



The layoff of employees may be necessary when the agency lacks funds or work. Planning for a layoff will require that the agency select the positions that are to be abolished or vacated.

Appointing Authorities are encouraged to include their Human Resources Directors in any discussions of budget reductions or reductions in force. Their expertise combined with knowledge gained in these discussions will help to ensure that the plans and documentation they submit to the State Civil Service will meet the agency's needs and intended purposes.

It is also strongly recommended that agencies maintain close contact with their Employee Relations Consultant when it becomes necessary to conduct a layoff avoidance or layoff.

### **Types of Layoff**

There are two types of layoffs:

1. Layoffs involving **probational** employees. These do not require approval of Civil Service. However, written notice to the Director is required in accordance with [Rule 17.11\(a\)](#), and employees must be notified as well. Although written notice is not absolutely required, it is highly recommended.
2. Layoffs involving **permanent** employees. These must have a written plan submitted to Civil Service at least 16 calendar days prior to the effective date in accordance with [Rule 17.12](#), various notices as required and prior approval of Civil Service. These may involve the relocation of certain affected employees.

### **Civil Service Approval of Layoffs**

1. Layoff of **probational employees only** - Layoffs involving probational employees only require written notice to the Director prior to the effective date, but Civil Service approval is not required. These layoffs must occur only for bona fide reasons as stated in the definition of layoff ([Rule 1.19](#)).
2. Layoff involving **permanent** employees - When a layoff plan involving permanent employees is submitted to Civil Service, approval must be obtained before the agency can enact layoff actions such as relocation offers. This approval may be from the Director with no Civil Service Commission involvement or the plan may be referred by the Director to the Commission for approval. For requested exceptions to the regular rules, the Director may grant interim approval, subject to ratification by the Commission at its next meeting, or the Director may refer them directly to the Commission for a decision.

### **Timelines for Planning a Layoff**

This timeline and the associated guidelines highlight the various steps necessary to conduct a layoff, and links to sample notices and letters. Standard timelines for developing and implementing layoffs are six (6) weeks. Be aware that it may be possible to conduct some layoffs in shorter periods of time; and that large, complex layoffs may need much longer periods of time.

## **Components of the Layoff Process**

The components of a layoff process, regardless of whether the layoff is large and complex or small, remains the same. The following describes each component of the layoff process referencing rules and considerations that must be given to execute a layoff successfully.

### **Notices For Layoffs Involving Permanent Employees**

These notices are listed in [Rule 17.12](#). For all layoffs, affected employees must receive:

- 1) a general notice of layoff
- 2) an individual notice of layoff or relocation, and
- 3) a final notice of relocation offer or layoff.

Civil Service cannot approve a layoff plan before the comment period expires, which ends five (5) calendar days after the last employee has received his individual notice of impending layoff action. Therefore, it is critical that you notify Civil Service of the date of notification to the last employee.

Mailing notices significantly increases the time required for proper notice to be completed. Using the postal service for delivery adds approximately seven (7) days for presumed delivery in addition to the 5 days allowed for the employee's opportunity to respond. Agencies should seriously consider delivery methods when planning layoffs.

Also, the effective date of the layoff cannot occur before six (6) calendar days following the day that the last employee has been given final notification of the layoff or relocation action.

**NOTE:** The layoff process requires several notices to employees at different intervals. A template of the various notices may be found in [Job Aids & Resources: Layoff Templates and Forms – Notices](#).

### **Responsibilities of Employees Affected in Layoff**

[Rule 17.19](#) states the responsibilities of employees in layoff situations. Employees need to be made aware of these responsibilities and it should be communicated to employees when both the general and individual notices of layoff are given to affected permanent employees. See the Responsibilities of employees affected in a layoff.

### **Written Layoff Plan**

[Rule 17.14](#) lists fourteen (14) items of information required in the layoff plan. Agencies should list this information in order, with the same numbering as stated in the rule. Refer to [Job Aids & Resources: Layoff Template #3, Written Plan](#).

### **Organizational Unit**

Organizational Unit is defined in Civil Service [Rule 1.21.1](#) specifically for layoff and layoff avoidance purposes. The "organizational unit" terminology is also used in the LaGov HCM system to define components or sub-structures of the organizational structure. The structure, as defined in LaGov HCM, may not be the same or meet the definition of organizational unit in accordance with Civil Service [Rule 1.21.1](#). It is highly recommended that Human Resources personnel take notice of the purpose in which the term "organizational unit" is being used and ensure it is used accurately.

### **Exemptions and Exceptions to Layoff Rules**

An agency should give careful thought to any exemption or exception to the regular rules included in the layoff plan. When an agency wishes to depart from the [Chapter 17](#) rules, the agency must request an **exception** to the layoff rules and gain approval. When an agency wishes to exclude employee(s) from the layoff when they may be included due to the operation of the rules, the agency must justify the **exemption** based on business rationale. Once the plan is approved, it must be made available to all employees affected by the layoff.

Exemptions as described in [Rule 17.15\(e\)](#) allow an agency to exempt from layoff a number of employees, the total of which cannot exceed 20 percent of the number of employees to be laid off and relocated. This may include employees who have exceptional performance and/or who possess particular qualifications needed to complete an essential program or to maintain essential services necessary to preserve the life, health or welfare of the public. The exemptions need to be specified in the plan with accompanying justification. Exemptions can be used to protect an employee from being laid off who would otherwise be separated from state service. An exemption cannot be used to protect a position (and therefore its incumbent) if the position has been selected to be abolished or vacated; the incumbent of such a position may have relocation rights to other positions.

