



STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

APPLICABILITY
DEPARTMENT WIDE

REVISION DATE
10/13/14

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POLICY

TITLE
LAYOFF – WASHINGTON MANAGEMENT SERVICE

REVIEW/REVISION HISTORY:

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SUMMARY OF REVISION/REVIEW:

I.B.2. - Added examples for lack of work
 III.A.1.d. - Removed unnecessary language
 III.A.3. - Adjusted agency Director who may change a Washington General Service job classification
 Added III.A.4.g. identifying additional skills and abilities criteria
 VII.A.2. - Adjusted timeframe for returning ranking sheets


APPROVED:

Signature on file

BERNARD WARNER, Secretary
 Department of Corrections

9/4/14

 Date Signed

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REFERENCES:


DOC 100.100 hereby incorporated into this policy; [WAC 357-19-305](#); [WAC 357-31-370](#); [WAC 357-46](#); [WAC 357-58-455](#); [WAC 357-58-475](#); [WAC 357-58-510](#); Washington Management Service Policies and Procedures Manual

POLICY:

- I. The Department will maintain a sufficient workforce to carry out its mission. In the event of the need to lay off employees, the Department will make efforts to achieve reductions through attrition and curtailment of hiring to avoid layoffs within Washington Management Service (WMS) positions.

DIRECTIVE:


- I. General Requirements
 - A. If unable to avoid layoffs, the appropriate Appointing Authority will determine which positions, by location, will be abolished and the effective date of such action. Determinations will be based on a position(s) to be abolished and not based on named employees to be separated. The Department’s decision on which Washington Management Service positions to eliminate under a layoff action is not subject to appeal.
 1. Employees will be notified of the need for a layoff before implementation of a layoff action.
 2. The Department will assist each employee with employment opportunities in lieu of separation due to layoff.
 - B. Employees may be subject to a layoff in accordance with applicable statutes, rules, and this policy without prejudice, for any of, but not limited to, the following reasons:
 1. Lack of funds.
 2. Lack of work, which may include:
 - a. Ineligibility to continue in a position that was reallocated.
 - b. Termination of a project.
 - c. Fewer positions available than the number of employees entitled to such positions.
 3. Organizational change.

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- C. No permanent employee will be separated through a layoff action without being offered an acting appointment, if one is available, to a position for which the Department determines the employee has the required job skills.
- D. An employee may volunteer for a layoff action, take voluntary leave without pay, or reduce his/her hours of work in order to reduce the need for a layoff. Appointing Authorities need to consider staffing requirements when determining who will be granted voluntary leave without pay and/or reduction in hours.
 - 1. Employees who volunteer to be laid off may request to participate in the General Government Transition Pool Program and/or have their names placed on the Department’s internal layoff list for any Washington General Service (WGS) job classifications in which they have held permanent status.
- E. An Appointing Authority may also provide other opportunities to minimize the need for a layoff, such as transfers and voluntary demotions.
- F. The Department may conduct temporary layoffs or a reduction of work hours due to the reasons identified above.

II. Seniority


- A. Seniority is the basis for determining layoff options subject to the employee possessing the required skills and abilities for the position. The seniority date is the employee’s most recent date of hire into state service, as adjusted for qualified military service per WAC 357-46-060, and any period of leave without pay which exceeds 15 consecutive calendar days, except when the leave is taken for:
 - 1. Military leave as provided in WAC 357-31-370,
 - 2. Compensable work-related injury or illness leave,
 - 3. Government service not to exceed 2 years and one month,
 - 4. Educational leave, contingent upon successful completion of the coursework, and/or
 - 5. Reducing the effects of layoff.
- B. Ties in seniority dates of 2 or more employees will be broken in the following order:
 - 1. Measuring the employees’ last continuous time within their current classification.

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2. If the tie still exists, measuring the employees' last continuous time in the Department.
 3. If the tie still exists, lots are drawn.
- C. Human Resources employees will be responsible for computing seniority.
1. A part-time employee's seniority will be computed based on actual hours worked and/or in paid status, including paid leave, and adjusted in relation to a full-time equivalent month. Time spent in leave without pay status is not credited unless the leave without pay is taken for reasons listed above.


III. Options

- A. If a formal option exists within the appropriate layoff unit, it will be provided to the employee being laid off.
1. A formal option is determined in the following order:
 - a. A funded vacant Washington Management Service position that has the same point value as the employee's current position for which the employee has the required job skills.
 - b. A filled Washington Management Service position at the same point value held by the least senior employee. The employee being laid off must have the required job skills for the position.
 - c. A funded Washington General Service position that is vacant or held by the least senior employee which is at the same or similar salary. If there are no options at the same or similar salary, the employee must be given an opportunity to take a position within a lower job classification in a series in which s/he has held permanent status, in descending salary order. A vacant position will be offered before a filled position. To determine same or similar salary, the employee's current salary must be within the salary range of the Washington General Service classification.
 - d. A funded Washington Management Service position that is vacant or filled at a lower point value in descending order in conjunction with Washington General Service positions in which the employee has held status and which are at lower salary ranges. A vacant position will be offered before a filled position. The employee must have greater seniority than the employee occupying a position and

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must have the required job skills for Washington Management Service positions.

