

Chapter 17: Layoff Avoidance Measures, Layoffs and Post Layoff

Overview

The process required by Louisiana State Civil Service to implement a reduction in force of permanent classified employees is designed to achieve three outcomes:

- Agencies can adapt quickly and effectively to budget reductions that result in layoffs and restructuring.
- Services to citizens are provided in the most cost effective way possible.
- Highly-qualified and experienced employees with good performance are retained.

This chapter contains provisions for when an agency implements layoff avoidance measures or a reduction in force. The chapter also describes those activities that occur post-layoff and describes the eligibilities and entitlements available to employees who are affected by a layoff.

HR Impact

Once the appointing authority has decided that a layoff avoidance measure or layoff will be implemented in the department, it becomes very critical for human resources staff to understand what the appointing authority is trying to achieve, and to propose layoff implementation dates based on the built-in timelines for required notifications. It is critical for HR staff to know the layoff process, timelines and impact of certain actions in order to provide recommendations to management and to manage the deadlines built into the process. HR is also responsible for the accuracy of data in employee personnel files because those items are components and variables important to the layoff process, the employee's placement on the Department Preferred Reemployment List (DPRL), and any future reemployment eligibilities with the State of Louisiana. Agencies are encouraged to discuss their situations with State Civil Service prior to implementing any of these measures.

Rule-By-Rule Review

NOTE: This Chapter is divided into four sections:

- General — Rules 17.1 through 17.4
- Layoff Avoidance Measures — Rules 17.5 through 17.10
- Layoffs — Rules 17.11 through 17.21
- Post Layoff — Rules 17.22 through 17.26

For detailed information regarding layoffs on state classified employees, refer to [Job Aids and Resources](#), and [Procedures](#).

Section 1 – GENERAL

Rule 17.1 Uniform Application

Layoffs or layoff avoidance measures must be applied uniformly to all of the classified employees in the affected “Organizational Unit.” The “Organizational Unit” used in a layoff or layoff avoidance, must be approved by the SCS Director. (See Definition of “Organizational Unit” in [Rule 1.21.1.](#)) Examples of “Organizational Units” include:

- A major executive branch Department, such as DOTD;
- A statutorily created Office within a Department, such as an Office of Management & Finance;
- An institution such as a state hospital or a state university;
- An agency with a Department that has its own independent appointing authority; and
- A discrete or unique program, activity or unit within a department, office or institution.

NOTE: The term “organizational unit” is used variably and has different meanings depending on its use. Organizational Unit is defined in the Civil Service Rules for layoff purposes. Organizational Unit in the LaGov HCM system has a different use and definition and thus should not be confused with organizational unit as it is used for layoff or layoff avoidance purposes. For further information regarding LaGov HCM terms, see [Job Aids & Resources: Organizational Unit for Layoff vs LaGov HCM.](#)

Rule 17.2 Plan Submittal and Approval

This rule outlines the requirements for submitting a layoff avoidance plan and/or layoff plan and the requirements for gaining approval of those plans.

- Layoff avoidance plans must be submitted to the Director before the effective date of the plan’s implementation.
- Layoff plans, however, must be submitted at least 16 calendar days before the effective date.
- For both layoff and layoff avoidance measures, the agency’s appointing authority has to certify that there are insufficient funds and/or lack of work for the agency to continue business operations without conducting either the layoff or the layoff avoidance measure.
- In either case, the Director could take any of the following actions:
 - a. approve the plan;
 - b. disapprove the plan; or
 - c. refer the plan directly to the Commission for consideration at its next scheduled meeting.

NOTE: The certification is provided to the Office of the Governor, the Division of Administration and the Office of Planning and Budget via the Personnel Action Fiscal Impact Statement. This document is not required by State Civil Service but State Civil Service Staff must be notified when the Fiscal Impact Statement has been submitted to help the agency with the remainder of the timeline required for layoff avoidance and/or layoff procedures. See [Job Aids & Resources: Personnel Action Fiscal Impact Statement.](#)

Rule 17.3 Exceptions

An appointing authority may ask for an exception to **any** of the Rules in Chapter 17. Requests for exceptions must be in writing and must describe the rational business reason for the request, i.e. why the exception is needed.

