Article 12
LAYOFF AND RECALL

A. The Union recognizes the exclusive right of the Employer to lay off Bargaining Unit employees for such reasons as lack of funds, lack of work, administrative efficiency, including the right to determine the positions to be abolished or to remain vacant, the extent, effective date and length of such layoffs.

   1. An Executive Order reducing Departmental spending and/or wage and salary appropriations, shall be conclusive as to the Employer's right to layoff unit employees.

   2. Instructions by the State Budget Director to Departments and Agencies to reduce spending in preparation for lapses of spending authorizations necessary to balance the state's budget shall be treated, for purposes of this Article and Agreement, as conclusive as to the Employer's right to layoff unit employees.

   3. Nothing in this Article or Agreement shall preclude the parties from mutually agreeing to any other alternative(s) to indefinite layoffs of unit employees. Paragraph P of this Article contains an alternative to indefinite layoff which may be invoked by the Employer.

   4. No Arbitrator may attach any conditions to the use of indefinite layoffs or options provided herein which are not expressly provided in the language of this Article.

B. Definition. "Layoff from employment" shall be the term applied to a unit employee who is out of a job by virtue of being laid off or bumped, and who has exhausted or has no bumping rights.

C. Layoff, bumping and recall of unit employees shall be exclusively governed by the procedures set forth in this Article and this Agreement. However, such procedures shall not apply to temporary layoffs, which shall be governed in accordance with the Section so entitled.

D. Limited Term Employee. The expiration of a limited term appointment shall not be considered a layoff for purposes of this Article. A unit employee with status acquired in a limited term appointment, and separated because of the expiration of that appointment may be reinstated within three (3) years in any vacancy in any Department and in the same class as that from which the unit employee was separated. Such reinstatement may precede employment of any person from a promotional list and any person with less seniority on a layoff list. This subsection shall not apply in the case of a continuing state unit employee who accepted an appointment to a limited term position at any level; in this situation the employee may exercise employment preference at the end of the limited-term appointment. Employment preference begins at the last classification level at which the employee achieved status in an

indefinite appointment before accepting the limited-term appointment. Employment preference may be exercised only within the principal department or autonomous agency that appointed the employee to the limited term appointment.

A person who is recalled on a limited term basis is not eligible to exercise employment preference at the end of the limited-term appointment but shall be returned to all recall lists for which the employee is eligible.

E. Notice to the Union. The Employer will, when indefinite or temporary layoffs are being planned, inform the Union as soon as practicable and, upon written request, discuss the impact of such layoff on unit employees.

1. The Employer shall furnish the Union written notice of the name, class title, current assignment location, and seniority of unit employees holding positions scheduled for abolishment.

2. It is recognized that unit employee choices and ultimate bumping rights preclude the Employer from providing information beyond what is required herein.

F. List to the Union. When layoffs and bumping are completed the Union shall be entitled to request and receive a completed list of bumps and layoffs from employment.

G. Voluntary Layoffs. When the Employer elects to reduce the work force, unit employees within the affected classifications and layoff unit may request, in writing, preferential and layoff out of line seniority. Such voluntary layoff shall be for at least ninety (90) days. After this period, the laid-off unit employee's name shall be placed on recall lists in accordance with the provisions of this Article.

H. General Layoff Provisions. The Employer, in its sole discretion, shall determine those positions which are to be abolished or remain vacant. Layoff units and bumping procedures shall be defined for all bargaining unit positions within a Department/Agency as described in this Article.

