

INFO ON REDUCTION IN FORCE (RIFs) FOR WCEA MEMBERS

Note: When Washoe County lays off any of their county employees, here are the rules that come into play.

A. What is accomplished by the reduction in force/re-employment (recall) rights articles in your collective bargaining agreement?

- The contract establishes a fair and equitable system for determining the order of layoffs.
- Within the department and in the class series selected and the class specified, all nonpermanent employees of the department shall be laid off before any permanent employees and in the follow order: temporary, provisional, and probationary.
- Seniority within a class shall prevail as the determining factor for purpose of layoff and right to rehire.

B. When layoffs are necessary, who determines which job titles will be affected?

- The individual department (appointing authority) makes the determination.
- WCEA will be informed of any pending reduction in force layoffs at least seven (7) days prior to the official notification of the employees affected. This notification will include the reasons for layoffs and the number and types of positions affected. At this time, the Association may make its views and recommendations known to the Human Resources Director concerning the implementation of such layoffs.

C. Who determines the order of layoff?

- The Department of Human Resources determines which employee(s) in the affected class(es) and series will be laid off.
- The order of separation is controlled by the contract.
- Employees affected shall be given thirty (30) days notice of layoff.

D. What if there are vacancies in your

department or agency, will you still be laid off?

- Displacement rights as provided for in the contract will be applied first to determine which individuals have rights to vacant positions – if they can be filled. If vacant positions are to be filled and they are not covered by displacement rights – employees may be considered for existing vacancies at or below their current job class based on their qualifications for the job.

E. Can you “bump” other employees with less seniority?

The contract provision on displacement (“bumping”) is confusing, and we encourage our members to discuss these questions with their steward or field representative. All determinations on displacement options are made by the Department of Human Resources after extensive review of all the issues such as seniority and vacancies and consultation with the department.

Displacement rights take two forms; starting with the job class identified, employees have displacement rights downward within the job family as documented in appendix C of the contract based on their seniority. Specifically, seniority in the higher level job classes is applied to lower level job classes within the family (but not upward) whether the employee worked in the lower level jobs or not. The second concept is that employees have displacement rights in job classes in which they have previously worked and have seniority and may displace individuals with less seniority in those job classes.

F. What is your status if you displace an employee in a part time position?

Full time employees are entitled to displace other full time employees according to the terms

of the contract. Full time employees may displace part time employees and retain reemployment rights to full time positions. Part time employees may only displace other part time employees.

G. How will you be notified of your layoff?

You will be notified, in writing, by your department or agency at least thirty (30) calendar days prior to the effective date. This notice will advise you of the following:

- You will be instructed to contact a specific individual in Human Resources and asked to file an updated employment application with the Department of Human Resources;
- To schedule a personal interview, if you wish, to discuss reemployment opportunities;
- To inform you of any vertical bumping rights you might have;
- Additionally, the position vacancy must fall within your pay grade or lower; you must meet the minimum qualifications and you must have indicated your willingness to work in such a position through the parameters you set up with the Department of Human Resources.

H. Will I be eligible to collect unemployment if I am RIF'd?

- If you receive severance pay you will not be eligible [for unemployment benefits] for the period of time the [severance] pay covers. Beyond that, our Human Resources Department said that unemployment benefits are handled on a case by case basis by DETR.
- Human Resources will report employees who tool PERS purchase as retired and individuals that are taking delayed PERS will be reported as laid off.
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I. What is the effective date of layoff?

The effective date of layoff is your last day of work.

J. What are recall rights?

- Recall Rights are mandatory rights to a permanent classified position with County government in the event that positions from

which employees were laid off are approved to be filled.

- Recall Rights continue for two years from the date that an employee is separated from the County employment.
- Recall Rights mean that you have mandatory rights based on seniority (on the recall list) to position vacancies which management intends to fill.
- The position vacancy must fall within your pay grade or lower; you must meet the minimum qualifications and you must have indicated your willingness to work in such a position through the parameters you set up with the Department of Human Resources.
- "Mandatory Rights" means that management has to offer you the position, not that you have to accept the position. Mandatory rights extend only to jobs within a job family in which an employee has reemployment rights based on their position on the reemployment list. An employee's reemployment rights to specific jobs will be documented on their final layoff notice, effective as of the date of the
- Recall Rights do not extend to promotional opportunities, which you should monitor and pursue on your own.

K. What if you were previously laid off from a higher pay grade?

If you receive a RIF notice, and you were laid off from a higher pay grade position within the preceding two years, you will have recall rights to jobs at the higher pay grade based on your position on the reemployment list.

L. What is the reemployment list and how do I get on one?

Placement on a reemployment list is based on seniority calculations performed by the Human Resources Department in conjunction with the appointing authority. Individuals who are laid off (including displacement) are placed on reemployment lists in order of seniority.