- Exceptions to the Layoff Avoidance Rules only require approval by the Director, although the Director may refer a request to the Commission.
- Exceptions to the Layoff Rules require Commission approval, although the Director may give interim approval between Commission meetings. Such interim approval must be referred to the Commission for ratification at their next public meeting.

Rule 17.4 Appeals

Only permanent employees who are negatively impacted by a Layoff or Layoff Avoidance have the right to appeal the action in accordance with [Chapter 13](#) of the Civil Service rules.

Section 2 – LAYOFF AVOIDANCE MEASURES

Layoff avoidance measures are covered in Rules 17.5 through 17.10. It is not required that such measures be used prior to layoffs. The purpose of these rules is to provide temporary mechanisms to help agencies delay or avoid layoffs. Agencies should determine the most appropriate measure(s) that apply to their work situation. The three measures available are: 1) reduction in work hours; 2) furlough without pay; and 3) retirement incentive plan. Agencies are encouraged to discuss their situations with Civil Service prior to implementing any of these measures. Each has limitations on usage.

Rule 17.5 Required Notice to Employees

(a) As soon as an appointing authority decides a Layoff Avoidance Measure is going to be taken, a reasonable effort should be made to let employees know what to expect.

(b) Once an agency's Layoff Avoidance Plan has been approved by SCS, the agency is required to make the plan and the Director's approval available to all employees who would be impacted by the measure.

NOTE: Best practices recommend that as soon as an agency determines it will need to implement a Layoff Avoidance Measure or Layoff, employees are notified in order to plan effectively to meet their personal obligations. Posting should be in public areas, such as the intranet, breakrooms, etc. A sample notice can be found in [Job Aids & Resources: General Notice of Impending Layoff Avoidance Measures](#).

Rule 17.6 Repealed effective July 1, 2018.

Rule 17.7 Reduction in Work Hours

When the appointing authority has decided that reducing work hours of employees will help him avoid a layoff in his agency, he must send a request to the Director. For example, full-time employees might be reduced from 40 hours/week to 35 hours/week. Use of this layoff avoidance option is subject to the conditions listed below.

(a) The appointing authority must submit a written layoff avoidance plan to the Director for approval. The request has to include:

1. The reason for the action;
2. Names and job titles of the people being excluded from the action, as well as the reason for being excluded;
3. The date the action will begin and end;
4. The organizational unit to be impacted; and
5. The geographic area to be impacted (parish or parishes).

(b) A reduction in work hours cannot exceed a period of 12 consecutive months.

(c) The maximum amount any employee's work hours can be reduced is 16 hours per biweekly payroll period. That is, if an employee regularly works 80 hours biweekly, his hours cannot be reduced below 64 hours biweekly.

(d) While on reduced work hours, if an employee is required to work more than the assigned reduced schedule he should be compensated as follows:

- The employee must be compensated for the difference in hours between the former schedule and the new reduced schedule. The compensation must be hour-for-hour compensatory time. For example, if a regular 40-hr/wk employee assigned a reduced schedule of 32 hrs/wk works 35 hours, he would be paid for 32 hours and be credited with three hours K-time.
- If the additional hours exceed the employee's regularly assigned schedule, a **nonexempt** employee should be compensated according to FLSA and the overtime Rules in [Chapter 21](#).
- If the additional hours exceed the employee's regularly assigned schedule, and an FLSA **exempt** employee, he should be compensated according to [Rule 21.9](#).

(e) While on reduced work hours, employees continue to earn leave in accordance with Chapter 11 Rules, and may be granted leave in accordance with [Chapter 11](#) Rules.

Rule 17.8 Furlough Without Pay

When the appointing authority has decided that the furlough of employees without pay will help him avoid layoff measures in his agency, he must send a request to the Director. Such request is subject to the following conditions:

(a) The request has to include:

1. The reason for the action;
2. Names and job titles of the people being excluded from the action, as well as the reason for being excluded;
3. The date the action will begin and end;
4. The organizational unit to be impacted;
5. The geographic area to be impacted; and
6. Information on the recall schedule of the employees if they will not all be recalled at the same time, as well as the justification for the recall schedule.

(b) A furlough without pay cannot exceed 240 hours in a consecutive 12-month period without the Commission's approval.

(c) The Commission has the authority to approve the furlough of employees without pay for up to 450 hours in a consecutive 12-month period.