1. Definition. Seniority for purposes of layoff, bumping, and recall shall be as defined in Article 11, paragraph A.

2. Excluded Employees. Excluded managerial, supervisory, confidential and eligible non-exclusively represented employees as defined by the Civil Service Rules and Regulations shall be permitted to bump back into the Bargaining Unit under procedures outlined in this Article. Seniority of excluded managerial, supervisory, confidential and eligible non-exclusively represented employees for purposes of bumping into the Bargaining Unit shall be computed as follows:

a. For bumping purposes, all excluded managerial, supervisory, confidential and eligible non-exclusively represented employees who moved from the rank and file of this Bargaining Unit to an excluded managerial, supervisory, confidential and eligible non-exclusively represented position prior to November 4, 1982 shall retain all continuous service hours for purposes of seniority earned up to November 4, 1982 plus not more than one thousand forty (1040) hours earned in such excluded managerial, supervisory, confidential and eligible non-exclusively represented position subsequent to November 4, 1982.

b. For bumping purposes, all excluded managerial, supervisory, confidential and eligible non-exclusively represented employees who move from the rank and file of this Bargaining Unit to an excluded managerial, supervisory, confidential and eligible non-exclusively represented position after November 4, 1982 shall retain all continuous service hours for purposes of seniority earned up to the effective date of such appointment and thereafter up to 1040 hours earned in such excluded managerial, supervisory, confidential and eligible non-exclusively represented position.

c. The seniority of excluded managerial, supervisory, confidential and eligible non-exclusively represented employees for purposes of bumping into the Bargaining Unit shall be the total continuous service hours as defined in Article 11, Section A, regardless of the rank and file position in which the hours were accrued. An additional one thousand forty (1040) hours earned in the excluded managerial, supervisory, confidential and eligible non-exclusively represented position shall also be added to the seniority hours in accordance with Section H.2.a. or H.2.b. of this Article, whichever is applicable.

d. Seniority of unit employees who have earned time in an excluded managerial, supervisory, confidential and eligible non-exclusively represented position but are in the Bargaining Unit at the time of layoff shall be their total continuous service hours as defined in Article 11, Section A.

e. Excluded managerial, supervisory, confidential and eligible non-exclusively represented employees who have bumping rights into the Bargaining Unit shall exercise bumping rights in the same manner as unit employees. Specifically, an excluded managerial, supervisory, confidential and eligible non-exclusively represented employee shall be permitted to bump to a lower level in a class series if such employee has attained Civil Service status in a higher level in that class series.

f. Excluded managerial, supervisory, confidential and eligible non-exclusively represented employees who bump into the Bargaining Unit, are subsequently promoted to an excluded managerial, supervisory, confidential and eligible non-exclusively represented position and then are again affected by a reduction in force which will result in their bumping back into the Bargaining Unit shall have their seniority calculated as the total continuous service hours up to the most recent date such excluded managerial, supervisory, confidential and eligible non-exclusively represented employee moved to the excluded managerial, supervisory, confidential and eligible non-exclusively represented position plus not more than one thousand forty (1040) hours earned in the most recent appointment to such excluded managerial, supervisory, confidential and eligible non-exclusively represented position.

3. Out of Line Seniority. The Employer may lay off and recall out-of-line seniority (1) because of Department of Civil Service approved Selective Certification or (2) to maintain a Department/Agency affirmative action program which is currently in effect and approved by the Employer in accordance with directives or orders of the Governor, is in accordance with applicable law, and has been approved in advance by the state personnel director.

4. Under no circumstances will unit employees have bumping rights into any other bargaining unit unless specifically so provided by a reciprocal agreement with the exclusive representative. There shall be no bumping into the bargaining unit except as provided herein.

   The Employer shall make every effort to hire qualified laid-off unit employees for vacancies which the Employer intends to fill prior to filling a vacancy with a candidate from outside of the department subject to the following provisions:

   a. Laid-off unit employees must receive a qualification review from the Department of Civil Service to determine which position(s) they qualify for;

   b. Laid-off unit employees must respond to a vacancy posting for which they qualify and notify the department of their laid-off status and proof of qualification review;

   c. Such unit employee must not be working in another position in the bargaining unit;

   d. Such unit employee must be willing to accept an appointment at the available location;

e. This procedure shall only be utilized in those cases where there are no recall lists for a particular class and level and no qualified candidate is available through the State of Michigan hiring priority initiative dated June 30, 2004.

