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## CLASSIFIED EMPLOYEES REDUCTION IN FORCE AND REEMPLOYMENT PREFERENCE

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**PURPOSE:** To identify procedures for reduction in force and reemployment preference for classified employees.

### I. Reduction in Force - Layoff and Demotion

A. An appointing authority may lay off an employee whenever it is necessary because of shortage of funds or work, reorganization, or the abolishment of one or more positions. A material change in duties of one or more positions resulting in an employee's reclassification to a classification allocated to a lower pay grade shall not constitute a layoff. A reduction in the number of hours worked for a selected position or positions shall constitute a layoff unless there is an equal reduction of hours worked for all positions within the department or within the organizational unit approved. Layoffs shall be accomplished in a systematic manner with equity for the rights of classified employees and shall not abrogate an employee's right of grievance or appeal if the layoff is in fact a dismissal.

1. Reduction in force shall be by class of position regardless of class of incumbent.
  - a) Reduction in force may be limited to or specifically exclude employees appointed under selective certification (113 Selective Certification, Idaho Administrative Code) for bona fide occupational qualifications or appointed under specific options in a class. Inclusions or exclusions must include or exclude all incumbents of the class appointed under similar selective certification or the same option and must be approved in advance by the State Personnel Director.
  - b) Reduction in force for employees in limited-service appointments shall be limited to the program or function for which the appointments were made.
2. Reduction in force shall be department-wide or by organizational unit determined by the appointing authority provided the organizational unit designation for layoff purposes is made by the appointing authority and approved by the Personnel Commission before the effective date of the layoff (BSU is considered one department).
3. There shall be competition among all employees in the class in the department or organizational unit affected by the reduction in force based on a retention point system derived from performance evaluations as follows:

Performance Level Retention Points Earned per Hour of Credited State Service

Superior or equivalent	.100
Very Good or equivalent	.075
Satisfactory or equivalent	.050
Needs Improvement or equivalent	.000
Unsatisfactory	.000

- a) All credited state service for which there is no performance evaluation shall receive .050 points per hour.
  - b) War veterans as defined in Idaho Code, shall receive a bonus of three hundred twelve (312) retention points which is equivalent to three (3) years of satisfactory service.
  - c) No points shall be calculated for the last three (3) months prior to a reduction in force.
4. Each employee shall be entitled to an audit of retention points by an independent auditor designated by the State Personnel Director in cases of dispute between the appointing authority and the employee. The request for audit must be filed with the appointing authority within five (5) calendar days of the employee's receipt of layoff notification. The decision of the independent auditor shall be binding on both parties unless an appeal is filed within thirty-five (35) calendar days from the date of the auditor's notification to the affected parties.

B. Eligible credited state service is defined as follows:

- 1. All credited state service prior to the establishment of classified service.
- 2. All classified credited state service since the establishment of classified service.
- 3. All credited state service in a position exempt from classified service if that position is subsequently transferred to classified service.
- 4. All credited state service, in a leave of absence from classified service, that a classified employee serves in a non-classified position. Limitations are contained in IPC Rules.
- 5. Procedure and Notification:
  - a) The appointing authority shall identify the class(es) of position to be affected by layoff.
  - b) Retention points shall be calculated for all employees assigned to the class of position including those serving in underfill positions or acting appointments. Employees on approved leave of absence without pay shall not be included. Retention points need not be calculated when layoff involves a single-incumbent class.
  - c) The order of reduction in force shall be by type of appointment held by the employee in the affected class(es) as follows: first to be laid off are provisional appointees, next the probationary appointees, and then the permanent appointees.
  - d) Employees shall be placed on the layoff list beginning with the employee with the highest number of retention points. Employee layoffs shall be made from the layoff list in inverse order. When two

or more employees have the same combined total of retention points, retention shall be determined in the following sequence:

- (1) The employee with the highest overall average performance credit (total retention points divided by total credited state service).
  - (2) Random selection.
- e) Each employee affected shall be notified in writing of layoff and reasons thereof at least thirty (30) calendar days prior to the effective date of the layoff. Notification shall include a copy of the departmental layoff procedure and a copy of the computation of retention points when required.
  - f) The appointing authority shall give written notice of layoff to the State Personnel Director at least fifteen (15) calendar days prior to its effective date and shall provide a list of persons affected by the layoff with their retention point calculations and shall indicate which employees will be laid off.
- C. An employee with permanent status, may, in lieu of layoff, elect voluntary demotion to a class, or if deleted, its successor, in which the employee held permanent status in the department (Ref. Voluntary Demotion Policy). Such demotion shall not be permitted, however, if the result would be to cause the layoff of an employee with permanent status with greater retention points. To exercise the right of voluntary demotion in lieu of layoff, the employee must notify the appointing authority in writing of such election no later than five (5) working days after receiving notice of layoff.
- D. An employee who elects a voluntary demotion in lieu of layoff or an employee laid off from state service under this section shall be placed on a layoff register for one year from the effective date of demotion or layoff, or until the employee or former employee declines three separate offers of reemployment without good cause.
- E. An employee on a layoff register shall be offered reemployment to a position in the class from which laid off before any other person may be promoted, transferred reinstated, or appointed, including acting appointment, to such class by the appointing authority enforcing the layoff.
- F. An employee returning from a leave of absence without pay to a class for which a layoff register exists will be laid off in accordance with this section if there are employees on the layoff register for the class with more retention points.

## II. Application of Reemployment Preference

- A. Reemployment preference from layoff registers shall be determined by retention points in rank order from highest to lowest within each of the following categories of employees:
  1. Employees with permanent status in the class.
  2. Promotional probationary employees who have permanent status in a class allocated to a lower pay grade.
  3. Probationary employees without permanent status in any class.
  4. Employees who have neither probationary nor permanent status in a class affected by a layoff, and employees serving in limited service appointments

have no preference under this section for reemployment, and their names shall not appear on a layoff register.