(d) Under extraordinary circumstances, the Commission or the Director may approve a furlough of employees without pay beyond 450 hours in a consecutive 12-month period. However, if during the extended period of furlough the appointing authority decides to recall employees at different times, the order of the recall will be the employee with the most state service in the recalled job title is first. The only exception to this recall schedule is if the job being recalled requires a special license or certification. The agency may also request exceptions to the recall schedule under Rule 17.3.

NOTE: A sample of the letter requesting Furlough Without Pay can be found in [Job Aids & Resources: Layoff Avoidance, Furlough Without Pay](#).

Rule 17.9 Retirement Incentive

For employees who are eligible for regular retirement under the guidelines of the applicable retirement system, the appointing authority may request to make a one-time lump sum incentive payment for the purpose of encouraging retirement. Such requests are subject to the following conditions:

(a) Any payment to an employee cannot be more than 50 percent of the savings realized by the agency in the fiscal year due to that employee's retirement; and

(b) The payment to the employee cannot be before the effective date of the employee's separation.

NOTE: Several job aids are available to agencies when developing the retirement incentive plan. For further information, see [Job Aides & Resources: Layoff Avoidance, Retirement Incentive](#).

Rule 17.10 Required Annual Leave During Closures

When an agency or department has to temporarily close for efficiency of operations, it may charge employees with a maximum of ten (10) days of annual leave per calendar year during the closure. If an employee has fewer than 240 hours of annual leave to his credit, the appointing authority may require the employee to use his annual leave under this rule. Employees who have no annual leave to their credit must be placed on leave without pay, but for no more than ten (10) days per calendar year. There is no Commission or Director's approval required for the application of this rule.

NOTE: Application of this rule is most common with state schools, colleges and universities that close during summer and winter breaks between semesters.

Section 3 – LAYOFFS

There are two types of layoffs: layoffs involving probational employees and layoffs involving permanent employees. Agencies are encouraged to discuss their situations with State Civil Service prior to implementing any of these measures.

NOTE: The layoff process involving probational employees differs greatly from the layoff process involving permanent employees. HR staff must be aware of the process of each in order to manage the timeline and approval necessary for implementation of a layoff. Permanent employees must be provided an opportunity to comment on actions that are being proposed, so deadlines must be met in order for implementation of the layoff to occur on the anticipated effective date. Information, guidelines, sample templates and forms can be found in [Job Aids & Resources](#).

Rule 17.11 Layoffs Involving Probational Employees

(a) The Director's approval is not required for layoffs involving only probational employees. However, before the effective date of the layoff, the appointing authority is required to notify the Director in writing of the impending layoff action.

(b) Probational employees who will be impacted in the layoff must be given notice of the layoff before the effective date of the action.

NOTE: Probational employees are required to be given written notice of the layoff before the effective date. It is not required by this rule for a General Notice of Impending Layoff to be posted, but it is recommended best practice that the earlier an agency provides general notification to its employees the better employees are able to prepare if they are impacted by the layoff. See [Job Aids & Resources: Notification for Probational Employees Who Will Be Laid Off \(Template #5\)](#) for more information.

Rule 17.12 Layoffs Involving Permanent Employees

Layoffs involving permanent employees require a specific notification process with specific deadlines built in to ensure due process is provided to the employee who is impacted by a layoff. The following provides a general description of the layoff process.

(a) Once the appointing authority determines that a department or agency will have to take layoff actions, he is required to make a reasonable attempt to notify employees who may be affected that a layoff plan is being sent to the Director. This notification will serve as the [General Notice of Impending Layoff \(Template #2\)](#).

(b) The appointing authority is required to submit the written layoff plan to the Director at least 16 calendar days before the effective date of the layoff.

(c) Employees who may be laid off or relocated to a vacant position (Last-In First-Out process also referred to as LIFO process) must be notified as follows:

1. The appointing authority must provide a written individual notice of the impending layoff action and a copy of the proposed plan that was submitted to the Director.
2. Employees have an opportunity to comment in writing to the Director regarding the proposed layoff plan. This comment period ends five (5) calendar days after the last employee received his individual notice of the impending layoff. Layoff plans cannot be approved by the Director nor the Commission before this comment period expires.
3. The Director may require the appointing authority to make changes to the layoff plan. If changes are made to the plan, the appointing authority has to provide a copy of the revised plan to each affected employee. The Director or the Commission has the discretion to mandate another comment period.