I. Layoff and Bumping Procedure. When the Employer determines there is to be a layoff, the Employer shall first identify those positions within a Layoff Unit which are to be abolished or remain vacant.

1. Definition of Least Senior. For purposes of this Article, the least senior position is defined as either a vacant position which the Employer intends to fill; or in the absence of such vacancy, the position occupied by the least senior unit employee.

2. Notice to Employees. Unit employees occupying positions to be abolished shall be given written notice of layoff not less than ten (10) days prior to the effective date of layoff. Unit employees who may be bumped as a result of the position abolishment may also be noticed. The unit employee noticed for layoff shall, within five (5) days of receipt of notification, inform the Departmental/Agency Employer in writing of his/her irrevocable decision to accept layoff or exercise bumping rights in accordance with Sections I.3.-5. of this Article. The Departmental/Agency Employer shall thereafter complete the bumping process.

3. Departmental Layoff Units

a. Department of Agriculture: One of the seven geographical areas established by the Department as of October 1, 1981. [See Appendix F]

b. Department of Community Health: Agency except for Central Office Agency which shall be one layoff unit, and shall have layoff subunits of the upper peninsula laboratory; and the Martin Luther King Boulevard complex laboratory; and, corrections/mental health services agency, which shall be by the following Worksites: Huron Valley Center, Ionia Clinical Complex, Jackson Clinical Complex, and Southeast Clinical Complex.

c. Department of Labor and Economic Growth: County. Ingham, Eaton, Clinton counties shall be considered one county. Wayne, Oakland, Macomb Counties shall be considered one county.

d. Department of Corrections:

(1) Corrections Facility Administration - All buildings of an institution which constitute a facility.

(2) Field Operations Administration - All buildings within a county.

e. Department of Environmental Quality: District (See Appendix F)

f. Family Independence Agency*:* County

g. Department of Management and Budget: County except that Ingham and Eaton Counties shall be one Layoff Unit.

h. Department of Military Affairs:

(1) Zone 1 - Area of the state north of a line between Bay City and Shelby (M-20) to include the Upper Peninsula.

(2) Zone 2 - Area of the state south of a line between Bay City and Shelby (M-20).

i. Department of Natural Resources: District (See Appendix F)

j. Department of State: By county by organizational unit as follows:

(1) Office of the Secretary of State

(2) Office of Hearings and Legislation

(3) Office of Driver and Vehicle Administration

(4) Bureau of Automotive Regulation

(5) Bureau of Department Services

(6) Bureau of State Services

k. Department of State Police: County, except for Ingham and Eaton counties shall be one Layoff Unit, and the combined Wayne, Oakland and Macomb Counties shall be one Layoff Unit.

l. Department of Transportation:

(1) Subunit - A division within a bureau within a layoff unit.

(2) Layoff Unit - Region, except for Lansing which includes the Secondary Complex and the Bureau of Aeronautics which shall be one layoff unit.

m. Department of Treasury: Statewide

4. General Conditions. The following general conditions shall apply to layoffs in all Departments/Agencies of the Employer:

   a. Unit employees exercising bumping rights must meet the requirements of Section H.3.

   b. Unit employees shall be permitted to bump only within their same employment type (i.e., full-timers bump only less senior full-timers; part-timers bump only less senior part-timers; permanent-intermittent bump only less senior permanent-intermittent; etc.) unless specifically provided for otherwise.

   c. Level is defined as the position comparison equivalent level as determined by the Department of Civil Service.

   d. A unit employee who has exhausted all his/her bumping rights and does not have sufficient seniority to retain a position, shall be laid off.

   e. The provisions for bumping shall not permit a unit employee to bump to a higher level.

   f. As a result of bumping downward a unit employee shall not earn more than the maximum rate of the lower class bumped into or more than the rate previously earned in a higher class from which the unit employee bumped. When a unit employee bumps downward, he/she shall be paid at the step in the lower pay range which is the nearest to his/her previous pay without a pay increase.

   g. For purposes of Article 12, a unit employee shall be considered to be qualified if he/she has completed the initial probationary period (2,080 hours) and 1040 hours in a class and level; and will be deemed qualified for lower levels within the same class series except as provided by Article 12. In addition, a unit employee who has served satisfactorily in another class shall be considered qualified in that previous class and level as well as successively lower levels in that class series.

   h. Positions in a class series which contain automatic level changes shall be considered to be in the same class and level.

