

# Layoff Information For HR Representatives

State of Nevada  
Division of Human Resource Management

# Layoffs

- Shortage of work or money
- Elimination of a position
- Material changes in duties or the organization (transfer of a program to another division, privatization or elimination of an agency or program)
- Employee being restored (promoted employee or military employee returning from service - Uniformed Services Employment and Reemployment Rights Act (USERRA))

# Department Director or Administrator Considers:

- Geographic location
  - **South:** Clark, Lincoln, Nye and Esmeralda Counties
  - **North:** Carson City, Lyon , Churchill, Storey, Douglas, Mineral and Washoe Counties; Pershing, Humboldt, Elko, Lander, Eureka and White Pine Counties
- Class series
- Class and applicable option
- Full or part time positions

# The Exception

Due to the large numbers of classified employees, the divisions in the Department of Health and Human Services & Nevada System of Higher Education are considered Departments for the purpose of layoff and displacement only

# Layoff order

Within the:

- Geographical location
- Class series – The normal line of progression from training or preparatory levels to supervisory or administrative levels within a job specialty
- Class and option

Non-permanent employees must be laid off

before permanent employees in the following order

- Emergency
- Temporary
- Provisional
- Probationary

Keep in mind, non-permanent employees do not need to be given the 30-day notice, but most agencies will give the 30-day notice if at all possible

If additional reductions are necessary, permanent employees must be laid off on the basis of seniority

# Permanent Employee Subject To Layoff

- May transfer within his/her department, class and option into the position of the employee in his department, class and option with the least seniority
- May be given the opportunity to voluntarily demote to another position within the department and geographical location where employed to one of the next lower level classes in his/her current class series
- If there is no one with less seniority in the current class series, an employee may move back into his/her most recent former class
- The pay of the employee taking a voluntary demotion cannot exceed the highest step to the class for which the employee is being demoted

# Displacements

- Layoffs and displacement are on a department-wide basis
- An employee cannot displace an employee in another Department
- Divisions, budget accounts, funding sources are not of concern
- Employee must meet MQs for the class and option
- Always a downward movement
- An employee in a higher class may not displace an employee in a lower class who has more seniority
- Full time and Part time must be treated separately

# The Layoff Notice

- Minimum of 30 days written notice
- Must have known displacement options attached
- Seasonal employees must receive at least 1 week notice
- An intermittent employee who has attained permanent status must receive at least 1 week notice
- Be sure employee reads, understands and agrees with seniority calculations before signing notice



# The Employee

Employee must advise agency within 3 working days of displacement choice

# Seniority Is...

- Permanent employees must be laid off on the basis of seniority
- Seniority is calculated for permanent employees only
- Seniority is calculated up to the established date of layoff, not the date of the layoff notice
- All continuous time counts
- Classified service before and after unclassified service counts if no break in service
- Time spent during regular or special session of the Legislature is considered same as classified service if no break in service

# Not Considered Breaks in Service

The Time During These Occurrences Is Deducted From Total Time

- Military leave for active service according to USERRA (Uniformed Services Employment and Reemployment Rights Act)
- Separation due to layoff if reemployed within a year
- Workers' compensation leave is not considered a break in service, even if it goes to LWOP
- Termination to withdraw retirement between August 26, 1983 and April 19, 1988
- Termination of seasonal employment if rehired within one year

# Calculating Seniority

- Seniority is total continuous classified time
- Seniority is counted on a year to year basis
- Part time is pro-rated to its full time equivalency
- There are no deductions for leave without pay during a fiscal emergency
- There are no deductions for leave for a work-related accident

# Calculating Seniority (Cont.)

**DHRM computes a “score” for layoff using the information on the layoff form. The score is computed by multiplying number of years by 12 and adding the numbers of months**

Example: Employee with 8 years, 7 months and 23 days

	8 X 12 = 96 months
(Add the odd months)	<u>+7 months</u>
	103. Months
(Add days)	<u>+ .23 Days</u>
Final score	103.23

Note: The 23 days is placed to the right of the decimal for a final score of 103.23

