent classified position with State government.
- Recall Rights begin thirty (30) days before your last day of work and continue for two years.
- Recall Rights mean that you have mandatory rights (based on seniority on the recall list) to position vacancies which management intends to fill.
- The position vacancy must fall within your pay grade or lower; you must meet the minimum qualifications and you must have indicated your willingness to work in such a position through the parameters you set up with the Department of Human Resources.
- "Mandatory Rights" means that management has to offer you the position, not that you have to accept the position. You are entitled to three (3) offers of reemployment following the effective date of layoff.
- Recall Rights do not extend to promotional opportunities, which you should monitor and pursue on your own.

### K. What if you were previously laid off from a higher pay grade?

If you receive a RIF notice, and you were laid off from a higher pay grade position within the preceding two years, you will have recall rights to jobs at the higher pay grade.

### L. What are re-employment parameters? How do you set them?

Re-employment Parameters, set by the employee, spell out the types of work, hours and geographic areas that the employee will consider for re-employment. An employee on recall status is required to notify the Department of Human Resources of these parameters before they will make any re-employment offer to the employee. Call Human Resources to establish your parameters as soon as possible following your notice of layoff.

The parameters that you set limit your mandatory re-employment offers to jobs that you find acceptable. You will only be offered jobs that fall within the parameters you set. To set parameters you must specify the following:

- Geographic area;
- Pay grade range (from your current pay grade and lower);
- Type of work you are seeking (titles or more general);
- Status of work you will consider (full-time, part-time, permanent, limited);
- Hours of work (shifts).

You may restrict your availability further, if you desire, by specifying particular departments or fields in which you will accept offers.

This does not exclude you from pursuing, under the recall article, other positions outside the parameters you set up. Declining positions outside your parameters do not count against you.

### M. How do recall rights work?

Starting thirty (30) days before your last day of work, you are eligible for mandatory rehire rights to vacancies in State government that management

intends to fill, and for which you are eligible and fall within the reemployment parameters that you have set with the Department of Human Resources.

Once you have set your employment parameters, any job offers you turn down will count as a "strike" against your three offers. You must accept a third offer or lose your mandatory recall rights. You will be offered jobs only within the parameters you have set.

Note: If you receive a call at home from a department asking if you are interested in a job, you may assume that they have been told by the Department of Human Resources that you are on recall status, meet the minimum qualifications and have rights to the job. You are entitled to receive all job offers in writing. You have five (5) work days from the date that you actually receive the written notice of the offer to decline the offer.

#### **N. Can you lose your recall rights?**

Yes, under the following conditions:

1. Decline three offers of reemployment. Failure to respond to a written offer within five work days constitutes a refusal.
2. If you inform the Department of Human Resources that you are unavailable for work. Recall Rights may be "frozen" if you are physically unable to accept work.
3. If you fail to set your employment parameters and update your employment application with Human Resources

Note: You can accept a Limited Service position without forfeiting your remaining mandatory offers; however, if you accept a limited position on your last offer, you will no longer have RIF rights. Acceptance of a limited position counts as one offer.

#### **O. Can you accept a job outside of state government without forfeiting your recall rights?**

Yes, provided that the Department of Human Resources has been notified that you are available for a State position that falls within your reemployment parameters.

#### **P. Can you maintain insurance coverage if on recall status?**

Yes, you can retain your health insurance coverage at the 80-20% co-payment rate for the first six pay periods after you are laid-off. After that, you must arrange to pay the entire premium, on a bi-weekly or monthly basis, in order to maintain coverage.

#### **Q. What will you receive for pay and benefits once you are reemployed by the state pursuant to the recall provisions of the contract?**

PAY: You will receive the same salary you were receiving at the time of layoff plus any negotiated salary increases, provided, however:

1. If you accept a job in a lower pay grade, you cannot make more than the maximum salary (Step 15) of the pay grade to which you are reemployed;
2. If you accept a displacement offer (meaning that you "bump" another employee) into one or two lower pay grades, your salary will be treated as a voluntary demotion and will be red circled (held at your current rate). If you bump three or more pay grades your salary will be treated as a voluntary demotion and subject to a reduction in pay (not less than 1.5% and then downward slotting) and subject to the maximum of the grade to which you are reemployed (Refer to Salaries & wages Article, Section 12 (a) and (b).

ANNUAL LEAVE: When you are laid off, you will be paid off for a maximum of 20 days (160 hours) of Annual Leave (provided you have that amount in your leave balance). Up to 10 days (80 hours) may be retained by you, to be re-credited if you are rehired within four (4) months after you are laid off. If you are reemployed within 2 years you will accrue leave at the rate applicable to your years of service.

See Section 13 of the "Reemployment Rights" Article of the contract for more details.

#### **R. Are you entitled to unemployment compensation while on recall status?**

Yes. Apply by calling the Unemployment Claims Center toll free line 1-800-983-2300. Although the Dept of Labor Career Resource Centers can not help you in filing an unemployment claim, DOL staff can assist you in re-employment services.

#### **S. Does the department of Human Resources monitor local hires of each department?**

All departments must check with the Department of Human Resources to determine if there are any eligible RIF employees who have rights to the job before filling a vacancy.

#### **T. Can a department decide not to fill a vacancy?**

Yes, a department may withdraw a vacancy at any time.

#### **U. What happens if you cannot do the job you accept under the recall rights provisions in the contract?**

- If an employee is re-employed under recall rights, and later decides that (s)he cannot perform the duties of the position, (s)he can resign and have the opportunity to go back on recall status. You will have only rights to the remaining time (limited up to two (2) years and number of recall offers that are left).
- If you accept an offer of re-employment in a new agency or department you will be placed in a 90-day probationary period. If you do not successfully complete the probationary period, your Recall Rights will be reinstated as if you had never accepted the position.

#### **V. What if you refuse to bump another employee out of a job -- do you have recall rights?**

Yes. You are not required to displace another employee even if that option is offered to you.

#### **W. Which employees do not have recall rights?**

1. Employees who do not have permanent status and/or who do not occupy a classified position in State government;
2. Employees in their original probationary periods;
3. Employees with less than 3 years combined Limited Status or Permanent Status.

#### **X. Any other questions?**

Check with your worksite steward, or call your VSEA Field Representative at VSEA HQ, (802) 223-5247.

Document Revised: 4/22/08; RIF info has been posted on VSEA website ([www.vsea.org](http://www.vsea.org)).