5. Bumping Sequence by Department: These provisions shall apply to all unit employees in all Departments. A unit employee shall have the right to bump into a former class series in a layoff unit at or below any level in

which the unit employees had satisfactorily completed 1040 hours. The unit employees may exercise this right if he/she cannot bump down into a least senior position in the current class series or if, when bumping into a former class series he/she would receive a higher rate of pay than he/she would receive if such rights were not exercised. If a bump to a former class series within the layoff unit is not possible, a unit employees shall be able to exercise such right statewide in those departments where statewide bumping is an option in accordance with the bumping sequences specified in this Section 3.

a. Department of Agriculture:

(1) A unit employees shall bump into the least senior position in his/her current class-level within the layoff unit.

(2) If (1) is unavailable, a unit employees shall have the option of bumping to the least senior position within his/her current class and level statewide or bumping into the least senior position at successively lower levels within his/her current class series within the layoff unit.

(3) If (1) and (2) are unavailable, a unit employees shall bump to the least senior position at successively lower levels within his/her current class series statewide.

b. Department of Community Health.

(1) A unit employees shall bump to the least senior position in his/her current class/level within the layoff unit.

(i) Unit employeess in the central office layoff unit shall bump into the least senior position in his/her current class and level within the subunit.

(ii) If (i) is unavailable, a unit employees within the central office layoff unit shall bump into the least senior position at successively lower levels within his/her current class series within the layoff subunit.

(iii) If (ii) is unavailable, a unit employees within the central office layoff unit shall have the option of bumping into the least senior position within his/her current class and level in the other layoff subunit/

(iv) If (iii) is unavailable, a unit employees within the central office layoff unit, shall bump into the least senior position, within his/her current class series at successively lower levels in the other layoff subunit.

(2) If (1) is unavailable, a unit employees shall bump into the least senior position at successively lower levels within his/her current class series within the layoff unit.

(3) There is no bumping beyond the layoff unit.

c. Department of Labor And Economic Growth:

(1) For purposes of this section, employment types shall be:

Permanent full time

a. Permanent less than full time

b. Employees currently in permanent less than full time positions begin the bumping sequence at step 1. Employees currently in permanent full-time positions begin the bumping sequence at step 3.

c. Employees shall bump into the least senior position in their classification beginning with the layoff unit in the following successive order:

Step	Employment type	Level	Geographic area
1	Less than full time	Current level	Layoff unit
2	Less than full time	Successively lower levels	Layoff unit
3	Full time	Current level	Layoff unit
4	Full time	Successively lower levels	Layoff unit
5	Full time	Current level	Statewide
6	Full time	Successively lower levels	Statewide
7	Less than full time	Current level	Layoff unit
8	Less than full time	Successively lower levels	Layoff unit

The employer is under no obligation to change the employment type of a position bumped into by the employee of a different employment type.

For example, if an employee with a job share employment type bumps into a full time position, the employer is under no obligation to change the full time position to job share.

d. Department of Corrections:

(1) Unit employees shall bump into the least senior position in his/her current class and level within the layoff unit.

(2) If (1) is unavailable, a unit employees shall bump into the least senior position at successively lower levels within his/her current class series within the layoff unit.

