

RUTGERS POLICY

Section: 60.9.29

Section Title: Legacy UMDNJ policies associated with Human Resources

Policy Name: Layoff Staff

Formerly Book: 30-01-20-30:15

Approval Authority: Senior Vice President for Administration

Responsible Executive: Senior Vice President for Administration

Responsible Office: University Human Resources

Originally Issued: 2/1/1989

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Errors or changes? Contact: policies@hr.rutgers.edu

- Policy Statement**
The policy covers Rutgers University employees who are employed within legacy UMDNJ positions.
- Reason for the Policy**
To establish policy and procedures concerning the layoff, bumping and recall rights of staff members (non-faculty) in legacy UMDNJ positions.
- Who Should Read This Policy**
All Rutgers employees who are employed in legacy UMDNJ positions.
- Related Documents**
N/A
- Contacts**
University Human Resources: 848-932-3020
- The Policy**

60.9.29 LAYOFF STAFF

DEFINITIONS – See Exhibit A

REFERENCES

Job Bidding and Promotion Policy 60.9.15

Promotions/Reclassifications/Demotions/
Salary Adjustments Guidelines Policy 60.9.57

Vacation Policy 60.9.43

POLICY

A. Requirements:

1. **Scope**

- a. Layoff and recall rights for staff members covered by a collective negotiations agreement will be determined according to seniority based on length of service at the University and based on current hire date into a regular position. Staff members must meet all requirements for a position before they will be allowed to fill or bump into it.
 - o For confidential staff and those staff not otherwise covered by a collective negotiations agreement, seniority should be taken into consideration, but is not compulsory. Management may consider such employees' performance.
- b. Staff members employed on an H-Visa and subsequently laid off are considered out of status in accordance with 76 Interpreter Releases, 386-387 (March 8, 1999) and 78 Interpreter Releases 616 (April 2, 2001) and shall receive notice or pay in lieu of notice depending upon the job title such employees occupy.
- c. Staff members in regular status shall not be laid off within their respective departments before temporary or probationary (new hire) staff members in the same job title.
- d. The following categories of employees do not have bumping or recall rights:
 - i. Staff members serving in titles not covered by a recognized collective negotiations agreement.
 - ii. Confidential staff members.
 - iii. Regular staff members, whether full or part-time, who have not been employed a minimum of one (1) year
 - iv. All temporary staff members, whether full-time or part-time.
 - v. Regular, part-time staff members hired to work less than twenty (20) hours per week shall have no bumping or recall rights, but if employed for a minimum of one (1) year shall receive notice pursuant to their job title and collective negotiations agreement.
 - vi. Per diem staff members.
 - vii. Staff members employed on a J-Visa (exchange visitor).
- e. Staff members to be laid off or bumped shall receive a minimum of twenty-eight (28) calendar days' notice of such action, or pursuant to such employee's collective negotiations agreement; for employees on an H-Visa see I (b) above.
 - o For employees on approved vacation or float holiday during a twenty-eight (28) day layoff notice period, such approved vacation or float days shall be charged as such.
 - o For employees requesting vacation or float days subsequent to

- receiving a layoff notice, pursuant to policy, use of such time requires the supervisor's approval.
- For employees electing to take unapproved vacation or float days within a twenty-eight (28) day layoff notice period, such unapproved time shall be unpaid.
 - The twenty-eight (28) days' notice shall not be extended unless prior approval is obtained from University Human Resources.
- f. Part-time (20 hours or more) staff members may only bump other part-time staff.
- g. Full-time staff may bump part-time staff if they so choose. Time off benefits for full-time staff bumping into a part-time position will be prorated for future accruals in accordance with Human Resources policies.
- h. Regular staff may bump temporary staff.
- i. A staff member bumping into a temporary position will not accrue time off benefits.
- j. Any staff member serving in an "acting" capacity shall be considered for seniority and bumping purposes to be serving in his/her previously held title.
- k. Any staff member on an approved leave of absence shall be included in any determination regarding bumping and/or layoffs. If it is determined that the staff member has bumping rights into a position, the staff member will continue on leave of absence and may be placed in a vacancy or exercise his/her bumping rights upon return from leave in accordance with the layoff procedure in this policy.
- l. For the purpose of determining seniority for staff members hired on the same day and in the same title, seniority will be determined by position number order; the higher number being more senior. (Except for FOP Lodge 74 and FOP Lodge 155 where birthday (month and date) is utilized.
- m. A staff member who chooses to fill a vacancy or to bump another staff member and is subsequently informed by University Human Resources that the salary of the subject position is more than ten percent (10%) below his or her current salary, shall be allowed 48 hours to reconsider the decision to take the bump. Staff who decline to fill such positions shall be placed on the recall list. (This provision does not apply to HPAE Local 5089; EMS Supervisors; Librarians; FOP Lodge 74 and FOP Lodge 155)
- n. The wages of a staff member who bumps laterally or to a lower level will be determined in accordance with the legacy UMDNJ Human Resources' Compensation Salary Guidelines. For staff with salaries higher than the position for which they are filling a vacancy or bumping, the department receiving the staff member is encouraged to maintain the staff member's salary but shall be required to pay at least the salary of the staff member who held the position immediately prior to the vacancy or bump, or the contractually mandated rate for the position. (Does not apply to HPAE Local 5089; EMS Supervisors; Librarians; FOP lodge 74 and FOP Lodge 155)
- o. Staff members covered by HPAE Local 5094 and CWA Local 1031 holding research positions may only exercise a bump into positions in his/her own department for which he/she is qualified and only if the project would not be seriously disrupted by the change in personnel as determined by the Vice President for Research. If a staff member in a research position cannot bump

