# 1540.150 CLASSIFIED (non-represented) LAYOFF PROCEDURE

## A. LAYOFF

This procedure applies to all Wenatchee Valley College classified employees who are not subject to a collective bargaining agreement (non-represented). Wenatchee Valley College is committed to provide an implementation procedure to ensure that a layoff is administered without prejudice, that is equitable to our employees, and that disruption to other employees and the business function of the college is minimized.

Layoff is an employer-initiated action taken in accordance with [WAC 357-46-010](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46-010) because, but not limited to, lack of funds, lack of work or organizational change that results in:

### 1. Separation from service with Wenatchee Valley 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.

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.

## B. DEFINITIONS ([WAC 357-46-020](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46&full=true#357-46-020) (6)

The following definitions will apply throughout this procedure:

### 1. Comparability of positions and ([WAC 357-46-040](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46&full=true#357-46-040)):

#### a. A comparable position in the layoff unit for full-time, 12-month positions is 40 hours per week and 12 months per year within a 50-mile radius.

#### b. A comparable position for a part-time or less than 12-month position is an equivalent part-time position which is less than 40 hours per week or less than 12 months a year and within a 50-mile radius. For example, a 50 percent position can claim another 50 percent position; however, the employee may not claim a position that is greater than 50 percent.

#### c. Comparability of positions in the layoff unit also means the same shift and the same geographic location.

### 2. Competency and Position Requirements ([WAC 357-46-045](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46&full=true#357-46-045)):

#### a. The competencies and other position requirements identified in position descriptions.

#### b. Recruitment announcements, class specifications or other sources.

#### c. Bonafide occupational qualifications approved by the human rights commission, license or certification requirements, and

#### d. Additional documented competencies or other requirements not reflected in the position description or recruitment announcements.

### 3. Project Position

A project position is a classified position created to serve a specific purpose and/or complete a defined project that is of a time-limited nature with an expected end date in accordance with [WAC 357-19-305](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-19-305).

## C. SENIORITY ([WAC 357-46-053](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46-053))

### 1. Seniority for non-represented classified employees is defined as the employee’s length of service counted as the number of hours in paid status at WVC. Time spent in an exempt appointment with the college is counted as long as there was not a break in service. All time spent in leave without pay status will be deducted from the calculation of seniority, except when the leave without pay is taken for:

#### a. Military leave;

#### b. Compensable work-related injury or illness leave;

#### c. Governmental service leave;

#### d. Reducing the effects of layoff;

#### e. Time between disability separation and post-reemployment completion of probation;

#### f. Cyclic employment leave; and /or

#### g. Time spent on temporary layoff or when an employer’s work hours are reduced in accordance with Section F, Temporary Layoff.

### 2. Veteran’s preference will be granted by adding seniority in accordance with the [WAC 357-46-060](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46-060).

### 3. Employees who are separated from state service due to layoff and are reemployed within two years of their separation date will not be considered to have a break in service. The time the employee is on the layoff list will be treated as leave without pay.

### 4. Ties in seniority will be broken by measuring the employee’s longest continuous time within their current job classification; if a tie still exists, by measuring the employee’s longest continuous time in the current agency, and if a tie still exists, by lot.

## D. LAYOFF UNITS ([WAC 357-46-020](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46&full=true#357-46-020)) (1)

A layoff unit is defined as the entity or administrative/organizational unit within each institution used for determining the available options for employees who are being laid off. The layoff units for non-represented classified employees are as follows:

### 1. Project employment.

### 2. All other classified employees.

## E. AVOIDING LAYOFF OR MINIMIZING EFFECTS ([WAC 357-46-020](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46&full=true#357-46-020)) (2)

In order to avoid or minimize the impacts of layoff, the college will, before initiating layoff, 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:

### 1. Voluntary employee transfers or voluntary demotions.

### 2. Voluntarily reduced work schedules.

### 3. Voluntary leave without pay.

### 4. Hiring controls.

## F. TEMPORARY LAYOFF

The college may temporarily layoff an employee by reducing the number of hours an employee is scheduled to work or by furloughing the employee, per the provisions of [WAC 357-46](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46&full=true#357-46-063).

