



Adjusted State Service Date for Layoff

Before a layoff occurs, it is recommended that an agency assure the accuracy of each employee's adjusted state service date for layoff. To aid agencies in this, we have provided a [Prior State Service Questionnaire](#). The following steps are helpful:

- Calculating the date for new employees – Advise employees of the provisions of [Rule 1.39.2](#) (definition of state service) so that employees will know the basis of the calculations for state service, and ask employees to provide employment information for the purpose of calculating the date. Advise employees of the importance and possible consequences of the computation. Many agencies go through this process during new employee orientation and sign-up.

NOTE: The [Adjusted Service Date Calculator](#) will automatically compute the adjusted service based on the appointment type and length of service for each entry. **Effective July 1, 2016**, when a layoff within an agency becomes eminent, the use of the calculator will be mandatory to ensure the accuracy of the adjusted service date for employees that may be impacted in the layoff.

- Employee verification of accuracy of the adjusted date – Once the employee's date is calculated and the employee agrees that the date is accurate, ask the employee to sign a statement agreeing with the accuracy of the calculation. If the employee does not agree, he should be given time to obtain verification of additional allowable service.
- Changes to the date prior to a layoff – Confusion, delays and the potential for appeals develop when employees ask to have their adjusted state service dates changed just prior to an announced layoff. To avoid this, it is suggested that, if a layoff is going to occur, an agency may officially notify all employees within the affected organizational unit that a cut-off date will be established for changes to "adjusted state service date for layoff." It is recommended that employees be advised that if no additional information is provided, then the employee's adjusted service date on record as of the deadline date will be used for the upcoming layoff. It is suggested that the deadline date be established as close to the layoff date as possible.

Determining Qualifying Service for Adjusted State Service Date for Layoff

Information below interprets Civil Service [Rule 1.39.2](#). This rule determines seniority for layoff and was adopted effective January 1, 1983. The rule is intended to give credit for time spent in the classified service. So that employees would not lose credit for service already granted, the rule allows credit for unclassified and/or temporary "WAE" employment gained prior to January 1, 1983. Such service gained AFTER January 1, 1983, is generally not counted.

Prorating of part-time service – Any allowable service that is part-time must be prorated to the equivalent full-time service. Appointments after January 1, 1983 that were on a WAE (when actually employed) basis do not count at all.

In some cases, it may be necessary to use the employee's gross earnings over a period of time, and divide by his hourly rate of pay, to determine the number of hours worked. That figure can then be converted to years, months and days using the adjusted service date calculator which will automatically calculate the prorated service for HR staff.

Service Not Counted for the Adjusted Service Date for Layoff

The following explanation is not necessarily all-inclusive. For more detailed information, you must refer to [Rule 1.39.2\(b\)1 through 1.39.2\(b\)9](#), or contact your Assistance Coordinator. Generally, the following types of service count.

1. Any period of leave without pay does not count, UNLESS it is listed in [Rule 1.39.2\(b\)9](#).
2. After 1/1/83, any service on a restricted or provisional appointment does NOT count UNLESS it was converted, without a break in service, to a probational or job appointment in the same job classification.
3. Unclassified service obtained after 1/1/83 does not count, UNLESS it was acquired relative to the employee's being brought into the classified service under [Chapter 24](#), or it was obtained while on leave without pay from a classified position.
4. Any period of classified or unclassified part-time, intermittent (WAE) service acquired after 1/1/83 does not count. Such service prior to 1/1/83 must be prorated to equivalent full-time service.

Service Which Is Counted for Layoff Purposes

The following explanation is not necessarily all-inclusive. For more detailed information, you must refer to [Rule 1.39.2\(b\)1](#) through [1.39.2\(b\)9](#), or contact your Employee Relations Consultant. Generally, the following types of service count. Information on qualifying service can also be found in [Job Aids and Resources: Types of Service Credited for Layoff Purposes \(Adjusted Service Date\)](#).

1. All classified service (prorated when applicable), obtained prior to 1/1/83.
2. All classified service (prorated when applicable), obtained on or after in:
 - a. A probational, job or permanent appointment
 - b. Restricted or provisional appointment that converted to a probational or job appointment in the same job classification
 - c. A regular, part-time classified appointment.
3. Unclassified service prior to 1/1/83, prorated when applicable. Examples of service which count are:

- a. Employment with a parish or state school board including teachers, custodians, food service workers, etc. Employees whose regular schedule was a nine- or ten-month schedule shall be credited with a full year of service, except that if the employee resigned during or at the end of a school term, creditable service shall be only those months worked. Substitute teachers are credited only with days actually worked.
 - b. State Board or Commission members. For these employees, only duty-status hours are creditable.
 - c. Department or agency heads appointed by the Governor.
 - d. Student employment obtained prior to 1/1/83 under the provisions of [Civil Service Rule 1.5.1](#) or [Civil Service Rule 4.1\(d\)2](#). This service often needs to be prorated, since many students work only part-time.
 - e. Employees of the following entities: Sheriff Offices (except Orleans Parish); Clerks of Court; District Attorneys' Offices; State District Courts, including the civil and criminal courts of Orleans Parish; Registrars of Voters; Assessors; Coroners; Special School Districts; and the Legislature.
4. Unclassified service after 1/1/83 is creditable IF the service was obtained relative to the employee being brought into the classified service under the provisions of [Rule 24.2](#).
 5. Periods of absence from state service of up to one year if the absence was caused by the layoff of an employee with permanent status.
 6. Periods of leave without pay for military service are creditable.
 7. Time spent in the military which meets the provisions of [Rule 17.17](#) is creditable.
 8. Periods of time spent by a classified employee on furlough or on a reduced work-week as a layoff avoidance measure are creditable (employees are not penalized for reduced work hours which result from an official layoff avoidance measure, whether forced or voluntary).
 9. Periods of time spent on paid leave while in a position which provides creditable service is counted.
 10. Certain periods of authorized leave without pay as specified in [Rule 1.39.2\(b\)9](#) count as service. This includes:
 - a. Leave without pay prior to 1/1/83.
 - b. Leave without pay after 1/1/83, up to 30 days.
 - c. Leave without pay after 1/1/83, which exceeds 30 days, if used to hold an unclassified position with the state.
 - d. Leave without pay for military purposes as provided in Rule 11.26
 - e. Leave without pay for educational purposes which has been approved by the Director.