

17-1 Purpose

This chapter applies only to Washington State Department of Transportation (WSDOT) employees not covered by a collective bargaining agreement. For bargaining unit employees, refer to the applicable collective bargaining agreement for further information.

This chapter establishes the policy and procedures the department will follow if it becomes necessary to implement a Layoff. For a definition of terms, refer to [Section 17-3](#). For a full description of Layoff units, refer to [Section 17-6](#).

17-2 Policy

A. WSDOT shall strive to maintain a core workforce capable of meeting its mandated responsibilities to the extent available resources allow.

In the event of a need to reduce staff the department, in accordance with business need and at the department's discretion, may reduce its workforce through attrition and curtailment of hiring, offer incentives authorized by law and/or encourage affected employees to consider applying for a transfer or a voluntary demotion to a vacant position in other layoff units, or request volunteers to take leave without pay to lessen the impact of a layoff ([WAC 357-31-330\(11\)](#)). Employees may be laid off without prejudice according to these layoff procedures that are consistent with [Chapter 357-46 WAC](#).

B. The reasons for layoff include, but are not limited to, the following:

- Lack of funds
- Lack of work
- Organizational change
- Termination of project or special employment
- Availability of fewer positions than there are employees entitled to such positions
- Employee's ineligibility to continue in a position following its reallocation to a class with a higher salary range maximum
- Employee's ineligibility to continue, or choice not to continue, in a position following a reallocation to a class with a lower salary range maximum
- Elimination of a position due to the work of the position being competitively contracted
- Reassignment of any employee's position to a new official duty station located beyond a reasonable commuting distance (35 miles one-way) of the employee's present official duty station
- WSDOT may temporarily layoff employees in accordance with [WAC 357-46-063](#) through [357-46-068](#).

- C. **Communication** – Management will communicate as appropriate when layoff actions are anticipated. This communication may take different forms such as email, face-to-face or departmental communications. The Unions may also be notified in the event bumps are anticipated that may impact bargaining unit members. Additionally, online resources are available for both management and employees to provide guidance on the process and resources that may be helpful to explain the process and reasons for the action.

17-3 Glossary of Terms

The following definitions will apply throughout this procedure:

Comparability of Positions – Comparable positions in the layoff unit for full-time positions are 40 hours per week; comparability for part-time positions is less than 40 hours per week. Comparability of positions in the layoff unit also means the same shift (day, swing, night/graveyard) and applicable pay ranges.

Position Requirements – Position requirements are the knowledge, skills and abilities identified in position descriptions, recruitment announcements, or other sources. Position requirements may also include bona fide occupational qualifications approved by the Human Rights Commission, license or certification requirements, and other state and federal requirements.

Employment Retention Rating (Seniority) – The employee's employment retention rating is determined using seniority as calculated in [WAC 357-46-055](#). This measure of unbroken time includes time spent in uninterrupted non-permanent appointment(s) that immediately precede an employee's probationary appointment. If employees have a tie in seniority date the following criteria will be applied in the order below:

1. Continuous unbroken state service
2. Seniority in current classification
3. By lot

Washington General Service (GS) – The system of personnel administration that applies to classified employees or positions under the jurisdiction of [Chapter 41.06 RCW](#) which are not exempt under [RCW 41.06.070](#) and which do not meet the definition of manager found in [RCW 41.06.022](#).

Washington Management Service (WMS) – The system of personnel administration that applies to classified managerial employees or positions under the jurisdiction of [RCW 41.06.022](#) and [41.06.500](#).

Vacant Position – A position that is vacant or filled by an employee who does not have status in that position (non-permanent employees, and probationary employees), and which the department intends to fill.

Layoff Unit – The geographical or administrative units from which layoff options are derived ([WAC 357-01-195](#)). In WSDOT, Headquarters employees have a single layoff unit. All other employees have a two-stage layoff unit consisting of a local unit, which expands to a region-wide unit. Project and seasonal employees are in their own layoff unit. Refer to the [Section 17-6](#) for a full description.

At-Risk Letters – The letter from a designated appointing authority that provides advance notice to employees that the position they occupy has been selected to be eliminated, or may be offered as a layoff option to a more senior employee. At-Risk letters are not a substitute for layoff letters. Additionally, at-risk letters are not always used; based on the situation management may elect to only provide verbal at-risk warnings or the situation may not allow for at-risk to occur at all.

Layoff Letters – The required and official letter from a designated appointing authority that identifies an employee’s option(s) if any, and/or provides notice of their separation date if no options exist, or if they failed to select an option.