(3) If (2) is unavailable, a unit employees shall bump into the least senior position in his/her current class and level, and thereafter, successively lower levels statewide.

e. Department of Environmental Quality:

(1) For purposes of this section, employment types shall be:

(i) permanent full time

(ii) permanent less than full time

(2) Geographic bumping tiers for unit employees in the DEQ shall occur in the following successive order:

a. district-wide
b. region-wide
c. state-wide

For the purposes of layoff and bumping only, the regions are designated by the following DEQ districts as shown on the district map:

Region 1 -	Upper Peninsula District
Region 2 -	Cadillac, Saginaw Bay Districts
Region 3 -	Grand Rapids, Kalamazoo, Lansing, Southeast Michigan, Jackson Districts.

Employees currently in permanent less than full time positions begin the following bumping sequence at step 1. Employees currently in permanent full-time positions begin the following bumping sequence at step 3.

Employees shall bump into the least senior position in their classification beginning with the layoff unit in the following successive order:

Step	Level	Employment Type	Geographic
1	Current Level	Less than Full Time	Layoff Unit
2	Successively Lower Levels	Less than Full Time	Layoff Unit
3	Current Level	Full Time	Layoff Unit
4	Successively Lower Levels	Full Time	Layoff Unit
5	Current Level	Full Time	Region Wide
6	Successively Lower Levels	Full Time	Region Wide
7	Current Level	Full Time	State Wide
8	Successively Lower Levels	Full Time	State Wide
9	Current Level	Less than Full Time	Layoff Unit
10	Successively Lower Levels	Less than Full Time	Layoff Unit

The employer is under no obligation to change the employment type of a position bumped into by the employee of a different employment type.

For example, if an employee with a job share employment type bumps into a full time position, the employer is under no obligation to change the full time position to job share.

f. Family Independence Agency

(1) Unit employees shall bump into the least senior position in his/her current class and level within the layoff unit.

(2) If (1) is unavailable, a unit employee shall bump into the least senior position at successively lower levels within his/her current class series within the layoff unit.

(3) If (2) is unavailable, a unit employee shall bump into the least senior position in his/her current class and level, and thereafter, successively lower levels statewide.

g. Department of Management and Budget:

(1) Unit employees shall bump into the least senior position in his/her current class and level within the layoff unit.

(2) If (1) is unavailable, a unit employee shall bump into the least senior position at successively lower levels within his/her current class series within the layoff unit.

(3) If (2) is unavailable, a unit employee shall bump into the least senior position in his/her current class and level, and thereafter, successively lower levels statewide.

h. Department of Military Affairs:

(1) A unit employee shall bump to the least senior position in his/her current class/level within the layoff unit.

(2) If (1) is unavailable, a unit employee shall bump into the least senior position at successively lower levels within his/her current class series within the layoff unit.

(3) There is no bumping beyond the layoff unit.

i. Department of Natural Resources: [see Appendix F]

(1) For purposes of this section, employment types shall be:

a. permanent full time
b. permanent less than full time

(2) Geographic bumping tiers for unit employees in the DNR shall occur in the following successive order:

a. district-wide
b. region-wide
c. state-wide

Employees currently in permanent less than full time positions begin the following bumping sequence at Step 1. Employees currently in permanent full-time positions begin the following bumping sequence at Step 3.

Employees shall bump into the least senior position in their classification beginning with the layoff unit in the following successive order:

Step	Level	Employment Type	Geographic
1	Current Level	Less than Full Time	Layoff Unit
2	Successively Lower Levels	Less than Full Time	Layoff Unit
3	Current Level	Full Time	Layoff Unit
4	Successively Lower Levels	Full Time	Layoff Unit
5	Current Level	Full Time	Region Wide
6	Successively Lower Levels	Full Time	Region Wide
7	Current Level	Full Time	State Wide
8	Successively Lower Levels	Full Time	State Wide
9	Current Level	Less than Full Time	Layoff Unit
10	Successively Lower Levels	Less than Full Time	Layoff Unit

The employer is under no obligation to change the employment type of a position bumped into by the employee of a different employment type.

For example, if an employee with a job share employment type bumps into a full time position, the employer is under no obligation to change the full time position to job share.

j. Department of State:

(1) A unit employee shall bump into the least senior position in his/her current class-level within the layoff unit.

