

PURPOSE

In accordance with Civil Service Commission Rule 2-4.1, the Michigan Department of Human Services (DHS) has the right to lay off nonexclusively represented employees (NEREs) for reasons of administrative efficiency, including, by example, lack of work, lack of adequate funding, change in departmental mission, or reorganization of the work force. Any layoffs of NEREs that are necessary at DHS shall be implemented by proper application of employment preference rules and regulations in effect at the time of layoff (Civil Service Rule 2-5 and Civil Service Regulation 2.01), and the standards, guidelines, and procedures that have been established for implementing staff reductions.

In promulgating this Agency Layoff Plan, DHS is exercising the discretion provided by Civil Service Commission Rule 2-5.1(d) to vary the application of employment preference. The manner by which DHS will apply employment preference shall be as generally set forth by Civil Service Rule 2-5 and as specifically described herein. The purpose of the Employment Preference Plan is to protect the rights and interests of employees and management when staff reductions are made. This handbook item, in accordance with Civil Service Rules, establishes standards, guidelines and procedures which are to be followed when implementing staff reductions of Non-Exclusively Represented Employees.

DEFINITIONS

Bumping – the process by which an employee displaces another, or is placed in a vacant position, through the application of employment preference.

Employment Preference – A process for determining an employee's rights when a reduction in force occurs.

Reduction in Force – An action taken by an appointing authority to layoff, demote, or otherwise displace an employee for reasons of administrative efficiency, including for example, lack of work, lack of adequate funding, change in mission, or reorganization of the work force.

Seniority – The application of employment preference is by “total continuous service”, consistent with Civil Service Regulation 2.5.5(c).

Management's Right – Management will determine where positions will be eliminated within the department for reasons of administrative efficiency including lack of work, lack of adequate funding, change in departmental mission, or reorganization of the workforce.

Classification Series – Classifications having similar but progressively more responsible job duties (for example, Departmental Analyst 9, 10, P11).

GENERAL INFORMATION

Geographic Application of Employment Preference

Civil Service Commission Rule 2-5.1(d) (1) provides that an Agency Layoff Plan may vary “the application of county preference based on organizational or geographical limits.” The DHS Agency Layoff Plan permits employees to initially apply preference within the same county of employment, and then contiguous counties.

PROCEDURE

When a position has been identified for abolishment, management will review the continuous service hours of affected employees for purposes of bumping.

Bumping will occur in the following order:

- (1) County of position being abolished.
- (2) Contiguous counties (counties that touch the county in which the affected employee's work location is situated).

The process that will be used for applying employment preference will be as follows:

- (1) A search will be made for least senior positions in the employee's current classification starting in the county of employment. If no positions are found, then a search will be made for the least senior in the current classification in contiguous counties.
- (2) If there are no least senior positions in the employee's current classification and county or contiguous counties, a search will be conducted for the next lower classification level in which the employee has held status and which will minimize loss of pay in the same manner as outlined in (1) of this section.

(3) If the employee cannot bump into a nonexclusively represented position within their county or contiguous counties, the employee will be laid off unless eligible to apply employment preference back into a bargaining unit. This option can only be exercised when all other possible bumps into nonexclusively represented positions have been exhausted, and must be done in accordance with the respective bargaining unit requirements.

The affected employee will receive written notice no less than (15) calendar days prior to the effective date of the reduction in force.

The employee must accept or reject the position within seven (7) calendar days of receipt of notification of his or her bump. If the employee does not accept a bump at any step in the procedure where employment preference is applied, the procedure is ended and the employee will be laid off

Employees being laid off will be provided access to the information explaining recall, unemployment, continuation of insurance benefits, etc.

REFERENCES

Civil Service Rule 2-4, Layoffs

Civil Service Rule 2.-5, Employment Preference

Civil Service Regulation 2.01, Implementing a Reduction in Force of Nonexclusively Represented Employees

For more information, contact the Office of Human Resources. |