

PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULES

**Draft Rule 2-21: Temporary Layoffs during a Fiscal Emergency**

A Proposed Rule of General Applicability

Draft Revision 1 [All text is new]

## 2-21 Temporary Layoffs during a Fiscal Emergency

### 2-21.1 Application

- (a) **Employees and Exclusive Representatives.** This is a rule of general applicability approved under Rule 6-3.6 that applies to all of the following:
- (1) All eligible classified employees covered by a collective bargaining agreement and all parties to a collective bargaining agreement, notwithstanding any contrary provision in the collective bargaining agreement.
  - (2) All nonexclusively represented classified employees.
- (b) **Temporary layoffs.** All temporary layoffs beginning during the effective dates of this rule are governed exclusively by this rule. All temporary layoffs beginning before or after the effective dates of this rule are governed by the rules, regulations, and collective bargaining agreements then in effect.
- (c) **Effective dates.** This rule is in effect from October 1, 2007, through November 3, 2007.

### 2-21.2 Operation

- (a) **Authorized.** An appointing authority may place an employee on one or more temporary layoffs as provided in this rule and any applicable regulations.
- (b) **Limitations.** An employee cannot be placed on temporary layoff status for more than 20 cumulative workdays during the period this rule is in effect.
- (c) **Relation to other rules, regulations, and collective bargaining agreements.**
- (1) **Application.** While in effect, this rule preempts, modifies, and voids any rule, regulation, or provision of a collective bargaining agreement previously approved by the civil service commission that is inconsistent with this rule.
  - (2) **Temporary layoff, employment preference, and recall rules and provisions not applicable.** The civil service rules, regulations, and collective bargaining agreement provisions governing temporary layoffs, employment preference, and recall do not apply to temporary layoffs or return to work from temporary layoff authorized in this rule.

- (3) **Insurance, leave accruals, and service credits.** Notwithstanding any other civil service rule, regulation, or provision of a collective bargaining agreement, the fact that an employee's work hours or pay is reduced by a temporary layoff, all temporary layoff time is considered creditable time for all purposes, including, but not limited to, the following:
- (A) Satisfaction of the standard 80-hour biweekly work period for full-time employees.
  - (B) Compliance with compensation schedules.
  - (C) Computation of service hours for the following:
    - (1) Longevity.
    - (2) Annual and personal leave.
    - (3) School and community participation leave.
    - (4) Sick leave.
    - (5) Holiday pay for less than full-time appointments.
    - (6) Completion of a probationary period.
  - (D) Eligibility for group insurance plans and benefit levels.
  - (E) Computation of total continuous service hours for all purposes, including, but not limited to, employment preference, layoff, recall, step increases, and, as authorized by statute, retirement.
- (4) **Not a break in service.** An employee does not incur a break in service as a result of a temporary layoff.
- (5) **No substitution.** An employee cannot substitute annual leave, personal leave, school and community participation leave, banked leave, compensatory leave, sick leave, deferred hours, or any other paid status for a temporary layoff.
- (6) **Leave balances.** An employee is not entitled to have any leave balance paid off as a result of a temporary layoff.
- (d) **Return from temporary layoff.** An employee, including a probationary employee, shall return to work on the employee's next regularly scheduled work period following the end of the temporary layoff. The employee returns to work in the same position from which the employee was temporarily laid off.
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