(2) If (1) is unavailable, a unit employee shall have the option of bumping to the least senior position within his/her current class and level statewide or bumping into the least senior position at successively lower levels within his/her current class series within the layoff unit.

(3) If (1) and (2) are unavailable, a unit employee shall bump to the least senior position at successively lower levels within his/her current class series statewide.

k. Department of State Police:

(1) A unit employee shall bump into the least senior position in his/her current class/level within the Layoff Unit. In addition, when there is

more than one work unit within the layoff unit, the employee may also have the same bumping option within his/her work unit.

(2) If (1) is unavailable, the unit employee shall have the option of bumping to the least senior position within his/her current class and level statewide or bumping into a least senior position at successively lower levels within his/her current class series within the layoff unit. In addition, when there is more than one work unit within the layoff unit, the unit employee may also have the same bumping option within his/her work unit.

(3) If (2) is unavailable, the unit employee shall have the option of bumping into a least senior position at successively lower levels within his/her current class series statewide.

Work unit is defined as a facility or building or a group of offices within a building to which bargaining unit employees regularly report for work.

The parties agree that where a position requires court testimony as an expert witness as an element of the job, the unit employee must possess the education, experience and training to be recognized by a court as an expert witness in the specialty area of the position.

l. Department of Transportation:

(1) A unit employee shall bump into the least senior position in his/her current class and level within the subunit.

(2) If (1) is unavailable, a unit employee shall bump into the least senior position in his/her current class and level within the layoff unit.

(3) If (1) and (2) are unavailable, a unit employee shall have the option of bumping into the least senior position within his/her current class and level statewide or bumping into the least senior position at successively lower levels within his/her current class series within the layoff unit.

(4) If (3) is unavailable a unit employee shall bump into the least senior position, within his/her current class series at successively lower levels statewide.

m. Department of Treasury:

(1) A unit employee shall bump into the least senior position in his/her current class and level statewide.

(2) If (1) is unavailable, a unit employee shall bump into the least senior position, within his/her current class series at successively lower levels statewide.

J. Recall Lists: Definitions. For purposes of this Article the following definitions apply:

1. The Primary Class is the class and level from which a unit employee is initially laid off or bumped.

2. The Secondary Class is a class and level in the Bargaining Unit, other than the primary class, in which the unit employee has achieved Civil Service status or has satisfactorily completed the required probationary period (2,080 hours), and any lower level class in that class series.

3. A Layoff Unit Recall List is a list of each layoff unit, by class and level, of each unit employee who has been laid off or bumped from a position in that Layoff Unit, and for which he/she is eligible under subsections 1 and 2 hereinabove, and has requested recall to such class and level.

4. A Departmental Recall List is a list by class and level, and by Layoff Unit of each unit employee who has been laid off or bumped from a position in that Department, and for which he/she is eligible under subsections 1 and 2 hereinabove and has requested recall to such class, level, and layoff unit.

5. A Statewide Recall List is a list by class and level, and by county of each unit employee who has been laid off or bumped from a position in the state classified service, and for which he/she is both eligible under subsections 1 and 2 hereinabove and has requested recall to such class, level, and county.

K. Construction of Lists.

1. Primary Class. Each unit employee who is laid off from state employment, or who bumps to a lower level within his/her class series, or to a former class series, shall have the right to have his/her name placed upon the Layoff Unit Recall List for the class and level from which he/she has been laid off or bumped (Primary Class). [See Appendix E for Recall Request Forms.]

2. Secondary Class. In addition, such unit employee shall have the right, upon written request to his/her Appointing Authority, to have his/her name placed upon the Layoff Unit Recall List for a Secondary Class, if eligible.

3. Departmental Recall List. Such unit employee shall also have the right, upon written request as above, to have his/her name placed on the Departmental Recall List for the Primary and Secondary Classes for which he/she is eligible, for each Layoff Unit in the Department at which he/she will accept recall.