into a position in his/her department, he/she can bump into the immediate prior title (non-research) on the campus or be placed in the immediate prior title (research) provided there is a vacant position and the staff member is qualified for such position.

- p. A staff member who is placed in a vacancy or bumps into a position cannot bid on vacant positions for a period of six (6) months according to Human Resources policy, Job Bidding and Promotion (Policy 60.9.15). He/she must also successfully complete probation, if applicable. HPAE Local 5094 staff that elect to fill a vacancy on another campus shall not be eligible to bid on another position for a period of one (1) year from the date of the placement.

For HPAE 5094: Regular staff members who are placed in a vacancy for a temporary position may bid on any vacant positions. When the temporary position has ended, such staff member shall be placed on the recall list for a year (12 months) as of the date the temporary assignment terminates.

2. Layoff and Bumping Rights

Layoff Procedure for all union represented staff except EMS Supervisors and AAUP Librarians:

Vacancy

- a. A staff member identified for layoff will be offered the opportunity to fill a vacancy in his/her current title within the Operating Unit on the campus. If the staff member chooses not to accept the vacancy offered, he/she may opt to be placed on the recall list.
- b. If a vacancy pursuant to "a" is not available, the staff member will be offered a vacancy in his/her current title campus-wide. If the staff member chooses not to accept the vacancy offered, the staff member may opt to be placed on the recall list.
- c. If a vacancy pursuant to "a" or "b" is not available, the staff member will be offered the opportunity to fill a vacancy in the staff member's current title first or immediate prior title University-wide. If the staff member opts not to fill a vacancy offered under "c," the staff member may opt to be placed on the recall list or proceed to "d."

Bumping

- d. If the staff member is not placed in a vacancy pursuant to "a," "b," or "c," the staff member may bump the least senior staff member in his/her current title within the Operating Unit on the campus. If the staff member opts not to exercise his/her bumping rights under this section, the staff member may opt to be placed on the recall list. If the staff member is not able to bump under this section, the staff member may exercise rights under "e."
- e. If the opportunity to bump is not available pursuant to "d," the staff member may bump the least senior staff member in his/her current title campus-wide. If a staff member opts not to exercise his/her bumping rights under this section, the staff member may opt to be placed on the recall list. If the staff member is unable to bump under this section, he/she may exercise rights under "f."
- f. If the staff member is not offered the opportunity to bump pursuant to "e," the staff member may bump the least senior staff member in his/her immediate prior title campus-wide. If the staff member opts not to exercise his/her bumping

rights under this section, the staff member may opt to be placed on the recall list.

- g. The following applies to Teamsters Local 97 and Operating Engineers Local 68, and expires on the last day of the current Collective Negotiation Agreement:

If the staff member is not offered a vacancy pursuant to Paragraph 2, "a," "b," or "c," or the opportunity to bump pursuant to Paragraph 2, "d," "e," or "f," the staff member may opt to fill a vacancy in a lower classification in the specified Job Series in which his/her current job title exists. (See Exhibit C). If there is no vacancy, the staff member may bump down in a lower classification in the specified job series in which his/her current job title exists.