Exemptions are made at the discretion of the appointing authority. Although they are included in the layoff plan, Civil Service is not certifying that the business reason stated for the exemption is valid. Rather, Civil Service is verifying that the agency has indeed provided and documented their reason for such an exemption, and that the total number of exemptions meets the limit provided for in [Rule 17.15\(e\)](#).

Exceptions as described in [Rule 17.3](#) may be requested, with written justification, for any departure from any [Chapter 17](#) rule. Requests for exceptions must go to the Civil Service Commission for approval or ratification at its next regularly scheduled meeting ([Rule 17.3\(b\)](#)).

### **Employees with PES Evaluations of “Needs Improvement/Unsuccessful”**

[Rule 17.15\(b\)](#) requires that any employee who received a Needs Improvement/Unsuccessful evaluation shall be included in the layoff, if the employee is within the defined organizational unit, affected career field, and commuting area as outlined in the layoff plan. An agency may expand the layoff plan uniformly to include those employees who received a Needs Improvement/Unsuccessful evaluation that are within the defined organizational unit only. The official PES evaluation cannot be rendered fewer than 60 days prior to the effective date of the layoff. Positions that are affected under this rule are not required to be abolished.

### **Changes in Allocations and Their Effect On Layoffs**

After the layoff plan is received at Civil Service, no changes in position allocations by either an agency or Civil Service will affect the layoff, regardless of what effective dates are assigned to the allocation changes. The purpose of this rule is to avoid the need for relocation offers to be re-done because job titles are changing. ([Rule 17.13](#))

### **Last In, First Out (LIFO)**

Last In, First Out or LIFO is the process used when determining which employees are laid off or relocated to other positions in accordance with [Rule 17.15](#) and [Rule 17.18](#). LIFO generally means that employees with lesser service, based on the employee’s adjusted service date, are laid off

first, and those vacated positions are offered to employees with longer service who are in positions targeted for abolishment.

### **Domicile for Displacement Purposes**

[Rule 17.17](#) states the different domicile possibilities for employees involved in layoffs. This is important because it determines the geographic area within which an employee may relocate. The layoff domicile for the great majority of employees is the parish in which they report to work. If an employee has a "Statewide" domicile, he is considered domiciled in the parish in which he officially resides. The rule also addresses those employees who live and work outside of Louisiana.

### **Relocation Provisions**

[Rule 17.18](#) – This rule outlines which employees do and do not have relocation rights in a layoff as well as other related factors.

1. Employees who have relocation rights - [Rule 17.18\(a\)](#) states that relocation rights are limited to permanent employees whose most recent official performance evaluation is at least "successful" or higher. An employee with an evaluation of "Unrated" or "Not Evaluated" is considered to have an evaluation of "Successful".
2. Permanent employees who accepted a new probational appointment without a break in service may be considered permanent for the purposes of layoff.
3. Limitations on relocation rights - [Rule 17.18\(e\)](#) states that an employee cannot relocate:
  - Into a job with a higher pay range;
  - Into a job for which he does not qualify;
  - Outside of his organizational unit (unless the agency chooses to offer vacancies outside the org unit);
  - Outside of his career field (unless the agency chooses to offer vacancies outside the career field); or
  - Outside of his commuting area (unless the agency chooses to offer vacancies outside the commuting area).
4. Effect of relocation on employee status - [Rule 17.18\(g\)](#) states that employees who relocate into another position shall retain permanent status.

### **Relocation Offers**

[Rule 17.18\(i\)](#) states that available relocation offers must be made by the appointing authority to employees who occupy positions that have been selected for abolishment. If no relocation offer exists in the same org unit, career field, and commuting area as the targeted position, the employee occupying that position will be the one who is laid off. Relocation offers may be made based on skills, experience, performance, seniority and the needs of the agency as determined by the appointing authority. The needs shall be based on documented rational business reasons.

### **Factors Affecting Relocation Offers**

[Rule 17.18\(k\)](#) states that vacancies outside of the affected org unit, career field and commuting area do not have to be offered. If the agency wants to offer them, they may be offered after all other relocation provisions in [Rule 17.18](#) have been met. The same is true of positions filled by

non-permanent appointments outside the career field. A part-time position can be offered only if there is not a full-time position to offer. If an employee refuses the offer of a position outside his org unit, career field, or commuting area, he shall retain his eligibility for the department preferred reemployment list.

#### **Accommodation For Permanent Employees When No Relocation Offer Exists**

[Rule 17.18\(l\)](#) states that when no ongoing position can be offered, the agency may end job appointments or classified WAE appointments for positions which are not ongoing and may use the position to re-hire, without a break in service, a permanent employee who was laid off. The employee may be hired on a job appointment or classified WAE.

#### **Pay Upon Relocation**

In accordance with [Rule 6.8.2](#), agencies may reduce the pay of employees upon relocation. In all cases, pay reductions shall be uniform in their percentage for all affected employees. If the uniform pay reduction causes an employee's rate of pay to fall above the pay range maximum, the agency has the following options:

1. The pay of affected employees may be reduced to the range maximum
2. The pay of affected employees may be set at the red-circle rate

#### **Freeze on Appointments to Layoff-Affected Jobs**

[Rule 17.20](#) requires a freeze on filling positions with job titles that may be affected by the layoff (includes job titles of abolished, equivalent or lower-level positions in the career field). The freeze begins on the date the Director approves the layoff plan. The freeze is limited to the commuting area(s) and career fields chosen for the layoff by the agency. Job offers made prior to the date the freeze goes into effect (the date the Director approves the plan) may be honored. Certain exceptions to the freeze are stated in [Rule 17.20\(b\)](#). The freeze remains in place until the establishment of the Department Preferred Reemployment List.