4. Statewide Recall List. Such unit employee upon written request to his/her Appointing Authority as provided above, shall have the right to have his/her name placed on the Statewide Recall List for the Primary and Secondary Class for which he/she is eligible, for each county to which recall would be accepted.

5. Addition/Deletion. A unit employee may add or delete his/her name from any Recall List without penalty at any time prior to being recalled, by giving written notice of such request to his/her Appointing Authority. Similarly, without penalty, a unit employee may also add or delete a Layoff Unit or county to which he/she had requested recall prior to being recalled.

L. Recall from Layoff. The provisions of this Section shall be applied subject to the exceptions listed in Section H(3) above of this Article. Notice of recall shall be sent to the unit employee at his/her last known address by registered or certified mail.

1. The Employer shall recall the most senior unit employee who is on the Layoff Unit Recall List for such classification and level prior to filling a vacancy with a candidate from outside of the department.

2. If no unit employee is on such layoff unit recall list, the Employer shall recall the most senior unit employee from the Departmental Recall List for the class and level who has designated the Layoff Unit in which the vacancy exists as one to which he/she will accept recall.

3. If no unit employee is on such Departmental Recall List, the Employer shall recall one (1) of the three (3) most senior unit employees from the Statewide Recall List for the class and level who have designated the county in which the vacancy exists as one to which he/she will accept recall.

4. The unit employee's right to recall shall exist for a period of up to five (5) years from the date of layoff.

5. Forensic Scientist 12 positions in the Department of Sate Police require court testimony as an expert witness as an element of the job. The unit employee must possess the education, experience and training to be recognized by a court as an expert witness in the specialty area of the position.

M. Removal of Name From Recall Lists. If a unit employee fails to respond within ten (10) calendar days from the date of mailing of the recall notice his/her name shall be removed from recall lists. In addition, his/her name shall be removed from recall lists as provided below:

1. A unit employee who refuses recall to employment in his/her Layoff Unit in his/her Primary Class shall be removed from all recall lists as a voluntary resignation.

2. A unit employee who accepts recall to employment in his/her Layoff Unit and his/her Primary Class shall be removed from all recall lists.

3. A unit employee who refuses or accepts recall to a Secondary Class on the Layoff Unit recall list shall be removed from all lists for such Secondary Class.

4. A unit employee who refuses or accepts recall to a Primary or Secondary Class on a Departmental Recall List shall be removed from the list(s) for such class except at the Layoff Unit from which he/she was laid off.

5. A unit employee who refuses or accepts recall to a Primary or Secondary Class on a Statewide Recall List shall be removed from such list.

6. In the event a recall notice as provided in Section L above is returned to the Employer as not received or as refused by the unit employee, that unit employee shall be deemed to have refused to accept recall.

7. A unit employee who failed to respond to a recall notice and who subsequently was removed from recall lists, may, within thirty (30) calendar days of such removal, request reinstatement on all appropriate recall lists in writing. After establishment of valid reasons for the failure to respond, the unit employee shall be reinstated on all appropriate recall lists, but shall have only future recall rights.

N. Temporary Recall. In accordance with the provisions of this Article, unit employees may designate agreement in writing to be recalled by Department/Agency Layoff Unit on a temporary basis when laid off. Temporary recall shall also be on the basis of seniority. A unit employee who fails or refuses to accept temporary recall to a layoff unit previously designated shall be removed from that list. Removal from a Temporary Recall List shall be effected when a unit employee refuses temporary recall, but shall not affect the unit employee's place on a Permanent Recall List.

O. Layoff and Recall Information to the Union. The departmental Employer agrees to provide copies of relevant portions of seniority lists which the Employer uses to complete the layoff process. The departmental Employer further agrees to provide to the Union, upon written request, copies of any recall list(s) which were used to recall unit employees.

P. Temporary Layoffs. Application of temporary layoffs. Temporary layoff may be invoked by the Employer under paragraph A above.