Layoff Procedure for HPAE Local 5089(Nursing); EMS Supervisors Local 100; Librarians; Fraternal Order of Police Lodge 74 (Police); and Lodge 155 (Sergeants)

HPAE Local 5089 (Nursing) Positions:

- i. filling a vacancy on the campus.
- ii. bumping within his/her job classification on campus
- iii. bumping into a previously held title on campus.

EMS Supervisors:

- i. within the title (all geographic locations).
- ii. in the immediate prior title held by the affected staff member.

AAUP Librarians:

- i. within the current title (all geographic locations).
- ii. in the immediate prior title held by the affected staff member.

FOP Lodge 74 and FOP Lodge 155:

For layoff purposes, an officer's seniority shall be the date of hire with the University. If dates are the same, then the officer's seniority shall be determined by the officer's birth month and day.

- i. Bumping within the title (all geographic locations).

PLEASE NOTE: Staff members may bid on any open positions for which they qualify provided those positions are not being reserved for staff members affected by a layoff.

3. Probation

PROBATION REQUIREMENTS

PROBATION REQUIREMENTS IN LAYOFF SITUATIONS - VACANCIES			
UNION	Vacancy in same title & operating unit & campus	Vacancy in same title & campus	Vacancy in same title or immediate prior title university-wide
Teamsters	None	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension
HPAE Professionals	None	None	None
CWA Supervisors	None	None	None
Operating Engineers	None	None	None

PROBATION REQUIREMENTS IN LAYOFF SITUATIONS - BUMPING				
UNION	Bump into same title & operating unit & campus	Bump into same title campus-wide	Bump immediate prior title campus-wide	Vacancy or bump in Job Series
Teamsters	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension
HPAE Professionals	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension	Not applicable
CWA Supervisors	None	None	Yes	Not applicable
Operating Engineers	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension	None if 10 yrs of svc Less than 10 yrs svc – 90 days with possible 90 day extension

PROBATION REQUIREMENTS FOR SITUATIONS OTHER THAN LAYOFF				
UNION	New Hires	Involuntary Transfers	Reclassifications	Voluntary Transfers & Promotions
Teamsters	180 days with possible 30 day extension	None	None	90 days with possible 90 day extension
HPAE Professionals	180 days with possible 30 day extension	None	None	90 days with possible 90 day extension
CWA Supervisors	180 days with possible 30 day extension	None	None	90 days with possible 90 day extension
Operating Engineers	180 days with possible 30 day extension	None	None	90 days with possible 90 day extension

4. **Recall Rights (Bargaining Unit Employees only)**

- a. Laid off staff, in the order of the effective date of layoff, have first recall rights beginning with the title and job requirements from which they are laid off, to positions with comparable or lower requirements within the same title series. **(Note: Effective July 1, 2007, for HPAE Local 5094 only, the staff member on the recall list with seniority shall have first recall rights beginning with the title and job requirements from which they are laid off, to positions with comparable or lower requirements.)**
- b. All laid off members who are eligible for recall rights shall retain their rights of recall for one (1) year from the date of layoff. Should a laid off staff member refuse a position when recalled, he/she shall be removed from the recall list. Exception: a staff member shall be able to refuse a position if the salary of the new position would result in a 10% or more decrease in salary from the former position. He/she would then continue to remain on the recall list. If more than one (1) staff member in the same title is laid off effective the same date, University-wide seniority will be utilized to determine recall rights.

HPAE 5094: Should an employee be recalled to a position on a campus other than the one from which they were laid off, the employee has the option of refusing the position and continuing on the recall list (not to exceed one year from the layoff). If the employee accepts the position, s/he shall not have bidding rights for a period of one (1) year.

- c. Upon recall, a staff member shall retain his/her original date of hire.
- d. Once placed into another position as a result of bumping, or being recalled, the staff member shall have no rights to either the title, or position from which he/she was originally displaced.

5. **Benefits Upon "Recall" or Returning to Work (Bargaining Unit Employees Only)**

- a. All Health, Pension, and Life Insurance benefits will be reactivated pursuant to the State and University's re-enrollment procedures.
- b. Unused accrued sick time will be re-credited if the laid off staff member returns to work within one (1) year of the effective layoff date.
- c. If recalled within the same calendar year, any accrued float holiday balances that remained at the time of layoff will be re-credited.
- d. All accrued vacation is paid in full at the time of layoff.
- e. Upon recall, vacation and sick time will start to re-accrue in accordance with the following Human Resources policies: Vacation #60.9.43 and Sick Pay #60.9.38.