# Deductions

- Deductions made for leave without pay and or catastrophic leave of more than 240 hours (or 30 working days) combined is deducted
- Leave Without Pay within last 36 months and over 240 hours in a year is deducted
- A less than standard evaluation
  - Given more than 75 calendar days prior to Layoff notice
  - Time is from date of evaluation until a standard or better is given
  - If the required evaluation is not made within 90 days, time covered by less than standard evaluation is deemed to be 90 days

# If Seniority Is Equal

Ties are broken by:

1. Time in occupational group
2. Time in the Department of layoff
3. Lot

# Reemployment 1 Lists

Division of Human Resource Management, upon notification by the employing agency, will place the name of the laid off permanent employee on the reemployment list for the class and option involved in the layoff in the order of seniority



# Reemployment 2 Lists

- Employee completes a Reemployment Job Development Form indicating which other classes he/she feels qualified for and location willing to work
- Classes must be at or below the grade level at the time of layoff
- Must complete a State application
- Can add to request list for 30 days of layoff date
- DHRM evaluates qualifications for each requested class.
- Employees are placed by seniority on lists for which they meet the minimum qualifications
- Fiscal related positions require as part of meeting MQs that applicant take and pass a written exam
- No salary lost if current salary falls within new grade level

# Agency Request Lists

- Before an agency submits a recruitment request they need to contact DHRM to see if there are any layoffs for that class
- DHRM will check for the existence of a reemployment list for the class
- If reemployment list exist – DHRM will provide it to the hiring agency
- Eligible persons will appear in rank order of seniority
- Reemployment lists have priority over other types of eligible lists
- Must be hired in the order in which appear on list
- Once the agency has hired they need to contact the DHRM so that person can be removed

# Employee

- Accept or refuse a position within 6 calendar days after postmark
- 3 days after electronic mail sent
- 3 days after a voicemail
- 24 hours after hand-delivered inquiry or oral inquiry with the reemployment

# Exhaustion of Rights

- Employee's name remains on list for 1 year after the layoff date.
  - Employee's name will be removed when he/she accepts or declines an offer for layoff class and option
- or
- A comparable class with the same grade in the department and geographical location of the layoff
  - and
  - Employee's name is taken off all lists at or below grade of reemployment position accepted

# Probationary Period

- A permanent employee who has been laid off and is being reemployed in the department, class, and option from which laid off must have permanent status restored.
- A permanent employee who is reemployed in a different class or in a different department must serve a new probationary period.
- If the employee does not complete the probationary period, the employee's name must be restored to the appropriate reemployment list for any remaining part of the year following the layoff date.

# Reinstatement

- If an employee is laid off and is entitled to be on a reemployment list, an appointing authority may reinstate the employee within 2 years following termination from State employment.
- The grade of the class to which a person is reinstated may not exceed the current grade of the class formerly held or a comparable class if that class has been reallocated.
- A person may not be reinstated to underfill a position allocated at grade 30 or higher if that position is allocated at a higher grade than the position the person formerly held.

# Benefits

- Annual Leave – will be paid. May be bought back at rehire rate upon reemployment
- Compensatory Time – any accrued compensatory time must be paid
- Accrued Sick Leave – If employed with 10 or more years will be paid for unused sick leave per NRS 284.355 – if reemployed within one year from layoff date, unused sick leave remaining at time of layoff is reinstated

# More on Benefits

- Retirement
- Life and Health Insurance – Coverage expires end of last month worked. Upon termination PEBP will send information regarding a conversion policy (COBRA)
- Pre-paid Child/Health Care
- Deferred Compensation – Consult with administrator of your plan
- US Savings Bond – Any amount less than a full bond will be refunded by your payroll center
- Unemployment Insurance



# Keep Our Phone numbers Handy

## North

Gina Mick	(775) 684-0107
Rosana Woomer	(775) 684-0132
Kara Sullivan	(775) 684-0133

## South

Adrian Foster	(702) 486-2911
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Thank You For Coming

