



BOISE STATE UNIVERSITY

University Policy 7420

Classified Employees Layoff and Reemployment Preference

Effective Date

July 1995

Last Revision Date

January 09, 2024

Responsible Party

Human Resources and Workforce Strategy, (208) 426-1616

Scope and Audience

This policy applies to all Classified employees who have successfully completed their entrance probationary period and achieved permanent status, including those who are on promotional probation or who are serving in a limited service appointment. Limited service appointments are defined under University Policy 7000 (Position Definitions).

This policy does not apply to Classified employee terminations for adequate cause (see University Policies 7430 - Classified Employee Disciplinary Action and 7450 - Classified Employee Due Process Procedure and Appeal) or to downward reclassifications of one paygrade lower when the duties of one or more positions are materially changed.

Additional Authority

- IDAPA 15.05.01-140
- Idaho State Board of Education Policy, Section II.N. (Staff Reduction Procedures – All Employees)
- University Policy 1060 (Non-discrimination and Anti-harassment)

- University Policy 7640 (Promotions, Transfers, Demotions, and Interim Appointments)
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1. Policy Purpose

To provide the reasons and procedures for administering Classified employee layoffs and providing reemployment preference in an equitable manner and in conformance with all applicable laws and rules.

2. Policy Statement

Boise State University recognizes that conditions may arise that necessitate the layoff of certain position classifications. Layoffs may occur due to a shortage of funds or work, reorganization, failure to complete promotional probation, or the end of certain projects or programs. The university endeavors to conduct such layoffs in an equitable manner in compliance with all applicable laws and rules and guidelines governing adverse impact.

3. Definitions

3.1 Credited State Service

Service hours earned by eligible State of Idaho employees. One hour of Credited State Service is earned for each hour worked or for each hour of accrued leave taken.

3.1 Layoff Unit

An organizational unit (department, division, college, etc. or combination of such entities) designated for layoff purposes by the President, or designee, and that is approved by the administrator of the Idaho Division of Human Resources.

4. Conditions for Layoffs

A Classified employee may be laid off whenever necessary due to:

- Shortage of funds or work
- Reorganization
- The end of a limited service appointment
- Failure to complete promotional probation when demotion options are not available

- The elimination of one (1) or more positions
- An involuntary reduction in the number of hours worked for a select position (or positions) constitutes a layoff unless the work hours are reduced equally for all positions within the Layoff Unit for a limited period of time, such as a furlough.
- A material change in the duties of one or more positions that result in an employee being reclassified downward by more than one (1) paygrade, except in the case of an involuntary demotion resulting from a disciplinary action.

5. Determination of Layoff

- a. A Reduction in force must be university-wide or by Layoff Unit as determined by the President, or designee, provided the Layoff Unit designation is made before the effective date of the layoff.
- b. A reduction in force must be determined by position classification. The President, or designee, will identify the position classification(s) that will be designated for layoff.
- c. Layoff decisions must not be based on race, color, national origin, gender, age, sex, religion, disability, political affiliation, or any other protected class status under applicable law and/or Idaho State Board of Education or University policy. Layoffs must be accomplished in a systematic manner with equity for the rights of Classified employees and must not do away with an employee's right to problem solving or appeal if the layoff is in fact a dismissal.
- d. 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 to a classification with minimum qualification specialties. Inclusions or exclusions must include or exclude all incumbents of the classification appointed under similar selective certification, or the same option, and must be approved in advance by the administrator of the Idaho Division of Human Resources.
- e. Layoff decisions for limited service appointments must be based solely on the programmatic or functional needs for which the employee was hired (e.g., program or project is completed, etc.). Limited service appointees have no reemployment preference rights and must not displace other permanent or limited service employees.

5.1 Assessment for Adverse Impact

In planning and conducting a reduction in force, the university will consider the effect that Layoff Units and positions to be eliminated may have on the composition of the university's workforce. If Layoff Units or exclusions are established, adverse impact to protected classes will be assessed.

6. Calculation of Retention Points

- a. Retention points will be calculated for all employees in the job classification designated for layoff in the Layoff Unit, including employees on or returning from a paid or unpaid leave of absence. Retention points will not be calculated for employees in limited service appointments who are not eligible for reemployment preference or when the layoff involves a single-incumbent classification.
- b. Employees serving in their entrance probationary period are considered at-will and will not be included in the retention point calculations.
- c. Retention points are calculated based on their Credited State Service hours, any applicable veterans' preference, and the employee's experience as described in their performance evaluations with points assigned as follows:
 - Exemplary Performance - .100
 - Solid Sustained Performance - .075
 - Achieves Performance Standards - .050
 - Does Not Achieve Performance Standards - .000
- d. An employee with Credited State Service who has no performance evaluation rating on file will receive .075 points per Credited State Service hour.
- e. Veterans, as defined in Title 65, Chapter 2, Idaho Code, will receive preference by adding retention points equivalent to three (3) years of service at a level that achieves performance standards to their retention point calculation.
- f. Retention points may not be calculated for the last sixty (60) days prior to the effective date of the layoff.