## G. LAYOFF NOTICE AND CONTENTS OF WRITTEN NOTICE ([WAC 357-46-020](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46&full=true#357-46-020) (3), [WAC 357-46-025](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46&full=true#357-46-025), [WAC 357-46-030](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46&full=true#357-46-030))

When a position is subject to layoff, the college president or designee shall give permanent employees at least 30 calendar days’ written notice, unless the college and employee agree to waive the 30-day notice period. The layoff notice will state the basis of the layoff and include the layoff options, if any, available to the employee. The layoff notice will also provide any opportunities to avoid or minimize the layoff, as noted in the preceding paragraphs, to be pursued. Notice will be provided by certified mail or personal delivery.

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 357-46-110](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46&full=true#357-46-110). The layoff notice also will advise the employee of any entitlement to request placement on internal and statewide layoff lists. Further, the layoff notice will advise the employee of the date by when the employee must select a layoff option, and it will advise the employee of any appeal rights.

The employee will be provided seven calendar days to accept or decline, in writing, any option provided to them. This time period will run concurrent with the 30 calendar days’ notice of layoff provided by the college to the employee. The written response should be directed to the human resources director or designee. If the employee fails to respond to the human resources director or designee within the prescribed time limits, such failure shall automatically be regarded as a rejection of the option offered in lieu of layoff. Probationary employees must be given at least one-day notice of layoff.

Days are calendar days, and will be counted by excluding the first day and including the last day of timelines. When the last day falls on a Saturday, Sunday or holiday, the last day will be the next day, which is not a Saturday, Sunday, or holiday.

## H. SEQUENCE OF OPTIONS FOR NON-REPRESENTED CLASSIFIED EMPLOYEES ([WAC 357-46-035](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46&full=true#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 occupies at the time of the layoff (current class).

#### b. If no option to a position in the current class is available, the employee’s option is to a position in a class in which the employee has held permanent status that is at the same salary range as the current class.

#### c. If the employee has no option to take a position at the same salary range as the current class, the employee must be given an opportunity to take a position in a class which is a lower salary range than the current class and which is a position in a class in which the employee has held permanent status. If no option is available to a position in a class in which the employee has held permanent status the employee must be given an option to a lower class in the same class series (the employee does not have to have held permanent status in the lower class).

#### d. The position is comparable to the employee’s current position as defined by the college’s layoff procedure.

#### e. The employee satisfies the competencies and other position requirements.

#### f. The position is funded and vacant, or if no vacant funded position is available, the position is occupied by the employee with the lowest seniority. If the employee does not hold permanent status in the current class the college can only offer a vacant funded position in the current class.

#### g. Options must be considered in descending salary order.

### 2. If a permanent employee has no option available under subsection (1) of this section, employer must determine if there is an available position in the layoff unit to offer the employee in lieu of separation that meets all of the following criteria:

#### a. The position is at the same or lower salary range maximum as the position from which the employee is being laid off;

#### b. The position is vacant or held by a probationary employee or an employee in a nonpermanent appointment;

#### c. The position is comparable or less than comparable; and

#### d. The position is one for which the employee meets the competencies and other position requirements.

If more than one qualifying position is available, the position with the highest salary range maximum is the one that must be offered.

## I. SALARY

Employees appointed to a position as a result of a layoff action will have their salary determined as follows:

### 1. Current Salary Level

#### a. An employee who accepts another position within his or her current salary range will retain his or her current salary.

### 2. Lower Salary Level

#### a. An employee who accepts a position with a lower salary range will be paid an amount equal to his or her current salary, provided it is within the salary range of the new position. In those cases where the employee’s current salary exceeds the maximum amount of the salary range for the new position, the employee will be compensated at the maximum salary of the new salary range.

### 3. Appointment from a Layoff List

#### a. Employees who are appointed from a layoff list to a position with the same salary range from which they were laid off will be paid the amount for which they were compensated when laid off plus any across the board adjustments, including any salary survey adjustments that occurred during the time they were laid off.

#### b. Employees who are appointed from a layoff list to a position with a lower salary range than the position from which they were laid off will be paid an amount equal to the salary they were receiving at the time they were laid off provided it is within the salary range of the new position. In those cases where the employee’s prior salary exceeds the maximum amount of the salary range for the new position, the employee will be compensated at the maximum salary of the new salary range.

## J. TRANSITION REVIEW PERIOD

### 1. The college will require an employee to complete a six-month transition review period when the employee accepts a layoff option to a job classification in which he or she has not held permanent status or has been appointed into a new position from a layoff list. The college may extend the transition review period for an individual employee as long as the extension does not cause the total period to exceed 12 months.