(d) The appointing authority must provide a final notice of the layoff action to each employee who will be laid off or relocated after the Director or Commission approves the layoff plan. The final notification must also include a copy of the Director's letter of approval.

(e) The effective date of the layoff cannot be earlier than six (6) calendar days following the day the last employee was given final notification.

(f) The individual notice of impending layoff action and the final notice of layoff action shall be provided to affected employees in accordance with [Civil Service Rule 12.8.1](#).

(g) Any additional procedures and instructions related to the notification process in the layoff rules may be included in the HR Handbook.

NOTE: Civil Service Rule 17.12(c)2 provides for the employee's opportunity to comment on the action being proposed (due process) in the layoff plan. For detailed information on the layoff process involving permanent employees, refer to [Job Aids & Resources: Layoff Overview](#), [Procedures: Layoff Guidelines](#), and [Job Aids & Resources: Notice of Proposed Action; Employee Opportunity to Respond](#).

Rule 17.13 Effect of Allocation Changes on Layoff

Once the Director has received a written layoff plan from the appointing authority, any changes in allocations of positions that could be impacted in the layoff process will not change the final outcome of the layoff, regardless of the effective date of the allocation.

Rule 17.14 Requirements for the Written Layoff Plan

This rule provides the components of the written plan. A written layoff plan must contain at least the following information:

1. The appointing authority must define the organizational unit where the layoff will occur. A definition of organizational unit for the purposes of a layoff can be found in [Rule 1.21.1](#). Additional information regarding Organizational Unit can also be found in [Job Aids & Resources: Layoff Overview](#).
2. The appointing authority must explain why the layoff is necessary (lack of work or lack of funds).
3. The appointing authority must describe any and all budgetary measures which were taken in an attempt to avoid layoff actions, i.e. retirement incentive, hiring freeze, etc.
4. The plan must contain the date that the layoff is proposed to become effective.
5. The plan must contain the commuting area (parish or parishes) where the layoff will happen. A definition of commuting area can be found in [Rule 1.9.01](#).
6. The plan must say how the pay of employees who will be relocated to lower positions will be set. Refer to [Rule 6.8.2](#) for rules regarding pay upon relocation in a layoff.
7. The plan must list the following information for all positions that will be abolished in the layoff:
 - a. Parish of domicile for each position.
 - b. Job title and position number of the abolished positions.
 - c. The career field in which the job titles reside.
 - d. The number of positions for each job title.
- 8. Repealed effective July 1, 2014.**
9. For employees who will not receive an offer and will be laid off, the plan must list the parish in which each employee works, the career field in which his job resides, the name of the employee, the employee's job title, the employee's adjusted service date and position number.
10. For employees who will receive a relocation offer, the plan must list the parish in which each employee works, the career field in which his job resides, the name of the employee, the employee's current job title and position number, the employee's adjusted service date, as well as the title of the job which he is to be offered in the layoff.
11. If the appointing authority exempts any employee from the layoff under Rule 17.15(e), he must justify the reason for the exemption in the plan.
12. If the appointing authority requests any exceptions to the layoff rules under Rule 17.3, he must justify the reason(s) for the exceptions in the plan.
13. The appointing authority must list the names, job titles, beginning and end dates for all employees who currently serve in unclassified positions under [Rules 4.1\(d\)1 and 4.1\(d\)2](#), as well as those who serve on job appointments and classified WAE positions.

14. The appointing authority must disclose any contract that may have either directly or indirectly caused the layoff to happen.

NOTE: The layoff template is provided in [Job Aids & Resources: Layoff Plan Sample \(Template #3\)](#).

Rule 17.15 Determining the Employees who will be Laid Off or Relocated

(a) The appointing authority decides which positions in a department or agency that will be abolished. The basis for the determination should be based on the department's budget and organizational priorities.

(b) 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.

(c) Within the organizational unit, career fields and commuting area of the positions to be abolished, a number of employees must be laid off to sufficiently meet budgetary and organizational goals. The employees selected must be laid off based on the Last-In First-Out (LIFO) process as determined by the employees' adjusted service dates. Using the Adjusted Service Date calculator is required for all employees affected by the layoff plan.

(d) Employees who encumber positions that are targeted for abolishment must be moved into vacancies created as a result of the LIFO process and as provided for in Rule 17.18.