7. Order of Layoff

- a. The selection of employees for layoff within a designated Layoff Unit and within a particular job classification will be made in the following order:
 - Entrance probationary employees
 - Permanent employees, including employees serving in voluntary and promotional probation
- b. Employees will be placed on the layoff list beginning with the employee with the highest number of retention points.
- c. Employee layoffs will be made from the layoff list in inverse order.
- d. When two or more employees have the same combined total of retention points, retention will be determined in the following sequence:
 - The employee with the highest total retention points for the past thirty-six (36) months
 - Random selection (e.g., drawing names)

8. Notification

- a. Each employee affected will be notified in writing of the layoff and the reasons for the layoff. The university will strive to provide as much notice as possible but in no circumstance will such notice be less than fifteen (15) calendar days prior to the effective date of the layoff.
- b. Notification will include a copy of the departmental layoff procedure and a copy of the retention point calculations when required.
- c. The President, or designee, will provide written notice of the layoff to the Administrator of the Idaho Division of Human Resources at least fifteen (15) calendar days prior to the effective date. Such notification will include a list of all employees affected by the layoff, with their retention point calculations, and will indicate which employees will be laid off.

9. Audit of Retention Points

- a. An employee who disputes the university's calculation of their retention points is entitled to have the calculation audited by an independent auditor. The independent auditor must be designated by the administrator for the Idaho Division of Human Resources.
- b. The request for audit must be made to the President, or designee, in writing within five (5) calendar days of the employee's receipt of layoff notification.
- c. The decision of the independent auditor is 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.

10. Voluntary Demotion in Lieu of Layoff

- a. In certain circumstances, the President, or designee, may offer a Classified employee with permanent status the option to voluntarily demote within their Layoff Unit rather than be laid off (see University Policy 7640 - Promotions, Transfer, Demotions, and Interim Appointments). The employee will then be placed on their classification's register with reemployment preference as outlined in Section 11 of this policy.
- b. The option to voluntarily demote rather than be laid off may not be offered to an employee if it would cause another employee with greater retention points to be laid off.

11. Layoff Due to Failure to Complete Promotional Probation

An employee on promotional probation who does not meet performance expectations may be offered a voluntary demotion (see University Policy 7640 - Promotions, Transfer, Demotions, and Interim Appointments). If no position is available for the voluntary demotion, the employee may be laid off and may request their name be placed on a register for the classification in which they last held permanent status as outlined in Section 12 of this policy. The employee will have their name removed from reemployment preference status if they are reinstated to the classification from which they were promoted.

12. Placement on Register with Reemployment Preference

- a. An employee who is laid off, or who chooses a voluntary demotion in lieu of layoff under Section 10 of this policy, will be placed on their classification's register with reemployment preference in unranked order.

- b. Such placement will be for one (1) year from the effective date of voluntary demotion or layoff, or until the employee (or former employee), declines a total of three (3) separate job offers without good cause, whichever comes first.
- c. An employee or former employee may request to have their name removed from a register with reemployment preference at any time. Such a request must be made by contacting the Idaho Division of Human Resources.

13. Reemployment Rights and Use of Registers with Reemployment Preference

13.1 Priority for Reemployment when Laid Off by the University

- a. An employee who has been laid off from the university, and whose name is on their classification's register with reemployment preference, must be offered reemployment to any open position in the classification from which they were laid off before any person outside the university may be promoted, transferred, reinstated, or offered initial appointment to the position.
- b. The university may reassign or transfer an individual who is in the same classification within the university but may not demote, promote, reclassify, or make an acting appointment to that classification.
- c. If the university determines a need to fill the classification, the employee who was laid off has first priority for the position.
- d. When attempting to fill vacancies for a classification where a lay off occurred, the university will provide an opportunity to interview and will make hiring selections from the individuals the university laid off from the classification, including those separated from state service under Rule 241.02 and those who took a voluntary demotion in lieu of layoff.
- e. Individuals being returned to the classification from which they were laid off will be reinstated with the same salary, permanent status, and their sick leave balance restored. If the pay minimum has increased, the reinstated salary will reflect the increase (see University Policy 7650 - Compensation).

13.2 Consideration for Hire when Laid Off by another State Agency

An individual who has been laid off by another state agency, and whose name is on their classification's register with reemployment preference, must be offered the opportunity to

interview before other candidates may be considered from statewide promotional or open-competitive recruitments.

14. Related Information

University Policy 7000 (Position Definitions)

University Policy 7430 (Classified Employee Disciplinary Action)

University Policy 7450 (Due Process Procedure and Appeal)

University Policy 7500 (Financial Challenge Policy)

University Policy 7630 (Recruitment and Hiring)

University Policy 7650 (Compensation)

Revision History

August 04, 2022; January 09, 2024