6. **Non-Union Employee Return to Work**

In the event a **non-union employee** is laid off and subsequently returns to work (University payroll) within a year of the layoff, such employee shall have his/her float holidays and sick time accruals reinstated. Future time accrual benefits (sick and vacation hours) shall be based on the employee's hire date in the system immediately prior to layoff.

B. RESPONSIBILITIES:

1. **Department Heads are responsible for:**

- a. notifying the Human Resources Generalist of the intent to layoff and to obtain approval of the impending layoffs;
- b. serving the layoff/bumping notices to the staff member(s) in accordance with Human Resources guidelines, and supplying copies of such notices to the assigned Human Resources Generalist;
- c. collaborating with the Human Resources Generalist to facilitate the expeditious implementation of bumping rights.

2. **The Human Resources Generalist is responsible for:**

- a. determining the name(s) of the least senior staff members within the affected department(s) and ensuring all provisions of collective negotiation agreements have been adhered to as relates to layoffs;
- b. obtaining approval from the Offices Employment Equity, Ethics, Compliance & Corporate Integrity and Legal Management, of employees identified for layoff.
- c. submitting to the Vice President for Research for review, all research positions which may be subject to serious disruption by a bump from within the same department. The Vice President for Research will make the final determination of whether serious disruption would occur if such bump is allowed.
- d. submitting the layoff plans to the Vice President for Faculty & Staff Resources or his/her designee for approval;
- e. providing layoff letters and bumping notices to the department issuing the layoff notices; and sending a copy of each letter to the Director of Labor Relations for notification to the appropriate Union.
- f. notifying appropriate internal and external constituencies.

3. **The Director of Labor Relations or designee sends copies of all layoff notices to the appropriate Union.**

4. **The Vice President for Faculty & Staff Resources or his or her designee is responsible for approving final layoff plans.**

C. PROCEDURES

A. LAYOFFS

Performed By:	Action Taken:
Department Head	<p>1. Notifies University Human Resources in writing and at least four (4) weeks in advance of the projected layoff date to obtain approval; also, provides a copy of the departmental organizational chart. The request must identify:</p> <p>a. The reason for layoff, i.e., depletion of funds, economy or efficiency, reorganization, etc.</p> <p>b. The position by job title, department and facility.</p>
University Human Resources	<p>2. Determines the name(s) of the least senior staff member(s) within the affected department and advises the Department Head.</p> <p>3. If the position is a research position, notifies the Vice President for Research and asks for a decision regarding a request to exempt such research position from bumping.</p> <p>4. Submits list to the Offices of Employment Equity, Ethics and Compliance, and Legal Management</p> <p>NOTE: In cases where it is necessary for multiple bumps to occur, notifies the affected Department Heads and staff members.</p>
Office of Labor Relations	5. Reviews layoff list and informs University Human Resources of its approval.
Office of Ethics and Compliance	6. Reviews layoff list and informs University Human Resources of its approval.
General Counsel	7. Reviews layoff list and informs Human Resources Generalist and the Vice President for Faculty & Staff Resources of its approval.
Vice President for Research	8. For research positions, determines whether a potential intra-departmental bump would seriously disrupt ongoing research, and whether individuals are qualified to either bump on an intra-departmental basis or into a previously held vacant research position.
Department Head	9. Provides University Human Resources with final confirmation to proceed with the layoff plans.
Office of Labor Relations	10. Final review
Vice President for Faculty & Staff Resources	11. Authorizes final layoff plans.
University Human Resources	12. Prepares layoff letter(s) and bumping notices for the Department Head (or designee).
Department Head or Designee	13. Signs the letter(s) and serves the layoff/bumping notice(s) to staff member(s). Sends copy(ies) of the signed letter(s) to University Human Resources Generalist.
University Human Resources	14. Sends copy(ies) of signed layoff letter(s) to the Director of Labor Relations
University Human Resources	15. Provides a copy of the layoff letters to the appropriate unions.

