I’ve been told that I am being laid off and my position abolished. What does that mean? A layoff is defined as any reduction in force resulting in the elimination of one or more positions. According to State Personnel Rules, there are only three reasons for which an occupied position may be abolished: lack of work, lack of funds, and reorganization. The required layoff notification letter to the employee must state one of these reasons for position abolishment.

Why my position? The appointing authority is responsible for making the business decisions related to a layoff. This includes determining if a position is to be abolished and which position is to be abolished. Factors which may be considered when abolishing a position include position assignments, mission of the work unit, position funding source, length of University service, past performance, special skills and abilities.

How do I know the position abolishment is really based on one of these reasons? The appointing authority is required to work with the Department of Human Resources to develop a layoff plan. The purpose of the layoff plan is to facilitate strategic planning prior to the abolishment of any positions and to provide an open and transparent explanation for the elimination of services and/or positions. This plan must be explained to and shared with the affected employees at least ten calendar days prior to issuing a layoff notice. The plan must be posted in a conspicuous place where all impacted parties have access to view the posting and is also posted on the Department of Human Resources website.

Do I have any recourse? You may appeal a layoff action by sending an appeal form to: Colorado State Personnel Board, ATTN: Appeals Processing, 1525 Sherman Street, 4th Floor, Denver, Colorado 80203, or fax it to 303-866-5038. Standard appeal forms are available from the Employee Relations, Department of Human Resources, 303-492-0956. The appeal form requires you to state your reason for appeal (i.e. why the layoff was arbitrary, capricious or contrary to rule or law) and the relief you wish to request.

What are my options for the immediate future? In order to secure employment, you are encouraged to pursue all possible options. Update your application in JobsatCU and apply for promotional or transfer opportunities at CU-Boulder. You can also consider job opportunities at other state agencies. Utilize your networking opportunities by letting people who you come into contact with, both on and off-campus, know that you are looking for job opportunities. Explore employment opportunities in the community. If you are eligible for retention rights, indicate interest in all possible options available through the layoff process when you meet with an Human Resources representative.

A separation incentive may also be an option. State Personnel rules provide for the use of separation incentives during challenging budget times. The University of Colorado Boulder has developed a Separation Incentive Program that may be available to classified employees who are laid off. This program provides for a monetary incentive to be paid to a laid off employee at the appointing
authority’s discretion. For more information about separation incentives, please contact a Employee Relations representative at 303-492-0956.

What are retention rights? If, as of January 1, 2013, your years of service (includes purchased service) and age equal 75, you are eligible for retention rights. Recruitment Services is responsible for determining if you have retention rights to another classified position on the Boulder campus.

What if my years of service and age do not equal 75 as of January 1, 2013? If your years of service and age do not equal 75, you are not eligible for retention rights. You will have the opportunity to meet with a Human Resources Consultant who can answer questions and make suggestions about possible next steps. If you do not find another position on campus by the effective date of the layoff, your employment with the University will come to an end.

How does the retention rights process work? If you have retention rights to another classified position, you will be offered that position and the appointing authority will have no choice but to accept your placement in the position. You will be working with a Human Resources Consultant in Recruitment Services to identify the job classes to which you have rights with the goal of identifying a specific position on the Boulder campus which may be offered to you.

You have rights to only those job classes in which you have been certified which are at the same level or below your current job class. State Personnel Rules do not allow you to be placed in a job class which is higher than your current job class even if you have been certified at that higher level in the past. You must also meet the minimum qualifications and any previously approved special qualifications of the specific position under consideration.

Within the job classes identified above, you may have rights to vacant positions, positions occupied by non-certified employees, and positions occupied by persons with less state classified service than you.

The Human Resource Consultant must identify the single highest and best offer which means the order of consideration will be as follows: transfer opportunity (position at the current pay grade), demotion opportunity (position at a lower pay grade), and part-time opportunity (if currently full-time). Recruitment Services, first, will try to identify a position at your current pay grade. If no position exists to which you have rights, Recruitment Services will then try to identify a position at a lower pay grade. If no position exists, Recruitment Services will try to identify a part-time position for you.

