



Frequently Asked Questions on Layoff and Recall Contract Language

Prepared for Local 17 members – WSDOT Northwest Region

This document applies to Local 17 WSDOT members who work in Northwest Region, including members at 520, Alaskan Way Viaduct, Ferries, Tolling, and Aviation, and any out-stationed headquarters members whose official duty station is located within Northwest Region. However, it does not apply to Local 17's Real Estate Services members.

Please note that the relevant Local 17 contract provisions governing layoff, recall, and seniority include: Article 35, Article 36, and Appendix B. Please also note that this document provides general information only. Specific questions should be addressed to your steward or union representative.

What is an “at-risk letter”?

WSDOT has indicated that it will make an attempt to send “at-risk” letters to employees whose positions may be eliminated and to those who are at risk of being bumped. Receipt of an at-risk letter does not mean that a member will be subject to layoff but he or she be impacted by a Reduction in Force (RIF).

At-risk letters are not required by the collective bargaining agreement (“CBA” or “contract”). The CBA does state that, whenever possible, the employer will notify the union of major layoff actions at least thirty days prior to implementation.

It is possible that a member will get a RIF notice (see below) without first getting an at risk letter.

What is a “RIF notice”?

The employer is required to provide written notice of layoff at least 15 calendar days prior to the effective date of layoff. If such notice is not provided, the employer must pay the employee as if 15 days notice had been given. For example, if the employer on February 1 provides written notice to an employee that he or she will be laid off on February 10, the employer would have to pay the employee through February 15.

The RIF notice will include a member’s bump option, if one is available (see below). A member is offered only one option, and how that option is determined is defined by contract (see below). The member must respond in writing within 7 calendar days if he or she wishes to accept that option. This seven days starts from the date of the written notice of layoff.

How do I know if my seniority date is correct?

WSDOT posts seniority lists each year. Please check your seniority date for accuracy right away after the seniority lists are posted. You have 21 calendar days to appeal your seniority date to HR, after which time the date is presumed correct. However, if you did not challenge your seniority date within that time frame and you believe it is incorrect, talk with your steward or union representative right away.

Seniority for Local 17 members is defined as the length of unbroken state service. A member has a seniority date, which is a calendar date. Any adjustments to seniority based on for example leave without pay or part time status move the seniority date up to a different calendar date.

I work part time or on call. How is my seniority calculated?

Seniority for part time and on call members is still defined as the length of unbroken state service, but is based on actual hours worked. Forty hours worked by a part time or on call employee equals seven days of seniority. This essentially means that seniority for part time and on call is calculated on a pro-rated basis. For example, a part time employee works 20 hours per week. Once that employee has worked 40 hours he or she will accrue 7 days of seniority.

Does leave without pay break my seniority?

Leave without pay (LWOP) of fifteen consecutive calendar days or less does not impact your seniority. Leave without pay of more than fifteen consecutive calendar days that is not due to one of the following reasons will cause your seniority date to be moved forward by the duration of the leave without pay. For example, if a member's seniority date is 1/1/2005, and the member takes 30 consecutive calendar days of LWOP (not for one of the following reasons), the seniority date will be adjusted forward to 1/31/2005.

Leave without pay of more than fifteen consecutive calendar days will not break seniority if the LWOP is for one of the following reasons:

1. military leave or U.S. public health service leave
2. compensable work-related injury or illness leave
3. governmental service leave and leave to enter the Peace Corps, not to exceed 27 months
4. educational leave, contingent upon successful completion of the coursework
5. reducing the effects of a layoff

Can I count military service toward my seniority date?

A maximum of five years credit (on a day-for-day basis) will be added to the seniority date of permanent employees who are veterans or to their surviving spouse or domestic partner, as defined by RCW 26.60.020 and 26.60.030.

What if I was laid off and returned to state service?

If you are separated from state service due to layoff and are re-employed within two years of your separation date, you will not be considered to have a break in service for the purposes of seniority. Your seniority date will be calculated as if the break in service had not occurred.

What happens if I am tied in seniority with another member in my layoff unit?

Ties in seniority between two or more employees are broken in the following order:

1. longest continuous time within the current classification
2. longest continuous time with the agency
3. by lot

What is my layoff unit?

Each member in Northwest Area has a local layoff unit as well as an area layoff unit.

Northwest area members' area layoff unit includes all employees and positions in the Northwest region (including AWW, 520, and tolling), Aviation Division, and Washington State Ferries, as well as out-stationed Headquarters employees whose official duty station is located in Northwest Area.