Unofficial Option – Unofficial options are opportunities that may be offered to an at-risk employee to transfer or voluntarily demote to a vacant position for which the employee has the documented knowledge, skills and abilities. These options may be offered at any time in the process. These opportunities are offered without regard to seniority and the appointing authority may conduct interviews to select employees to fill positions offered under this provision.

In-training Positions – When determining formal layoff options, in-training positions are considered at the level that the position is allocated, not at the level of the incumbent’s current appointment.

17-4 Procedure

When a position is subject to Layoff, WSDOT shall give permanent employees at least 15 calendar days’ written notice, unless the employer and the employee agree to waive the 15 day notice period. The layoff letter will state the basis of the layoff and include the layoff option, if any, available to the employee. The layoff letter will also provide any opportunities to avoid or minimize the layoff as noted in the preceding paragraphs.

If the employee accepts a layoff option, the employee will also be notified of:

- Any requirement to serve a transition review period in accordance with [WAC 357-46-030\(2\)](#) and [WAC 357-46-110](#).
- Any entitlement to request placement on internal and statewide layoff lists.
- The date by when the employee must select a layoff option.
- Any appeal rights.

Personal delivery is the department’s preferred method of delivery. If the layoff letter is personally delivered, the date of delivery will constitute the first day of notice. If mailed to the employee, the notice must be sent certified via U.S. Mail and the mailing date will constitute the first day of notice. The Human Resource Office will record the date the notice was personally delivered to the employee or the date of mailing.

The employee shall advise the department in writing within five calendar days of the date of notice whether the employee accepts or rejects the layoff option. If the employee fails to respond to the department within the prescribed time limits, such failure shall be considered a rejection of the layoff option.

When there are no layoff options or when an option is rejected, permanent employees may be separated after 15 calendar days' notice in writing from the appointing authority. If the employee is not given 15 calendar days' notice the employee will be paid their regular salary for the days they would have worked had full notice been given. Employees have a right to a pre-termination meeting prior to being separated because of layoff. Probationary employees must be given at least one day's notice of a layoff.

Because layoffs are often fluid situations, having different types of notification letters are an essential management tool for appointing authorities. Employees may be provided notice of possible layoff actions by receiving an at-risk letter. However, where an employee is entitled to official notice of formal layoff options, a layoff letter is required.

Where appropriate and as determined by the designated appointing authority, a layoff letter rather than an at-risk letter may be used to provide all desired and required notices.

Layoff letters may be issued in sequential order (one letter at a time) or by a pool basis wherein the same set of options are offered to a group of employees at the same time.

- A. **Sequential Layoff Letters** – Using this system, a layoff letter is issued first to the most senior at-risk employee in the layoff unit holding status in the highest position in the affected class series. After the most senior employee has selected their layoff option, the remaining option(s) are offered to the next most senior employee in the affected job class. This process is repeated until the layoff is completed.
- B. **Pool Layoff Letter** – Using this system, layoff letters are simultaneously issued to a group of employees who are eligible to exercise the same layoff options. For example, if there are three vacant positions available, the appointing authority may pool those options together and simultaneously offer them as layoff options to the three most senior “At Risk” employees. The employees select their options by ranking the positions in the order of their individual preference. Options are then granted in the order of the employee's seniority. This process may be repeated until the layoff is completed, or until the availability of options to employees is no longer conducive to pooling options.

WSDOT will offer options to permanent GS and WMS employees within the layoff unit provided all of the following exist:

- A. They have the documented knowledge, skills and abilities for the position.
- B. It is a comparable position.
- C. The position is vacant and funded, or if no vacant funded position is available the position is occupied by the employee with the lowest seniority.

An employee might be given no options, one option, or multiple options depending on circumstances. Failure to select a given option will result in termination of employment. If the Human Resources Office determines that more than one vacancy is available to an employee, executive management will determine which single option will be provided to the employee as a formal option.

A. GS Employees – Formal Layoff Options

1. **Vacancy Option** – Reassign to a funded vacant position WSDOT intends to fill. A permanent employee scheduled for layoff will be offered a comparable permanent vacancy for job classes in which they have held permanent status. If no vacancy exists in the employee’s current job class, then the employee has a right to a permanent vacancy at the same salary level for a former classification held with permanent status.
2. **Bump Option** – Bump the least senior employee in their present classification from a position WSDOT intends to retain. GS employees who do not have a vacancy option shall have the right within the layoff unit, to bump the least senior employee in their current permanent GS classification.
3. **Vacant Demotion Option** – Demote to a vacant position WSDOT intends to fill or retain. The employee must be given an opportunity to take a position in a lower class in a class series in which the employee has held permanent status, in descending order. The employee does not have to have held permanent status in the lower class in order to be offered the option to take a position in the class.
4. **Demotion with Bump Option** – Bump the least senior employee in the next lower or progressively lower classification(s) from a position WSDOT intends to retain. The employee must be given an opportunity to take a position in a lower class in a class series in which the employee has held permanent status, in descending order. The employee does not have to have held permanent status in the lower class in order to be offered the option to take a position in the class. ([WAC 357-46-035\(a\)](#))

Example: An employee is hired originally as a Human Resource Consultant 4 (HRC 4), but would have rights to the entire HR series to positions classified lower than HRC 4.

