

# Layoff Information for State employees



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State of Nevada  
Division of Human Resource  
Management



# Layoffs

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- 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:

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



# The Exception

Due to the large number 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:

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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



# Layoff Order:

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Non-permanent employees must be laid off 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



# Layoff Options for Permanent Employee

- 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 (this is on a statewide basis)
- 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



# Salary

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There will be no salary lost if current salary falls within the range of the lower grade if lower level position is accepted.

If not, salary will be placed at the highest step in the lower grade.





# Displacements/Bumping

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- Layoffs and displacement are departmental
- An employee cannot displace an employee in another Department
- Divisions, budget accounts, funding sources are not of concern
- An employee in a higher class may not displace an employee in a lower class who has more seniority



# Displacements/Bumping (Cont.)

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- Employee must meet MQ's 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

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- Permanent employees must be given minimum of 30 days written notice
- The written notice must include any known displacement options
- Seasonal employees must receive at least 1 week notice
- An intermittent employee who has attained permanent status must receive at least 1 week notice



# The Employee

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- The employee must advise the agency within three working days of their displacement choice



# Seniority

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- Employee must read, understand and agree with seniority calculations before signing notice
- 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



# Seniority (Cont.)

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- There are no deductions for leave without pay during a fiscal emergency
- There are no deductions for leave regarding a work-related accident



# Deductions

Deductions made for leave without pay and or catastrophic leave of more than 240 hours (or 30 working days) combined is deducted

- For a nonexempt employee - Leave Without Pay within last 36 months and over 240 hours in the period preceding the date of the notification of layoff equal to 12 months of full-time equivalency service 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

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Ties are broken by:

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





# Calculating Seniority

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



# Division of Human Resource Management

## Reemployment 1 Lists

When written layoff notice is given to employee, the Division of Human Resource Management (DHRM) is notified by the employing agency, the name of the laid off permanent employee is placed on the reemployment list for the class and option involved in the layoff in the order of seniority



# Reemployment 2 Lists

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- 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



# Reemployment 2 Lists (Cont.)

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- DHRM evaluates qualifications for each requested class.
- Employees are placed by seniority on lists for which they meet the minimum qualifications
- Employee's name will remain on list for 1 year after the layoff date



# Vacancy Occurs

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- 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 exists – DHRM will provide it to the hiring agency



# Vacancy Occurs (Cont.)

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- Eligible persons will appear in ranked order of seniority
- Reemployment lists have priority over other types of eligible lists
- A layoff must be hired in the order in which appear on list
- DHRM should be notified when someone is hired off of layoff list so the person can be removed.



# Employee

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- 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 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



# Options After Layoff Eligibility Expires

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- An appointing authority may reinstate a former permanent employee following his/her termination from state employment if the employee was separated without prejudice.
- 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

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- Annual Leave – will be paid. May be bought back at rehire rate upon re-employment
- 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 re-employed within one year from layoff date, unused sick leave remaining at time of layoff is reinstated



# More on Benefits

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- Retirement
  - Life and Health Insurance – coverage expires end of last month worked. Upon termination PEBPs 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



# Questions

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Please contact your HR Representative  
for any questions pertaining to layoff rights



# Keep our phone numbers handy

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## **North**

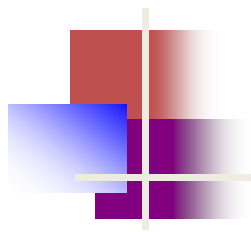
Kara Sullivan (775) 684-0133

Rosana Woomer (775) 684-0132

Gina Mick (775) 684-0107

## **South**

Adrian Foster (702) 486-2911



Thank You!