### 2. The college will have the authority to shorten an employee’s transition review period. Employees will receive a permanent appointment to the position upon successful completion of the transition review period.

### 3. The college may separate an employee or an employee may voluntarily separate at any time during the transition review period. Upon separation, and at the employee’s request, the employee’s name will be placed on or returned to the appropriate layoff list. The employee will remain on the list until such time as his or her eligibility expires or he or she has been rehired.

### 4. An employee may voluntarily separate a maximum of two times as a result of a single layoff action.

## K. RECALL

### 1. The college will maintain a layoff list for each job classification. Permanent employees who are laid off may have their name placed on the register for the job classification from which they were laid off or bumped. Additionally, employees may request to have their name placed on the layoff list(s) for other job classifications in which they have held permanent status at the same or lower salary ranges, regardless of a break in service with the college. However, employees will not have their names placed on a layoff list if they were demoted for cause from the classifications. An employee’s name will remain on layoff lists for two years from the effective date of his or her layoff.

### 2. When a vacancy occurs within the college and where there are names on a layoff list for that classification, the college will fill the position with the most senior employee who has the required skills and abilities of the position to be filled.

## L. PROJECT EMPLOYMENT

### 1. Permanent project employees have layoff rights. Formal options will be determined using the procedure outlined in Sections F and G, above.

### 2. Permanent classified employees who left regular classified positions to accept project employment without a break in service have layoff rights within the institution in which they held permanent classified status. The employee’s return rights will be to the job classification they last held permanent status in prior to accepting project employment.

## M. BENEFITS AND RETIREMENT

Each employee should contact the human resources office to determine the effects of layoff on state employee's insurance and retirement benefits.

## N. UNEMPLOYMENT COMPENSATION

An employee separated from WVC through a layoff may qualify for unemployment compensation. Contact WorkSource/employment security for more information:

<https://esd.wa.gov/>

O. APPEALS

All permanent employees have the right to appeal a layoff in accordance with [WAC 357-52](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-52).

In accordance with [WAC 357-52-225](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-52-225), employees must submit appeals in writing within 30 calendar days after the effective date of the action appealed to:

Personnel Resources Board

521 Capitol Way South

P.O. Box 47500

Olympia, WA 98504-7500

## P. LAYOFF LISTS

A laid-off employee is placed on internal college layoff lists in accordance with [WAC 357-46-070](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46-070).

All laid off employees may be placed on the statewide layoff list in accordance with [WAC 357-46-080](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46-080).

Trial service employees who do not satisfactorily complete the trial service period have reversion rights in accordance with [WAC 357-19-117](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-19-117). Such employees are eligible to be on the internal layoff lists in accordance with [WAC 357-46-070](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46-070).

An employee who unsuccessfully completes a transition review period may be reinstated on any eligible layoff lists in accordance with [WAC 357-46-125](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46-125).

When a permanent employee leaves a permanent position to accept a project appointment, the permanent employee is placed on the internal layoff list, in accordance with [WAC 357-19-340](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-19-340).

## Q. REMOVAL OF NAMES FROM LAYOFF LISTS

The college may remove an individual’s name from internal and statewide layoff lists for a variety of causes per [WAC 357-46-135](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46-135). In addition, an employee will have his or her name removed from all layoff lists upon retirement, resignation or discharge from the college. Per [WAC 357-46-140](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46-140), the individual whose name has been removed in accordance with [WAC 357-46-135](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46-135) (2) (b), (c) and (d) will be notified in writing of the removal and given the reason for removal. The notification will include the applicant’s right to request a review of the removal. Written notice may be provided using alternative methods such as e-mail, campus mail, the state mail service or commercial parcel delivery in accordance with [WAC 357-04-105](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-04-105).

## R. REQUEST FOR REVIEW PROCEDURE ([WAC 357-46-147](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46-147))

An individual may request a review of the removal of their name from an internal or statewide layoff list in accordance with [WAC 357-46-145](https://apps.leg.wa.gov/WAC/default.aspx?cite=357-46-145). When a request for review is received, the review will be assigned to a human resource representative who was not involved in the action under review.

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Last reviewed: 9/19/19

Procedure contact: Human Resources

Related policies and procedures

 None identified at this time