(e) The appointing authority may exempt from the layoff plan a percentage of employees. The exemption cannot be more than 20 percent of the total number of employees who are being laid off and relocated in the layoff actions (total affected). The appointing authority must justify the reason for the exemption in the plan. The exemptions should be based on rational business reasons and may include employees with exceptional performance, or who possess some special licensure or certification required to effectively perform the duties of the job.

(f) If an employee has veteran's preference as provided for in [Rule 22.7](#), and he has equal state service credit and job performance, he will be given preference over other impacted employees in a layoff action.

Rule 17.16 Repealed effective April 2, 2014 and replaced with Civil Service [Rule 6.8.2](#)

Rule 17.17 Domicile for Relocation Purposes

(a) The domicile of an employee for relocation purposes will be the parish in which he works.

(b) If the employee's official domicile is "statewide," for the purpose of relocation, his domicile will be the parish in which he lives.

(c) If the employee works outside of the state of Louisiana, for the purpose of relocation, his domicile will be the parish in which he has official residence. If he does not have an official residence, his domicile will be the parish where the department or agency in which he works is headquartered.

(d) For situations not addressed in these rules, the appointing authority may request an exception under Rule 17.3.

Rule 17.18 Relocation Provisions

This rule provides information on which employees are eligible for relocation and how relocation should occur in a layoff.

(a) Only permanent classified employees who received a performance evaluation of "Successful" or higher are eligible for relocation in a layoff.

(b) Permanent employees who resigned a permanent appointment, and without a break in service, to accept a probational appointment for a trial period in the impacted department or agency may be treated (at the discretion of the appointing authority) as permanent employees for relocation purposes in a layoff.

(c) Under this rule, an employee who had an official evaluation of "Unrated" or "Not Evaluated" is treated as having a "Successful" evaluation for that period.

(d) Employees will move into already vacant positions or positions that become vacant as a result of the LIFO process in the impacted organizational unit.

(e) During relocation, an employee will not be allowed to move as follows:

1. Into a position with a higher pay range than the one he is being relocated from.
2. Into any job for which he does not qualify based on the Civil Service minimum qualifications.
3. Outside of the organizational unit defined in the plan, except as provided in subsection (k) of this rule.
4. Outside his career field unless the plan outlines an expanded career field, or as provided under subsection (f) or (k) of this rule.
5. Outside the commuting area defined in plan, except as provided for in subsection (k) of this rule.

(f) The Director may expand the career fields.

(g) Employees who relocate into other positions during the layoff keep their permanent status.

(h) If the relocation offer is to a job in a career progression group, the appointing authority must offer it at the highest level for which the employee qualifies; however, it cannot be higher than the job from which he is being moved.

(i) The appointing authority determines to whom positions vacated during the LIFO process are offered. Offers should be made based on seniority, skills, performance and the needs of the agency. The offers should be based on documented rational business reasons.

(j) An employee who declines a relocation offer in the organizational unit, career field and commuting area will not be eligible for the DPRL. He will be laid off if he declines such an offer.

(k) After the appointing authority has exhausted all offers of vacancies within the organizational unit, career field and commuting area, he may, at his discretion, make relocation offers elsewhere in the department or agency. However, if the employee declines such offers he will be laid off but retain his eligibility for the Department Preferred Reemployment List (DPRL).

(l) The appointing authority may end the temporary appointments of employees working in classified WAE positions and job appointments in order to hire employees who are laid off (and without a break in service) into these positions. Employees hired into job appointments and/or classified WAE positions following the layoff will still be placed on the DPRL.

NOTE: Civil Service Rule 17.18 provides basic information regarding relocation of employees in a layoff. More detailed information can be found in [Job Aids & Resources: Layoff Overview](#).

Rule 17.19 Responsibilities of Employees Affected in a Layoff

Employees who are impacted in layoff have certain responsibilities of which they must be aware. This applies to employees who are active, on any type of leave, working on detail to special duty as well as temporary interdepartmental assignments (TIDA).

(a) The employee is required to read or make himself aware of all the information regarding the layoff that the agency provides.

(b) The employee is required to adhere to the agency deadlines regarding the submission of information for calculation of his adjusted service date. If the employee does not comply with the agency deadline, his adjusted service date will be calculated based on his most recent hire date.

(c) The employee is required to give the agency current and correct information on how he can be reached at all times if he is absent from work.