Staff Member	<p>16. Upon receiving a written notice of bumping and recall rights, responds in writing to University Human Resources (within three (3) working days of receipt of the written notice), providing the decision to accept the layoff or to exercise bumping rights. A staff member who chooses to bump another staff member and is subsequently informed by University Human Resources that the salary of the subject position is more than ten percent (10%) below his or her current salary, shall be allowed 48 hours to reconsider the decision to take the bump.</p> <p>NOTE: Failure to respond will result in forfeiture of any bumping and recall rights.</p>
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D. Exhibits

Exhibit A - Definitions

Exhibit B – University Units

Exhibit C – Job Series

Exhibit A

DEFINITIONS

Layoff - Elimination of specific positions within a department.

Seniority - Length of service with the University based on current date of hire into a regular position at the University.

Placement - Process in which a staff member is placed in a vacant position.

Bumping - Process where a staff member with more seniority displaces the current holder of a position who has less seniority.

Recall - Staff member who has been laid off with rights under this program may be subsequently notified that a position for which he/she is qualified is now available in the University for re-employment. Recall program is effective for one (1) year from the date of layoff.

Return to Work – When a staff member who has been laid off “returns to work” as a result of such staff member’s own initiative in applying for another position results in placement.

Confidential Staff Members - Staff members who are not eligible to become union members due to the nature of their job duties.

Geographic Locations - For the purpose of this policy, there are three (3) separate geographic locations: Newark; Piscataway/New Brunswick/Scotch Plains; and Camden/Stratford.

Recognized Collective Negotiations Agreement - Any signed collective negotiations agreement entered into with the University.

Exhibit B

University Operating Units for Layoff Purposes (Except HPAE 5089 Nurses, AAUP Librarians, and EMS Supervisors):

Health Sciences -Newark

- University Behavioral HealthCare
- N.J. Medical School (including Graduate School of Biomedical Sciences)
- N.J. Dental School
- School of Nursing
- SHRP
- School of Public Health
- Central Administration

New Brunswick

- a. Robert Wood Johnson Medical School (including School of Nursing, SHRP and School of Public Health)
- b. UBHC
- c. Central Administration
- d. UCHC

Camden

- a. (School of Nursing, SHRP, School of Public Health, GSBS, RWJMS and EMS-UH)
- b. UBHC
- c. Central Administration
- d. NJDS

NOTE: For International Union of Operating Engineers Local 68 and CWA (Physical Plant positions only) on the Newark campus, University Hospital and Central Administration will be treated as one University operating unit for layoff purposes.

Exhibit C

TEAMSTERS Job Series For Bumping Rights

Administrative Assistant/Secretary Series	Table	Salary Grade
Administrative Assistant	TC	2000
Administrative Assistant	TC	1925
Secretary I	TC	2000
Secretary II	TC	1850
Secretary III	TC	1700
Secretary IV	TC	1475

Data Control Clerk Series	Table	Salary Grade
Head Data Control Clerk	TC	1925
Data Control Clerk I	TC	1850
Data Control Clerk II	TC	1675

Clerk Series	Table	Salary Grade
Head Clerk	TC	1850
Principal Clerk	TC	1475
Senior Clerk/Office Assistant	TC	1400
Senior Clerk	TC	1325

Patient Scheduler Series	Table	Salary Grade
Principal Receptionist/Patient Scheduler	TC	1675
Senior Receptionist/Patient Scheduler	TC	1550

Patient Service Representative Series	Table	Salary Grade
Patient Service Representative I	TC	1850
Patient Service Representative II	TC	1775

Clinic Service Representative Series	Table	Salary Grade
Clinic Service Representative I	TC	1850
Clinic Service Representative II	TC	1775

**Operating Engineers,
Local 68
Job Series For Bumping Rights**

TITLE	Table	Salary Grade
CARPENTER I	OH	2000
CARPENTER II	OH	1700
SR ELECTRICIAN	OH	2400
ELECTRICIAN I	OH	2100
ELECTRICIAN II	OH	1800
HVAC MECHANIC I	OH	2400
HVAC/R MECH I	OH	2400
HVAC MECHANIC II	OH	2100
HVAC/R MECH II	OH	2100
HVAC/R MECH III	OH	1800
MASON PLASTERER I	OH	1950
MASON PLASTERER II	OH	1700
MECH SYS MECHANIC I	OH	2400
MECH SYS MECHANIC II	OH	2100
MECHN SYS MECHANIC III	OH	1800
OPERATING ENG I	OH	2550
OPERATING ENG II	OH	2350
OPERATING ENG III	OH	2100
PAINTER I	OH	1950
PAINTER II	OH	1700
PLUMBER STEAMFITTER I	OH	2100
PLUMBER STEAMFITTER II	OH	1800