M. How do recall rights work?

You are eligible for mandatory rehire rights to vacancies in County government that management intends to fill, and for which you are eligible.

N Can you lose your recall rights?

Yes, under the following conditions:

- Decline three offers of reemployment. Failure to respond to a written offer within five work days constitutes a refusal.
- If you inform the Department of Human Resources that you are unavailable for work. Recall Rights may be “frozen” if you are physically unable to accept work.
- If you fail to set your employment parameters and update your employment application with Human Resources.

Note: You can accept a temporary part time or intermittent hour position without forfeiting your remaining mandatory offers.

O. Can you accept a job outside of County government without forfeiting your recall rights?

Yes.

P. Can you maintain insurance coverage if on recall status?

Yes, if you and/or your dependents are covered under a Washoe County Group Health Plan, each covered member has the right to continue coverage, individually or collectively; on a temporary basis should you lose coverage as a result of a “qualifying event”. Termination of employment is considered a “qualifying event” and allows continued coverage for up to 18 months through COBRA. Information pertaining to COBRA is sent to the individual within 14 days and the member has 60 days to elect. Coverage is not activated until payment is received.

The American Recovery and Reinvestment Act of 2009 established the COBRA Temporary Premium Assistance for employees who are/were involuntarily terminated (i.e.: layoff). Those who are determined to be qualified beneficiaries of the program will received a notice informing them that they are eligible to only pay 35% of the COBRA premium. The Federal government will subsidize the remaining 65% premium through December 31, 2009.

Q. What will you receive for pay and benefits once you are reemployed by the County

pursuant to the recall provisions of the contract?

- Pay: You will receive the same salary you were receiving at the time of layoff plus any negotiated salary increases, provided, however:
- If you accept a job in a lower pay grade, you cannot make more than the maximum salary of the pay grade to which you are reemployed.
- If you accept a displacement offer (meaning that you “bump” another employee) into a lower pay grade, your salary will be treated as a voluntary demotion and you will be paid within the pay range of the lower level pay grade
- ANNUAL/SICK LEAVE BALANCES: When you are laid off, if you are reemployed within 2 years, you will accrue leave at the rate applicable to your years of service. The balance of your sick leave for which you were not paid, will be restored.

R. Are you entitled to unemployment compensation while on recall status?

Yes. Apply by calling the State of Nevada Unemployment Claims Center at the Department of Employment, Training and Rehabilitation 775-684-3849. DETR staff can assist you in re-employment services.

S. Does the department of Human Resources monitor local hires of each department?

Yes. All departments are required to coordinate reemployment action with the Department of Human Resources to determine if there are any eligible RIF employees who have rights to the job before filling a vacancy.

T. Can a department decide not to fill a vacancy?

Yes, a department may withdraw a vacancy at any time.

U. What happens if you cannot do the job you accept under the recall rights provisions in the contract?

- If an employee is re-employed under recall rights, and later decides that (s)he cannot perform the duties of the position, (s)he can resign and have the opportunity to go back

on the recall status. You will have only rights to the remaining time (limited up to two (2) years and number of recall offers that are left).

- If you accept an offer of re-employment in a new agency or department you will be placed in a 90-day probationary period. If you do not successfully complete the probationary period, your Recall Rights will be reinstated as if you had never accepted the position.

V. What if you refuse to bump another employee out of a job – do you have recall rights?

Yes. You are not required to displace another employee even if that option is offered to you.

W. Which employees do not have recall rights?

- Employees who do not have permanent status and/or who do not occupy a classified position in County government;
- Employees in their original probationary periods.

X. What is the order of layoff?

A RIF is accomplished by class, series, and department. The entire Article 24 of the WCEA Collective Bargaining agreement has the parameters that may not be covered in this handout. Please refer to it if your questions have not been answered.

Y. What are the voluntary separation incentives?

- For an involuntary separation, the amount of severance pay is dependent upon length of service (we have the table) and/or the employee is entitled to exercise any bumping rights that may be available to them. **Yes.**
- For those who voluntarily layoff, is there a deadline as to when they must leave in order to receive the 3 months severance pay? **3/30/09 is the deadline to express your interest in the voluntary incentives. You do not need to separate by this date, but separation date is considered when reviewing/approving incentives as we need to generate as much of a cost savings as possible.**
- Will severance pay (voluntary or involuntary) be calculated at the 2.5% reduced pay rate or at the rate they had prior to the reduction? **The rate prior to 2.5% reduction in pay.**

- Will the severance pay be paid out in one lump sum or each regular payday or ??? **Lump Sum.**
- Will there be a formal agreement for the employee to sign? **Yes, once the requested incentives are approved and a retirement date is set, HR will draft an agreement.**

Z. Any other questions?

Check with your WCEA representative or call Washoe County Employee's Association at (775) 329-9750 or contact Human Resources at (775) 328-2081.