(d) The employee is required to respond to a relocation offer in the manner that the agency determines. If he does not respond, he is considered as having declined the relocation offer and his name could possibly be removed from the DPRL depending on the job title offered per Rule 17.23(b).

(e) An employee only needs a test score if during the relocation offers; he is offered a position, which moves him from a sub-professional job to a professional job. The score does not need to be active and can be expired. However, it must be a score for the test that is currently used for the job, and it must be verifiable. The score must have been obtained prior to the effective date of the layoff for the employee to be eligible for the position.

(f) Once the agency makes a relocation offer to an employee, should he accept or decline, the decision is final.

Rule 17.20 Freeze to Appointments in Layoff-Affected Jobs

(a) On the date the Director approves the layoff plan, jobs in the affected department are frozen in the impacted career field and commuting area for job titles at the same pay level and lower of the abolished job titles. The only appointments that can be honored are offers that were offered prior to the date the Director approved the layoff plan.

(b) The following exceptions to the freeze do not need the Director's approval:

1. An employee who is reinstated following an appeal;
2. Internal demotion;
3. An employee returning from military duty under [Rule 23.15](#);
4. Classified WAE appointments, detail to special duty, and the use of temporary staffing service employees; and
5. The appointing authority may ask for other exceptions under Rule 17.3.

NOTE: The purpose of the freeze period after approval of a layoff plan is to allow for all positions to remain vacant until the Department Preferred Reemployment List (DPRL) is established with employees who are affected by the layoff. After the list has been established, the freeze is lifted and affected eligible employees are considered first when filling vacancies.

Rule 17.21 Special Provisions for Veteran's in Layoffs

A veteran who has returned from military service under [Rule 23.15](#) will have the time that he served in the US Armed forces that caused him to be away from work counted as service credit if he is laid off after his return.

Section 4 – POST LAYOFF

Rule 17.22 Reporting Requirement Following Layoff

The appointing authority is required to submit to the Director a post layoff report of all personnel actions, which occurred in relationship to the layoff measure. The report must be submitted no later than 15 days after the effective date of the layoff, and it must include the required information on each impacted employee.

NOTE: Upon execution of a layoff, sometimes actions taken are slightly different than that in the plan. For example, an employee who may be shown in the plan for layoff decides to resign and/or retire prior to the effective date of the layoff. The purpose of the post-layoff report is for agencies to report the actual activities that took place on impacted employees on the effective date of the layoff, as well as to indicate the actions taken prior to the effective date if the layoff for those employees who chose to leave the agency prior to the layoff.

Rule 17.23 Department Preferred Reemployment List

Employees who are laid off or relocated to lower positions in a layoff are placed on a preferential hiring list called the Department Preferred Reemployment List (DPRL) created specifically for the department, which conducted the layoff. Preference in hiring at the department or agency following the layoff is given to employees on this list, subject to any exceptions in the rule or approved as part of the layoff plan in accordance with Rule 17.3.

(b) Only permanent employees who have relocation rights as provided for in Rule 17.18 and who were laid off or relocated to a lower position in the layoff are eligible for placement on the DPRL. Eligibility extends only to the following:

1. Department or agency where the layoff happened;
2. The parish where the employee's position is located at the time of the layoff, as well as other parishes he might select for availability; and
3. His job title at the time of the layoff as well as jobs at the same pay level and lower in the career field for which the employee qualifies. If the employee is relocated to a lower level, he is eligible for reemployment in jobs at the level he moved down from and down to (but not including) the jobs in the pay range of the new lower job.

Employees who are not eligible for placement on the DPRL include the following:

1. Employees who moved to a lateral position;
2. Employees who declined a relocation offer in the organizational unit, commuting area, and career field;
3. An employee who at the time of the layoff had a "Needs Improvement/Unsuccessful" on his most recent performance evaluation;
4. An employee whose employment status is nonpermanent; and/or
5. An employee who has retired from state service.

(d) Employees on the DPRL are ranked according to the length of their state service (Adjusted Service Date) at the time the layoff happened. When the agency or department has a need to fill a vacancy, employees with the most state service must be given the first offer. Employees with the same amount of state service are considered having the same ranking. In those cases, the appointing authority decides to whom the offer will be given based on any nondiscriminatory method he chooses.

NOTE: Preference shall be given to Veterans, spouses/parents of veterans per Rule 22.7.

