

The following question regarding layoff and rehire which have been fielded by the Employee and Labor Relations team.

What determines a layoff or reduction in time?

Indefinite layoffs and reductions in time for employees in career positions are implemented when there is a lack of funds, lack of work or lack of work due to a reorganization.

Who makes the determination of what positions are proposed for layoff?

The department head determines when layoffs are necessary, and shall identify the position(s) selected for layoff, due to a lack of funds or lack of work.

Is a layoff based on seniority?

Generally, a layoff is based on seniority, which means that the least senior employee (with the least amount of University service) in the identified classification is laid off. However, in some cases layoffs may be based on special skills, which means the department may need to retain a less senior employee with special skills that the more senior employee does not possess. If this occurs, a more senior employee would be laid off. There may be situations where a position requires special licensing or a credential that a more senior person in the classification cannot acquire within a reasonable period of time (3-6 months). The documentation supporting a special skills layoff must state the specific skills required and why the more senior employee(s) cannot acquire them in a reasonable amount of time.

How is seniority calculated for the purpose of layoff?

Seniority points are calculated based on the hours on pay status from the most recent date of hire (Service time prior to a break in service is not counted toward seniority for purpose of layoff). Included in this calculation are hours worked in all career, academic, student (casual restricted) and limited appointments.

Is a reduction in time considered a layoff?

Yes. If a career employee's time is involuntarily reduced, it is considered a layoff, and the employee is entitled to layoff rights.

What recourse is the layoff candidate entitled to?

Employees who have been laid off have the right to file a grievance/complaint in accordance with the applicable contract or policy by which they are covered. Refer to the applicable [contract/policy](#).

Is the layoff candidate entitled to severance pay/

Employees covered by a collective bargaining agreement can elect severance pay or retain preference and recall rights.

What is preferential rehire?

An employee with preferential rehire rights will receive preferential consideration for any active, vacant career position when the position is at the same or lower salary grade, and at the same or lesser percentage of time. Preferential rehire entitles layoff candidates to have their applications forwarded to the hiring department before all other applications are forwarded, provided the employee meets the minimal qualifications of the position.

What are recall rights?

Recall entitles layoff candidates to an open, vacant position in the same classification, salary grade, and department, at the same or lesser percentage of time as the position held at the time of layoff. A layoff candidate could have recall rights for up to three years from the date of layoff depending upon the employees service time.

What services are available through Human Resources for employees facing layoff?

Human Resources offers a variety of services, which include:

- Academic and Staff Assistance Program (ASAP): Confidential cost-free counseling for faculty, staff, and their immediate family members. Mental health assessment, consultation, and referral services are also offered.
- Temporary Employment Services (TES): individual consulting on the employment application process and resource information on job development agencies in regional areas, as well as resume review and preparation for job searches. Individuals may apply at TES for temporary employment. TES also offers a 4-hour DaFIS training module.

For more information, please see the [Employee and Labor Relations Layoff for Supervisors webpage](#).

What is the STOP Program?

Special Transfer Opportunity Program (STOP). Allows Schools/Colleges/Divisions to fill position within their units that have not yet been designated for open recruitment. These positions may be filled through the internal, voluntary transfer of staff employees who have been identified for layoff.

When does the layoff candidate receive their final paycheck?

The laid off employee receives their final paycheck on the last day of work, at their regular place of work. If the employee receives pay in lieu of notice, the check is paid at the time of notice for all future wages.

How does the department process the employee's leave accruals?

Vacation is paid out to the employee on the last day of work. Sick leave is reinstated upon reemployment, as long as the employee is on preferential rehire status.

Is layoff considered a break in service?

No. Layoffs are not considered a break in service.

What is the impact of layoff on the employee's insurance benefits?

Medical, dental and optical coverage will end on the last day of the separation month. For example, an employee separates effective July 6 – coverage will end effective July 31 (disability coverage will end July 6). If an employee separates July 31 – coverage will end July 31.

The employee and/or the eligible family members may be eligible to continue UC-sponsored coverage under COBRA continuation. There is a very limited time to take advantage of COBRA continuation. The employee should refer to the [COBRA Continuation of Group Insurance Coverage notice](#).

Coverage end dates and conversion privileges vary for the Life, Dependent Life and AD&D insurance plans. Disability coverage ends on the employee's last day of active employment and is not available for continuation or conversion.

How does layoff affect the employee's retirement benefits?

The employee stops accruing University of California Retirement Plan (UCRP) service credit on the last day on pay status. If the employee is a UCRP member, they may be eligible for one of the following options upon leaving UC: Inactive Membership, Refund of Accumulations, Retirement Income, or Lump Sum Cashout.

If the employee is eligible to retire and eligible for Retiree Health benefits, (medical and dental), the retirement date must be within 120 days of separation from UC, and the employee's medical and dental benefits must still be active up to the retirement date. The employee should call and make an appointment with a [Benefits Representative](#) as soon as possible.

What resources are available for the employee regarding UCV benefits and retirement plans.

Several publications are available that provide additional information, including:

- Indefinite Layoff Benefits Checklist
- Termination of Employment Benefits Checklist
- Continuation of Group Insurance Coverage (COBRA) Notice
- University of California Retirement Handbook.

These materials are available from the campus Benefits Office. Benefits Representatives are available from the campus Benefits Office at (951) 827-4766.

Is the employee entitled to release time to look for a new job?

Yes. With reasonable notice, an employee shall be granted reasonable time off with pay to interview for University positions.