2. A full-time employee will be offered a full-time position before a part-time position. An employee who was previously full-time and accepted a part-time position due to a layoff action or to lessen the impact of a layoff action will be considered a full-time employee for determining his/her option.
3. In cases where a Washington General Service job classification no longer exists or was changed due to Washington Personnel Resources Board or Office of Financial Management Director's action, Human Resources will determine if the position the employee held in the abolished/changed classification equates to an existing class.
4. The employee must have the required skills and abilities of the position that is being offered as an option in order to accept the option.
 - a. Skills and abilities are documented criteria found in the following:
 - 1) License/certification requirements,
 - 2) Federal and state requirements, if any,
 - 3) Position descriptions,
 - 4) Bona fide occupational qualifications,
 - 5) Recruitment announcements,
 - 6) Classification specifications, for Washington General Service positions, or
 - 7) Additional documented competencies or requirements not reflected in the position description.
- B. An offer to explore possible informal options may be made to employees when they receive their formal option. An informal option may be identified when no formal option is available and the employee must be separated from employment, and/or the employee desires to explore alternatives to the formal option.
 1. In order for an employee to be offered informal options, or positions that s/he can be considered for in Washington General Service unless prohibited by collective bargaining agreements, the employee must have the skills and abilities required of the positions being considered for informal options.

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2. An employee who accepts an informal option to a permanent appointment in lieu of a formal option will lose the right to the formal option, but will retain the right to be placed on the applicable layoff list.
3. An employee who accepts an informal option to a non-permanent appointment will have the layoff rights of the permanent position s/he left. The employee does not have to wait until the end of the non-permanent to exercise an option for a permanent appointment.
4. If a permanent employee has no formal or informal options available, the Appointing Authority will determine if a Washington Management Service position for which the employee has the required job skills is available for an acting appointment.


C. If no options are available in lieu of layoff, the employee will be separated from employment.

IV. Notification

- A. Employees with permanent status will be given at least 15 calendar days' written notice before the effective date of the layoff action. Employees will be given 5 calendar days to accept or decline, in writing, any option provided to them. The 5 day response period will run concurrent with the 15 calendar days' notification period. The day notification is given constitutes the first day of notice.
- B. When a layoff action is implemented without providing 15 calendar days' notice, the employee will be paid his/her salary for the days that s/he would have worked had full notification been given.
- C. Employees with permanent status will be given at least 7 calendar days' written notice before the effective date of a temporary layoff.

V. Layoff Units

- A. The county in which an employee's permanent workstation is located will be the first layoff unit used for determining an option(s).
- B. If no formal option is available within the county layoff unit, the layoff unit expands to the County Group as identified in County Group Layoff Units (Attachment 1).
- C. If no formal option is available within the County Group Layoff Unit, the statewide layoff unit will be used.

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- D. A project established under WAC 357-19-305 is a layoff unit separate and exclusive from other defined layoff units or projects. Project employees have layoff rights only within the project. Formal options will be determined using the same procedures described in the Options section of this policy.

VI. Project Employment

- A. A permanent status employee who left a Washington Management Service position to accept an appointment to a project position without a break in service has layoff rights to a position within the job classification s/he held immediately before accepting project employment.
- B. Project employees who are separated from state service due to a layoff action and who have not held permanent status in classified service may request to have their names placed into the General Government Transition Pool Program.

VII. Multiple Position Layoff Action


- A. The following alternative process may be used when a multiple position layoff is necessary. Each employee will be:
1. Provided with a ranking sheet of available options,
 2. Advised to rank the options by indicating his/her order of preference and return within 5 calendar days, and
 3. Notified what option is granted based on seniority and preferences, provided the employee has the skills and abilities for the position.

VIII. Salary Adjustments

- A. The salary of an employee who has accepted a position within Washington General Service with a lower salary will be reduced to the maximum salary of the new salary range. If the employee's current salary is within the range of the new class, it will remain unchanged.
- B. The salary of an employee who accepts a Washington Management Service position will be determined in accordance with the Department's Washington Management Service salary plan.

IX. Moving Expenses

- A. When an employee selects a formal or informal option to a permanent appointment that causes an unreasonable commute of an additional 35 miles or

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more and chooses to move, the Department will pay moving expenses. Household moving expenses will be paid per Office of Financial Management regulations.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

County Group Layoff Units (Attachment 1)

DOC FORMS:

None