

4670.2930 LAYOFF.

Subpart 1. **Reason for layoff.** An appointing authority may lay off an employee in the classified service by reason of abolishment of the position, lack of funds, shortage of work, or other reason outside the control of the employee. No permanent employee, however, shall be laid off while any emergency, provisional, temporary, or probationary employee is continued in a position of the same class in the agency. Layoff shall be made in inverse order of seniority by employment conditions in the class of work in the agency. Seniority for purposes of layoff shall be the length of service in the class from which layoff occurs in the agency.

Subp. 2. **Seniority.** If two or more persons in the class in which layoff occurs have equal seniority, the order of layoff shall be in inverse order of the date of acquisition of permanent status in the class. If a tie still remains, the order of layoff shall be determined by the average of the last two performance evaluations, if available, or the last evaluation, if only one is available and the employee with the lowest such average or evaluation shall be laid off first. If no performance evaluations are available, the order of layoff shall be determined by the appointing authority in such a way as to retain in the agency the employee(s) considered most valuable. Any permanent or probationary employee about to be laid off shall be demoted to replace the employee with the least seniority in the next lower class in which that employee previously served, unless the employee elects to be laid off.

Subp. 3. **Notice.** The appointing authority shall notify in writing the employee and the supervisor at least ten working days before the effective date of the layoff and shall state the reason for the layoff. If the appointing authority fails to certify before the effective date thereof that the layoff was for reasons not reflecting discredit on the employee, it shall be deemed a dismissal and shall be subject to the rules regarding dismissal.

Subp. 4. **Layoff list.** The names of permanent or probationary employees laid off or demoted in lieu of layoff shall be placed in order of seniority on the layoff list for the class and the agency from which the layoff took place. The affected employees shall have their names placed also on the reemployment list for the class from which the layoff took place and any other class in which they have permanent or probationary status prior to layoff.

Names of laid off employees will remain on the layoff list for a minimum of one year and eligibility shall be extended to a period of time equal to the employee's previous service in the merit system not to exceed five years. The name of a laid off employee must be removed from the layoff list if the employee fails to accept a position in the former classification and county agency or if the employee is appointed to a permanent position in a class equal to or higher than the one from which the employee was laid off. In such cases, the employee's name must remain on the reemployment list for the class from which the employee was laid off.

Subp. 5. **Vacancy.** Whenever an appointing authority submits a requisition to fill a vacancy or a new position in the agency and a layoff list exists for that agency for the class in which the position to be filled is classified, the one name highest on the layoff list shall be certified to the agency for appointment.

Subp. 6. **Scope of rule.** The provisions of this part shall apply to all layoffs, except where otherwise provided in written contract between an agency and an exclusive bargaining representative or in county policy.

Statutory Authority: *MS s 144.071*

History: *16 SR 2054; 25 SR 487*

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