Note: Headquarters is only a one-stage layoff unit (except out stationed headquarters employees) and would not expand to item number 5 below. Therefore, personnel assigned to the Headquarters Layoff Unit would apply items 1, 2, 3, and 4 above progressively to lower levels to determine formal option.

5. **Two-Stage Layoff Units** – If application of the steps above does not result in an option in the local layoff unit for an employee assigned to a two-stage layoff unit to remain at their present level or next lower level, the layoff unit to which the employee is assigned expands as specified in [Section 17-6](#). Appointing authorities will sequentially repeat the steps in Section 17-6.A.1 through A.4, as applicable.

Example: Employee is a TE5 in King County (local unit). The two-stage examples would be:

- TE5 Local Layoff Unit
- TE4 Local Layoff Unit

Then the expansion would occur starting at the TE5 Level.

- TE5 Expanded Layoff Unit NW Area
- TE4 Expanded Layoff Unit
- TE3 Expanded Layoff Unit, etc.

6. **Final Options** – No permanent GS employee shall be separated through a layoff without being offered positions at the same or lesser salary ranges within the layoff unit for which they possess the documented knowledge, skills, and abilities as determined by the appointing authority, currently being held by non-permanent or probationary employees ([WAC 357-46-035](#)).

B. WMS Employees – Formal Layoff Options

1. **Vacancy Option** – Reassign to a funded vacant position WSDOT intends to fill. WMS employees whose positions are scheduled to be eliminated shall have the right within the layoff unit to be reassigned to a vacant WMS position that is within their current band and Range of Consideration (ROC).
2. **Bump Option** – Bump the least senior employee in their present band and ROC from a position the Department intends to retain. WMS employees who do not have a vacancy option shall have the right within the layoff unit to bump the least senior employee holding status in the bumping employee's current WMS band and ROC.

Or

If a WMS employee does not have a vacancy or bump option in their present band and ROC, then appointing authorities will consider appropriate GS positions in the same occupational field, with the same or similar salary, and in which the employee has previously held permanent status, before considering WMS positions with a lower band or ROC.

Note: Same or similar salary of a general service position is defined as being within 10 percent of, but not exceeding, the current ROC of the WMS position.

3. **Vacant Demotion Option** – Demote to a vacant position WSDOT intends to fill. WMS employees who do not have a vacancy or bump option to remain in their present band and ROC shall have the right to demote to a vacant WMS position for which they qualify that is at least equivalent to their next lower bump option.
4. **Demotion With Bump Option** – Bump the least senior employee in the next lower ROC in their current band or progressively lower bands and/or ROC from a position WSDOT intends to retain. WMS employees who do not have a vacancy, bump, or demotion option, shall have the right to bump the least senior employee holding status in the same band with progressively lower ROC, or progressively lower bands, for which the employee qualifies.

Note: Headquarters is only a one-stage layoff unit (except out stationed headquarters employees) and would not expand to item number 5 below. Therefore, personnel assigned to the Headquarters Layoff Unit would apply items 1, 2, 3, and 4 above progressively to lower levels to determine formal option.

5. **Two-Stage Layoff Units**—If application of the steps in [Section 17-6.B](#) does not result in an option in the local layoff unit for an employee assigned to a two-stage layoff unit to remain at their present or *next lower* level, the layoff unit expands as specified in [Section 17-6](#). WSDOT will sequentially repeat the steps above, provided that in the second stage, employees shall have formal layoff Options to all progressively lower bands and/or ranges of consideration, and GS classifications in which the employee previously held permanent status.

Example: Employee is a WMS 2 in King County (local layoff unit). The two stage examples would be:

- WMS 2 Local Layoff Unit
- Next progressively lower WMS 2 ROC or next progressively lower WMS Band 1 or
- Equivalent GS position in the Local Layoff Unit

Then the expansion would occur starting at the WMS 2 Level.

