



Overview

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 measures available are:

- 1) reduction in work hours [Rule 17.7](#);
- 2) furlough without pay [Rule 17.8](#); and
- 3) retirement incentive plan [Rule 17.9](#).

Agencies are encouraged to discuss their situations with Civil Service prior to implementing any of these measures. Each has limitations on usage.

Impact on Benefits

The limits for the avoidance measures were devised with consideration for employee benefits, such as group health insurance and retirement. Agencies should consider the effects that the different avoidance measures will have on employees' benefits. The exact effects a measure will have on benefits can be determined only on an individual basis. Therefore, when layoff avoidance measures are considered, specific questions should be directed to the applicable retirement and insurance programs. These include the State Employees' Retirement System and the State Employees' Group Benefits Program.

Notice to Employees

As soon as it is determined that a layoff avoidance measure is necessary, the agency must make a reasonable attempt to notify all employees who could be affected, including those on leave [Rule 17.5\(a\)](#). This should be done before the plan is submitted to Civil Service. This does not have to be done through individual written notices to employees. The notice may be posted in a central location(s) and/or employee meetings may be held.

Prior Civil Service Approval

Before an agency can implement a layoff avoidance measure, it must submit the written plan to the Director of State Civil Service, and, subject to [Rule 17.2](#), wait for approval. The only measure which does not need Civil Service approval is the required use of up to 10 days of annual leave (or leave without pay if the employee does not have sufficient annual leave) during agency closures ([Rule 17.10](#)). (This is most commonly used by schools or universities for between-semester closures, but may be available for use by other agencies depending upon need and rationale).

Approved Plan Made Generally Available

Once a layoff avoidance plan is approved by Civil Service, it must be made generally available to all employees who may be affected, according to [Rule 17.5\(b\)](#). Refer to methods of notification stated above in "Notice to Employees."

Exceptions

Any exceptions to the regular, uniform application of an avoidance measure must be requested in the plan, with written justification based on rational business reasons ([Rule 17.3](#)). Exceptions should be requested only when necessary, as the intent of the rules is to have measures apply uniformly "across the board" ([Rule 17.1](#)). Some types of exceptions may include employees who possess particular qualifications or skills needed to preserve the life, health, or welfare of the public.