(e) The employee will have his name removed from the applicable DPRL for the following reasons:

1. He receives an offer from the DPRL to a permanent position. His name is removed from the list for the job, which he received the offer, as well as all other jobs at the same pay grade and lower. The employee stays on the list for jobs in the pay grades, which are higher than the pay grade of the job for which he received the offer.
2. He does not respond to or he declines an offer. His name is removed from the list for that job, as well as equivalent and lower jobs.
3. He gets permanent status in a classified job in any department or agency. His name is removed from the list for jobs at the equivalent level, as well as all lower jobs.
4. He is dismissed from a job or he resigns from a job to avoid being dismissed. An exception to this rule may be made if the employee is reinstated following an appeal.
5. The Director determines that he is not available, qualified, or following an investigation, not suitable for appointment to a job.
6. His name has been on the list for two years from the effective date of the layoff. This is the expiration of the DPRL.

(f) If, after the layoff, the job which the employee held before the layoff has a change in the minimum qualifications, title or pay grade (including changes upward), the employee may ask to have his name placed on the list for the new job title, as well as for the jobs at the same and lower levels in the career field. The employee will not have to meet the new qualifications if there is evidence given to the Director (and as the Director determines) to show that the duties would be essentially the same as the duties the employee performed prior to the layoff. The only exception would be if the new job requires (either by law or recognized accreditation program) any specific certification or licensure.

Rule 17.24 Exceptions to Hiring from the List

Once the DPRL has been established, the first employee on the list must be hired first unless there is an exception granted under rule 17.3 or when the position is filled by:

1. Reinstatement following an appeal;
2. Internal demotion; or
3. When an employee comes back from military service under [Rule 23.15](#).

Rule 17.25 Temporary Appointments from the List

Job appointments or classified WAE appointments must be offered to the person who is ranked first on the list. If the person declines the offer, his name remains on the list until an offer for a permanent appointment is given.

Rule 17.26 Movement of Employees Following Layoff

An appointing authority may move an employee from one position to another position for which he qualifies after the layoff. However, there must be a rational business reason for the move, and the move must not be an attempt to circumvent hiring from the DPRL.

Procedures, Job Aids and Resources

- [Layoff Avoidance Overview](#)
- [Layoff Guidelines](#)
- [Layoff Information for State Classified Employees](#)
- [Organizational Unit for Layoff vs. LaGov HCM](#)

Layoff Avoidance

- [Furlough Without Pay](#)
- [General Notice of Impending Layoff Avoidance Measure](#)
- [Reduction in Work Hours](#)
- **Retirement Incentive**
 - [Retirement Incentive Plan](#)
 - [Retirement Incentive Terms of Agreement](#)
 - [Retirement Incentive FAQs](#)

Layoff

- [General Notice of Impending Layoff \(Template #2\)](#)
- [Layoff Checklist](#)
- [Layoff Overview](#)
- [Layoff Plan Sample \(Template #3\)](#)
- [Personnel Action Fiscal Impact Statement](#)

Adjusted Service Date

- [Adjusted Service Date – General Information](#)
- [Adjusted Service Date Notification Sample \(Template #13\)](#)
- [Prior State Service Questionnaire \(Template #1\)](#)
- [Types of Service \(Adjusted Service Date for Layoff vs. Leave Earning\)](#)

Layoff Notification Templates

- [Final Information to the Laid Off Employee – Sample Letter \(Template #12\)](#)
- [Final Notification for Permanent Employees With Relocation Offer \(Template #7\)](#)
- [Final Notification for Permanent Employees Without Relocation Offer \(Template #6\)](#)
- [Individual Notification to Permanent Employees of Pending Layoff Actions \(Template #4\)](#)
- [Layoff Relocation Offer Form \(Template #8\)](#)
- [Notification for Probational Employees Who Will Be Laid Off \(Template #5\)](#)

Post Layoff

- [Department Preferred Reemployment List Form \(Template #9\)](#)
- [DPRL Contact Form \(Template #15\)](#)

- [Final Report of Actions Taken for Layoff or Business Re-Organization \(Template #10\)](#)
- [Post Layoff Guidelines](#)
- [Post Layoff Hiring from the DPRL](#)
- [Post Layoff Summary Report \(Template #11\)](#)
- [Using the Department Preferred Reemployment List](#)