- WMS 2 Expanded Layoff Unit (NW Area)
- Next progressively lower WMS 2 ROC or next progressively lower WMS Band 1 in expanded layoff unit or
- Equivalent GS position in the Expanded Layoff Unit, etc.

6. **Final Options**—Permanent WMS employees shall not be separated through a layoff without first being offered WMS positions for which the employee qualifies as determined by the appointing authority, that are held by employees serving in acting appointments. Such positions must be in the same layoff unit, and at the same or lower range of consideration.

Additionally, permanent WMS employees who have held permanent status in the GS shall not be separated through a layoff without first being offered GS Layoff options listed above. WMS employees who have held permanent status in the GS will also have access to the GS layoff list as applicable.

Note: WMS Employees who have not held status in the GS will not have access to the agency's internal layoff list.

- C. **Relocation of Employees** – Management may reassign a position and the incumbent employee to a new permanent duty station located within a 35-mile one-way radius of the employee's current permanent duty station. If a position is transferred to a new duty station located beyond a 35-mile one-way radius, the incumbent shall be given the option of transferring with the position or exercising Layoff rights outlined in this chapter.
- D. **Moving Expenses** – Employees who accept a Layoff option that requires them to move their residence in order to be within a reasonable commuting distance of their new duty station will not be reimbursed.

17-5 Responsibilities

- A. Appointing Authority initiating a Layoff shall:
 - 1. Determine the position(s) to be laid off and the projected effective date of the action.
 - 2. Document reason for Layoff and obtain executive approval to proceed with action ([Appendix 17-1](#)).
 - 3. Notify Human Resources of the determination made on Layoff's to initiate the Layoff process.
 - 4. Notify WSDOT Executives regarding layoff action. ([Appendix 17-2](#)).
 - 5. In collaboration with HR, notify employees that are at-risk of, or are being laid off.
 - 6. Throughout the Layoff process communicate with employees on the status of the layoff action as necessary.
 - 7. Offer to meet with employees to discuss the final layoff action.
- B. Appointing Authority with Potential Position Option(s) shall:
 - 1. Assess the employee's comprehensive employment packet against potential position option(s) to determine if the employee has the knowledge, skills and abilities to perform the functions of the position. The initial assessment should be provided to HR in three business days. This process may include an assessment procedure to include but not limited to, interview, test, writing sample, etc.
 - 2. Determine and document if employee is or is not qualified for the position.
- C. Human Resources staff shall:
 - 1. Manage the overall layoff process to ensure compliance with this policy and agency practice. This should include the preparation, analysis and implementation of the layoff procedure.
 - 2. Consult with the appointing authority(s) and affected employee(s) regarding process and procedures related to layoff.
 - 3. Prepare at-risk, layoff, and/or appointment letters.
 - 4. Advise employees of opportunities to have their names placed on internal layoff list and statewide layoff lists and the General Government Transition Pool.
 - 5. Assist employees with completion of their Comprehensive Employment Packet ([Appendix 17-3](#))
 - 6. Maintain documentation relevant to layoff process and determination.

D. Employees shall:

1. Be an active participant in the process by attending meetings and providing timely responses.
2. Ensure that their seniority date is accurate and notify HR staff of possible discrepancies. The seniority report is available on the department's Intranet.
3. Provide HR with a comprehensive employment packet ([Appendix 17-2](#)) that details what knowledge, skills and abilities the employee has that will be used in considering potential options for the employee.
4. Notify management in writing of selected layoff options within five calendar days of receipt.

17-6 Layoff Unit Descriptions

Layoff units as described are distinct and separate geographic or administrative units from which Formal Layoff Options are derived. These units shall remain independent and separate from each other.

Employees shall have Formal Layoff Options only within the described boundaries of their layoff unit(s).

- A. **Headquarters Layoff Unit** – The layoff unit for Headquarters employees includes all GS and WMS positions located in Thurston County. This layoff unit does not include positions assigned to the Olympic Region.
- B. **Eastern Region, North Central Region, Olympic Region, South Central Region, and Southwest Region Layoff Units** – The local layoff unit for GS and WMS employees includes all GS, WMS, and out-stationed Headquarters positions located in the county within which the employee's official duty station is located.

If no option is available within the local layoff unit, the unit expands to include all GS, WMS, and out-stationed Headquarters positions located in the region. The Olympic Region layoff unit does not include out-stationed Headquarters positions.

- C. **Northwest Area Layoff Unit** – The Northwest Area Layoff Unit includes all employees and positions in the Northwest Region, Planning and Policy Office, Aviation Division, out-stationed Headquarters employees and positions, and all GS employees and positions in WSF.