Northwest area members' local layoff units are as follows:

King County north of 145th: all positions (including out-stationed headquarters positions) whose official duty station is located in King County north of 145th street

King County south of 145th: all positions (including out-stationed headquarters positions) whose official duty station is located in King County south of 145th street

Whatcom County: all positions (including out-stationed headquarters positions) whose official duty station is located in Whatcom County

Skagit County: all positions (including out-stationed headquarters positions) whose official duty station is located in Skagit County

Island County: all positions (including out-stationed headquarters positions) whose official duty station is located in Island County

Snohomish County: all positions (including out-stationed headquarters positions) whose official duty station is located in Snohomish County

Aviation Division: all positions (including out-stationed headquarters positions) assigned to the Aviation Division

Washington State Ferries: all general service and out-stationed headquarters positions located in WSF

Do I have bumping rights?

Bumping rights are based on seniority within first a member's local layoff unit and then within the larger layoff unit.

Formal option

The contract requires that an employee facing layoff be offered a formal option, *if one is available*. An employee is provided one option.

Employees facing layoff will be provided a bump option to a comparable position as follows. The option (if one exists) is determined by going through the following three steps, in descending order, first within the local layoff unit and then within the larger area layoff unit.

1. a funded vacant position that the member has the skills and abilities to perform, within his or her current job classification

2. a funded filled position held by the least senior employee for which the employee has the skills and abilities, within his or her current job classification
3. a funded vacant or filled position held by the least senior employee for which the employee has the skills and abilities, at the same or lower salary range as their current permanent position, within a job classification in which the employee has held permanent status.

Vacant positions will be offered prior to filled positions.

For these options, a member must currently possess the skills and abilities or be able to acquire them within a reasonable period of time.

Skills and abilities for a position generally are those listed on the “essential job knowledge, skills and abilities” section of the CQ/PD of the position that could be a bump option, and have been identified at least three months prior to layoff.

Informal option

Additionally, an employee facing layoff *may* be offered an informal option, but this is not required. An informal option would be to a funded vacant position within the layoff unit, or a funded vacant project position. An employee must have the skills and abilities for the position. In addition, the informal option must be at the same or lower salary range as the position in which the employee currently holds status.

Do I have to serve a review period if I bump into a position?

The union says no, based on the language of your CBA, but we have not verified the employer’s interpretation of this language.

Your CBA provides that the employer will require an employee to complete a six month transition review period (which can be extended to up to twelve months by the employer) where the employee accepts a layoff option to a job classification in which he or she has:

1. not held permanent status
2. been appointed from the General Government Transition Pool, or
3. been appointed from the internal layoff list.

What is layoff recall?

The employer is required to maintain an internal layoff list (also called layoff recall list) for each job classification. The list includes the names of employees who have been laid off and who have requested to have their names placed on the list or lists.

What do I need to do to get on the internal layoff list?

You need to affirmatively request to have your name placed on the internal layoff list(s) for the classification from which you were laid off or bumped and for any classification in which you have held permanent status. The employer maintains separate internal layoff lists for each classification.

You may request to have your name placed on the internal layoff list(s) for higher classification(s), if you are offered and accept a bump option to a classification lower than what you held at the time of layoff.

You may also request to have your name placed on the internal layoff list(s) for job classification(s) in which you have held permanent status at your previous work location, if you accept an option (either bump or from the internal layoff list) to a position beyond a commuting distance of thirty miles.

What does being on the recall list mean?

Where a vacancy occurs within the agency, if there are names on the internal layoff list for that classification, the most senior candidate on the internal layoff list with the required skills and abilities who has indicated an appropriate geographic availability will be appointed to the position.

How long can I remain on the internal layoff list?

For two years from the effective date of layoff. Additionally, you will be removed from the layoff list for a classification if you are offered a position off the list and waive such appointment two times.

What is the General Government Transition Pool (GGTP)?

The GGTP is maintained by the Department of Personnel. This list may be used by state government employers to fill positions.

Can I file a grievance if I receive an at-risk letter or a RIF notice?

Your CBA provides that grievance may be filed within 21 days of the date of the occurrence giving rise to the grievance or the date the grievant knew or could reasonably have known of the occurrence. Grievances may be filed where there has been a misapplication, misinterpretation, or violation of the CBA.

Generally, because receipt of an at-risk letter would not constitute a violation of the CBA, such receipt would not form the basis for a grievance.

If you believe a RIF notice or the department's actions related to RIFs constitute a violation of the CBA, please contact your steward or union representative right away to discuss, being conscious of the grievance timelines articulated above.