1. Application.

   a. Temporary layoff shall not exceed six (6) days per fiscal year.

   b. Unit employees shall be laid off by inverse seniority order within the affected layoff unit(s) or; in a circumstance where not all work sites in a layoff unit are involved, by inverse seniority order within the work site; however, where the Employer determines to temporarily lay off all of the unit employees in a Layoff Unit, it may do so provided that:

      (1) The cumulative period does not exceed six (6) days per Fiscal Year; and

      (2) All unit employees in the Layoff Unit shall be laid off in approximately equal numbers for an equal number of days.

   c. Waiver. A unit employee who is temporarily laid off shall not be entitled to any leave balance payoffs, to bump to any other position, nor to be placed on any recall list or be recalled to any position other than the one from which the unit employee was temporarily laid off. The maximum advance notice possible under the circumstances shall be provided.

   d. The Employer will continue to pay its share of the premium for group insurance programs for any unit employee placed on temporary layoff, provided the unit employee prepays his/her share of the premium. Accumulated annual leave and sick leave balances will be frozen during the period of the temporary layoff.

2. Seniority. An employee who is temporarily laid off pursuant to this Section will not lose continuous service hours for purposes of seniority and fringe benefit accrual. A temporarily laid off employee will not be paid.

3. Notice Requirements. The parties agree that notwithstanding the notice requirements contained in Article 12, the temporary layoff notice requirements are as follows:

   a. Notice to the Union. The Employer will give the Union at least (14) calendar days written notice of the date or dates on which the Employer plans to implement temporary layoffs of all or some bargaining unit employees.

b. Notice to Employees. The Department or Agency will give written notice to the employees to be laid off at least fourteen (14) calendar days before the first day of layoff. The Department or Agency will give the Union concurrent notice of employee names and, to the extent feasible, work location.

c. Exempted Work Location Notice. If a work location is completely exempted from temporary layoff, the Department or Agency will post a notice so stating at least seven (7) calendar days before the first day of layoff.

Q. Benefit Continuation During Layoff.

1. Unit employees laid off as a result of a reduction in force may elect to prepay their share of premiums for medical, dental, vision and life insurance for two (2) additional pay periods after layoff by having such premiums deducted from their final pay checks. The State will pay the state's share of the premium for medical, dental, vision and life insurance for these two (2) pay periods for unit employees electing this option. Election of this option shall not affect the laid off unit employee's eligibility for health and life insurance coverage for twelve (12) months subsequent to layoff by directly paying the entire premium, as per current practice for the remaining eleven (11) months of the one (1) year period.

2. Unit employees who are laid off, at the time of layoff, may elect to continue enrollment in the Group Basic and Major Medical Plan (or alternative plan) by paying the full amount (100%) of the premium. Such enrollment may continue until the unit employee is recalled or for a period of three (3) years, whichever occurs first. Such unit employees may also elect to continue enrollment in the Group Dental and/or Group Vision plans by paying the full amount (100%) of the premium. Such enrollment may continue until the unit employee is recalled or for a period of eighteen (18) months, whichever occurs first. In accordance with paragraph 1 of this Section, the Employer shall pay the Employer's share of such premiums for two (2) pay periods for unit employees selecting these options.

R. Annual Leave.

1. Laid off unit employees who are rehired from layoff to a permanent position in a different Department/Agency may elect to buy back up to eighty (80) hours of accrued annual leave which had been paid off. Unit employees recalled to the Department/Agency from which they were laid off may elect to buy back any portion of annual leave up to the amount paid off. Unit employees electing this option shall buy back annual leave at the returning rate of pay. Such payment shall be made to the Department/Agency making the original payoff. Such option may be exercised only once per recall, and must be exercised during the first thirteen (13) pay periods of the recall/rehire.

A unit employee separated by reason of layoff may elect to freeze annual leave up to the accrued balance at the time of layoff. Such balance shall be retained until the unit employee elects to be paid off for the balance or until the unit employee's recall rights expire, whichever occurs first. Payoff shall be at the unit employee's last rate of pay.