If a position is identified for you through this process, you will be given the offer in writing and be required to make a decision within three business days. If you decline the offer, your employment with the University will come to an end and your name will be placed on a reemployment list for your current job class for one year unless you are reemployed in that job class within the year.

If no position is identified through this process, your name will be placed on a reemployment list for your current job class for one year unless you are reemployed in that job class within the year.

Will I have to “bump” someone? If there is not a vacant position to which you have retention rights, you may be offered a position which is occupied by a person who is not certified or who has less state classified service, if such a position exists. For most employees and departments, this is the most troubling part of the retention rights process, because this may mean that you would be displacing a trained employee in another department.
Recruitment Services encourages you to keep all of your options open, but, at the same time, to be realistic about those options.

We understand this is a difficult situation to be faced with and encourage you to take advantage of the resources available to assist you in this transition.

**How long does the retention rights process take?** State policy requires that the employee be given the job abolishment notice at least 45 calendar days prior to the effective date. Certified employees who are bumped (displaced) and probationary employees who are bumped or whose positions are abolished receive at least 10 working days’ notice. It is always the goal of Recruitment Services to make the position offer to the employee prior to the effective date of the job abolishment/bump.

**What if I decide to leave state service?** If you should leave or are laid off from state classified service, you will have the privilege of reinstatement for an indefinite period. This means that you can be considered for classified positions at any time in the future without testing if the appointing authority chooses not to administer a testing process for all applicants and provided that the position is at your current level or below and you meet the minimum qualifications for the position. You may be asked to provide proof of your past state employment. A person may be reinstated to a related class with the same or lower pay range maximum than the previously certified class.

As indicated above, if you are not placed in a position or do not choose to accept the position offered, your name will be placed on a reemployment list for one year. This means that, if a vacancy in your job class and for which you meet the minimum qualifications should become available during the year, you will receive priority for the position. Only one job offer is made from a reemployment list.

**How can the University help me?**

**Recruitment Services** You will have the opportunity to meet with a Human Resources Consultant who can help guide your next steps. For example, they might assist you in identifying possible transfer and promotional opportunities and contacts you might make at other state agencies.

**Faculty and Staff Assistance Program** is a free confidential counseling/consulting/referral service designed to provide assistance to faculty and staff for personal or work-related concerns that may interfere with job performance.

**Employee Services** Located at 1800 Grant Street, Suite 400 Denver, CO 80203; 303/860-4200. This office can advise you about extending your benefits if you should leave the University and provide information regarding your PERA options.

**What happens to my benefits if I leave state service?**

**Sick Leave Balance** - Your sick leave balance will not be paid to you but will remain with your record and will be restored to you if you return to state service in the future. If you are eligible to retire upon termination, ¼ of your sick leave will be paid to you.

**Annual Leave Balance** - You will receive a payment for any annual leave that is not used.

**PERA** - You may apply for a refund of the contributions that you have made to PERA. If you are vested (at least five years of earned service credit), you may choose to leave your contributions with PERA. You are advised to contact PERA directly with your questions at 303/832-9550.
Health Insurance - You may continue your health insurance coverage for up to 18 months by paying both your share and the state contribution. For additional information, please contact Employee Services at 303-860-4200.

Unemployment - You may be eligible for unemployment. Information on unemployment benefits and filing is available from Unemployment Insurance Customer Service at 303-318-9000 through the Colorado Department of Labor and Employment. General information may also be found on their website. Our Employee Relations may be able to answer questions regarding unemployment and can be contacted at 303-492-0956.

Community Employment Resources – There are numerous community resources available to you. These include the local Workforce Centers which provide workshops and other services to return you to work. There are also several community jobs networking groups in Northern Colorado.

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