Northwest (NW) Region Employees–The local layoff unit for NW Region employees whose official duty station is located in King, Whatcom, Skagit, Island, and Snohomish Counties includes all GS, WMS, and out stationed Headquarters positions located in the county within which the employee's official duty station is located.

Aviation Division Employees–The local layoff unit for Aviation Division employees includes all GS, WMS, and out-stationed Headquarters positions assigned to the division.

Washington State Ferries (WSF) Employees—The local layoff unit for WSF employees includes all GS, WMS, and out-stationed Headquarters positions located within the WSF.

The local layoff unit for GS employees includes all GS and out-stationed GS Headquarters positions located within the WSF.

Note: If no option is available within any of these local layoff units, the unit expands to include all GS, WMS, and out-stationed Headquarters positions located in the Northwest Area layoff unit.

- D. **Project Employees Layoff Units**—Positions designated as project are within their own separate layoff unit. Project employees who entered the project without first attaining permanent status in a regular classified position will have Formal Layoff Options only within the scope of the project.

Permanent GS employees, who accept an appointment to a project position at a minimum, will be given access to the WSDOT's internal layoff list. If the employer agrees to return the employee to a position, the employee must provide fourteen (14) calendar days' notice to the employer of his/her intent to return to a permanent position unless the employee and employer agree otherwise. Upon return to a permanent position, the employee's salary is determined by the employer's salary determination policy ([WAC 357-19-340](#)).

A permanent WMS employee may accept an appointment to a project WMS position. Any right to return to the employee's permanent WMS position is negotiable between the employer and employee and must be agreed to prior to the employee accepting the project position. If no return right is agreed to, the permanent employee has the rights provided by [WAC 357-58-465](#) upon layoff from the project ([WAC 357-58-255](#)).

- E. **Seasonal Career Employees Layoff Units**—The layoff unit includes all seasonal positions and seasonal career employees under the organizational control of a Maintenance Superintendent, Project Engineer, or equivalent WMS manager that are located in the county within which the seasonal employee's official duty station is located.

17-7 Appendices

Appendix 17-1	Layoff Action Approval
Appendix 17-2	Notification to WSDOT Executives
Appendix 17-3	Comprehensive Employment Packet Outline



Layoff Action Approval

Classification: _____

Position Number: _____

Organization Code: _____

Appointing Authority: _____

The position above has been identified for layoff for the following reason:

- Lack of funds
- Lack of work
- Good faith reorganization
- Ineligibility to continue or employee choice not to continue in a position that was reallocated
- Elimination of a position due to the work of the position being competitively contracted
- Termination of a project
- An employee or their position is reassigned to a new official duty station located beyond a reasonable commuting distance (35 miles one-way) of the employee's present official duty station.
- Fewer positions available than the number of employees entitled to such positions either by statute or other provision.

Signature of Appointing Authority or Regional Administrator

Date

Signature of Executive

Date

cc: Human Resource Consultant
Appointing Authority

To: WSDOT ExecList

Date:

HR Representative

From: AA Name
Appointing Authority Title

After much consideration and review, it appears that it is necessary to implement a Layoff within my organization. As you are aware, many times when one organization undertakes a layoff action other organizations within WSDOT are impacted. In an attempt to assure timely communication, below is the basic information regarding the upcoming layoff action.

The current plan is for these reductions to be implemented within the [region/office] in the next [time range]. There will be communications directly with the Appointing Authorities in the impacted offices to provide additional details and timelines when they become available.

Please contact me if you have any questions. Thanks.

General Layoff Notice Communication- EXAMPLE

Region	Office	Number of Employees	Classification(s)	Possible Impacted Layoff Unit(s)

Clarifying Questions for Writing a Comprehensive Employment Packet

- A. Name and contact information
- B. Career overview – brief statement of skill set, accomplishments and highlights
- C. Employment history – Include all jobs worked with most recent job listed first
 1. Job title, company name, city and state
 2. Dates of employment
 3. Supervisor name and phone number
 4. Brief description of job duties and responsibilities (be specific)
 - Numbers of people supervised
 - Dollars of budget controlled
 - Specific achievements and/or impacts
 - Use numbers to quantify accomplishments
 - Show importance of job function to overall success of company
 - Systems used during employment
 - Training received
 - WSDOT specific skills and abilities including proficiencies in applications relevant to the Department
 - Other pertinent information regarding your employment history
- D. Education
 - School name (college) and city, state
 - Type of degree, area of study and year graduated
 - Include any specific coursework if applicable
- E. Training
 - Provide a list of training that you have received
- F. Geographic availability
 - Specify, by county, the areas you would be willing to work

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