Employment, Seniority, and Layoff

State Universities Civil Service System

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Chicago State University

Note: The following presentation is intended to provide a general overview of the Statute, Rules and Procedures regarding Employment Registers, Seniority, and Layoff provisions. Questions regarding specific situations or personal cases should be directed to the local Human Resources Office or to the State Universities Civil Service System Office.

Agenda

- Employment Registers
  - *Basic Concepts*
  - *Register Types*
  - *Other Common Features*
- Seniority
- Layoff
  - *Seniority Rights*
  - *Reemployment Registers*
  - *Disability*
  - *Restoral*
- Compensation Obligations
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Employment Registers Basic Concepts

- Registers are maintained by classification
- Applicants/Employees are placed on registers by their highest score and/or service time
- For appointment purposes, registers shall have precedence in the following order: reemployment, promotional, original entry

Types of Employment Registers

- Reemployment Register
- Promotional Register
- Original Entry Register (OE)

Reemployment Register

- Reemployment Registers are established by the Employer and by classification
- Reemployment Registers contain the names of status employees who have been laid off through a reduction in force
- Employees are listed by seniority earned in the classification

Reemployment Register

- In most instances, an employee on a Reemployment Register must be appointed to a vacancy in the classification. There is no 'competing' for the vacancy.

- A name can be removed from the Reemployment register for reasons set forth in 250.60 (g) (h) which include such examples as the employee requesting removal, turning down a total of three employment opportunities, undeliverable address and other circumstances.

Promotional Register

- Promotional registers are created by the Employer by classification
- To be listed on a Promotional Register, an employee must be a status employee in the designated Promotional line as defined by the System Office
- Employees are listed on the Promotional Register by:
  - Service in the classification (Employees Restored to the Register)
  - Examination scores

Promotional Register

- Regardless of actual test score obtained, employees on Promotional Registers are 'automatically' higher than Original Entry scores.

- Veterans Preference points are not allotted to test scores on a Promotional Exam

Original Entry Register

- Original Entry Registers are established by the Employer by classification
- When applicable, Veterans Preference points are allotted (3, 5, 10 points)
- Applicants are listed on the Original Entry Register by:
  - Service in the classification (Employees Restored to the Register)
  - Examination scores

Other Common Features

- Applicants are permitted to be on an unlimited number of employment registers
- The same testing instruments are used for both Promotional and Original Entry examinations
- A 'former' employee terminated due to the expiration of disability benefits may request that the Executive Director reinstate them to the Reemployment register to the class from which the employee separated if submitted within one year of the expiration of disability benefits
- Employees who have been, or who may be, separated from status appointments, after completion of at least six months of service to the employer, resulting from the permanent abolishment of a functional service who have qualified for and received a passing score on an original entry examination may be listed in order of total service to the employer at the top of the original entry register

Seniority

- Amount of time worked in a class or classification series.
- Seniority accumulates after completion of the Probationary Period, and dates from the day of original employment in the classification.
- Seniority shall be by institution or place of employment.
- Seniority once earned in a classification is retained during any period of continuous employment.

Accumulation of Seniority

- Seniority is accumulated by classification and/or classification series

  - *Seniority earned in a higher class in a promotional line is added to seniority in a lower class in the same promotional line.*

  - *Seniority earned in a lower classification cannot be counted towards seniority in a higher classification.*

Seniority Example

Employee A:

3-years as a Food Service Administrator III
1-year as a Food Service Administrator II
2-years as a Food Service Administrator I

<u>Accumulated Seniority (Employee A)</u>

3-years of seniority as a Food Service Admin. III
4-years of seniority as an Food Service Admin. II
6-years of seniority as an Food Service Admin. I

Accumulation of Seniority

- Seniority is accumulated by classification and/or classification series
  - *Seniority earned in a class shall be counted toward seniority in a lower class in the same promotional line even though the employee may not have served in the lower class.*

Seniority Example

Employee B:

3-years as Food Service Administrator III

2-years as Food Service Administrator I

<u>Accumulated Seniority (Employee B)</u>

3-years of seniority as a Food Service Admin. III

3-years of seniority as a Food Service Admin. II

5-years of seniority as a Food Service Admin. I

Accumulation of Seniority

- Seniority is accumulated by classification and/or classification series

  - *Seniority is earned within the same promotional line only.*

Seniority Example

Employee C:

1-year as Accountant III
4-years as Accountant II
2-years as Accountant I

3-years as Medical Insurance Specialist III
2-years as Medical Insurance Specialist I

Accumulated Seniority (Employee C)

1-year of seniority Accountant III
5-years of seniority Accountant II
7-years of seniority Accountant I

3-years of seniority as a Medical Insurance Specialist III
3-years of seniority as a Medical Insurance Specialist II
5-years of seniority as a Medical Insurance Specialist I

Accumulation of Seniority

- Seniority does not accumulate:
  - During Suspension
  - During Layoff (exceeding 30 consecutive work days)
  - During Leave of Absence without pay (exceeding 30 days in a calendar year)

Note: An employee does accumulate seniority during a layoff occasioned by a break in the academic calendar or during any layoff not in excess of 30 consecutive work days.

Layoff

- Layoff is a stoppage of work, required by management and due to:
  - a reduction in the amount of work,
  - discontinuance of a particular kind of work,
  - lack of available funds,
  - lack of available space for the execution of work planned,
  - interruptions caused by unfavorable weather and/or an emergency or catastrophic situation.

Layoff

- Typically, specific positions and/or classifications are targeted for elimination or reduction.
- Within a specific classification, the order of layoff is determined first by employment status with temporary, provisional, and probationary employees to be terminated or laid off before status employees.
- Status employees are then laid off based on service and seniority starting with the least senior employee.

Layoff

- Status employees subject to layoff will receive a 30-day notice prior to the layoff action.

  Note :The 30-day notification is only required when the layoff period will exceed 30 consecutive work days.

- Ultimately, the employee who has the least amount of seniority in the classification shall be laid off first.

Layoff and Seniority Rights

- An Employee who is subject to layoff will have the opportunity to exercise their seniority rights and may displace an employee in the classification (classification series) with less seniority.

- An employee cannot choose a specific employee or position when exercising their seniority rights. They must bump the least senior person in the classification.

  Note: The employee subject to lay off may also be assigned to a vacant position in the same classification.

- An employee who is the incumbent in a position which has an authorized specialized certification may not be bumped by another employee with greater seniority unless the employee with greater seniority possesses the designated special qualifications.

Layoff and Seniority Rights

- A part-time status Employee who is subject to layoff may bump an employee in a full time position, provided the part-time employee's equivalent full time accrued seniority is greater than that of the least senior full time employee.

- A full time status employee who is subject to layoff may bump the part-time employee having the highest percent time appointment, provided the full time employee has more accrued seniority.

- A status employee who is ultimately laid off shall have their name placed on the Reemployment Register for that classification.

- Names of employees laid off during their probationary period shall be returned to the register from which they were certified to their position in accordance with service in a status appointment earned as of the date of layoff.

Seniority Rights (Example)

- Alice
  - 3-years Business Manager I
- Bill
  - 1-year Business Manager I
  - 4-years Accountant II
  - 4-years (total) Accountant I
- Chris
  - 5-years Accountant II
  - 7-years (total) Accountant I

Seniority Rights (Example)

- Alice
  - 3-years Business Manager I
- Bill
  - 1-year Business Manager I
  - 4-years Accountant II
  - 4-years (total) Accountant I
- Chris
  - 5-years Accountant II
  - 7-years (total) Accountant I

- <u>Alice's position is eliminated.</u>
- Alice can exercise seniority rights and displace Bill (Bus. Mgr. I)
- Bill does not have enough seniority to displace Chris.

Bill will be placed on the Reemployment Register for the Bus. Mgr I and the Accountant II and I.

Seniority Rights (Example)

- Alice
  - 3-years Business Manager I
- Bill
  - 1-year Business Manager I
  - 4-years Accountant II
  - 4-years (total) Accountant I
- Chris
  - 5-years Accountant II
  - 7-years (total) Accountant I
- Darla
  - 2-years Accountant I

- <u>Alice's position is eliminated.</u>
- Alice can exercise seniority rights and displace Bill (Bus Mgr I)
- Bill does not have enough seniority to displace Chris.
- Bill can exercise seniority rights and displace Darla (Acct. I)

  Bill will be placed on the Reemployment Register for Bus Mgr. I and Acc II
- Darla will be placed on the Reemployment Register for Acct. I

Seniority Rights (Example)

- Pat
  - 5-years Business Manager I
- John
  - 4-years Business Manager I
  - 4-years Accountant II
  - 4-years (total) Accountant I
- Carol
  - 5-years Accountant II
  - 7-years (total) Accountant I
- Mary
  - 3-years Accountant I

- <u>John's position is eliminated.</u>
- John can not bump Pat (Bus Mgr I)

  John can not bump Carol (Acct II)

  John can bump Mary (Acct I)

  John will be placed on the Reemployment Register for the Acct. II and Bus. Mgr. I
- Mary will be placed on the Reemployment Register for the Acc. I

Layoff and Reemployment Register

- Reemployment Registers shall contain the names of Status employees who have been laid off through a reduction in force; the employees will be listed in order of seniority earned in the classification.

- In most circumstances, an employee must be appointed from a Reemployment Register, there is no 'competing' for a vacancy.

- An employee may turn down three employment opportunities before being removed from the Reemployment Register.

- No available employee shall be on the Reemployment Register who has greater seniority than an employee working in the same class or in lower classes in which the employee has accrued seniority, unless the employee has chosen not to exercise bumping rights and has provided a signed statement to that effect.

Layoff and Disability

- At the point where an employee who is on disability leave becomes subject to layoff, the employee shall be placed on layoff.

- When recalled from layoff, the employee may return to duty or disability leave status.

Note: Since the employee on disability leave may accrue seniority in some instances, the disability leave is interrupted to prevent unfair accumulation of seniority to pass other employees on the seniority list.

Layoff and Restoral

- Employees laid off during a probationary period shall be returned to the register from which they were certified to their position in accordance with service in a status appointment earned as of the date of layoff. This action is called a restoral.
- Credit will be given for total service as of date of layoff.
- Note:
  - There is no 'Restoral Register', instead the employee is returned to the register (Original Entry, Promotional) from which the employee was hired.
  - The employee is placed on the register by total service time, not exam score, and therefore will be listed 'above' other applicants.
  - The employee still has to compete for the vacancy and is not guaranteed a position.
  - If appointed to a vacancy, the employee must complete a new probationary period.

Restoral to Promotional Register

- Example:

  Employee A has been a Accountant III for 3 years.

  The employee was certified and hired in a new department as an Accountant IV.

  After 3 months in the Accountant IV position, the employee was laid off.

  Employee A will be allowed to exercise seniority rights to bump the least senior Accountant III and/or least senior Accountant II or I. The employee will be 'restored' to the Promotional Register Accountant IV with 3-months service credit.

Compensation Obligations for Employees Exercising Seniority Bumping Rights

- When a laid off employee exercises their seniority rights and accepts a position in the same classification, their salary shall be unaffected.
- All employees in the same classification must be paid within the authorized pay range for that classification.
- Other compensation programs may be applied as defined by the Employer.

References

- Statute
  - Appointment 36h(2)
  - Seniority 36i
- Rules
  - Military Service Preference 250.40
  - Employment Registers 250.60
  - Layoff 250. 110(c)
  - Seniority 250.120
- Procedures Manual
  - Classification Section 4
  - Employment Section 4.7 and 6.2

- *Elements of this Presentation can be found throughout the Statute, Rules and Procedures.*

Questions ??

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