Position Elimination Process

Q: How are positions identified for elimination?
A: Positions are eliminated due to lack of work, lack of funding or material changes in the organization. Decisions about which positions will be eliminated are made by the Deans, the Provost’s Office, Vice Presidents and Presidents of the institutions.

Q: Who notifies me? How much notice will I be given?
A: A representative from your department and/or UNLV HR will provide, at minimum, 30 days formal notification to you regarding your position elimination or bump. Your options will be provided to you by UNLV HR.

Q: If my position is eliminated, am I eligible to go through the layoff process?
A: There are three factors that determine eligibility. You must meet all factors to be eligible.
1. Position eligibility for layoff rights: Some positions were created without layoff rights based upon a variety of factors including position funding, position duration, and intent of the position. If your position does not have layoff rights, and your position is eliminated, you are not eligible to go through the layoff process.
2. Employment Status: Permanent employees are eligible to go through the layoff process. Probationary employees are not eligible.
3. You must meet the minimum requirements and selective criteria of the position(s) identified through the layoff process.

Q: Can permanent employees be laid off?
A: Yes, but only after the following types of employees in the same class have been laid off first (in the listed order):
- Emergency
- Temporary
- Provisional
- Probationary

Q: If my job is State funded, does my position automatically have layoff rights?
A: No. Funding is only one consideration in determining layoff rights. Several other factors are considered such as duration and intent of the position.
Q: My position is being eliminated or I am being bumped, but I am not eligible to go through the layoff process. What happens now?
A: You will be considered an involuntary separation through no fault of your own. You are eligible to reinstate to a State classified position at the same or lower grade for up to two years. “Reinstatement” refers to a noncompetitive appointment of a former permanent employee to a class formerly held by the employee or to a comparable class. Reinstatements are not guaranteed.

Q: My position is affected and I am eligible to go through the layoff process. What happens now?
A: You may have a variety of options available, including:
1. PERS retirement buyout
2. Transfer within UNLV in the same class and option to a vacant position or to the position of the employee with the least seniority
3. Voluntarily demote to a vacant position or displace (bump) an employee with less seniority in one of the next lower classes
4. Voluntarily demote to a position in the class from which you were promoted, if applicable
5. Re-employment

Q: What is the PERS layoff retirement buyout option?
A: Per NRS 286.3007, if a state agency reduces the number of employees, it shall purchase service credit for any member who is slated to have their position eliminated and: 1. Is eligible to purchase credit; 2. Is eligible to retire, or will be eligible with the purchase of service credit; 3. Agrees to retire upon completion of the service credit purchase; 4. Has been employed by the agency for at least 5 years.

Q: How are my placement options determined?
A: UNLV Human Resources identifies your individual options by evaluating a variety of factors including, but not limited to: seniority, FTE, and your individual qualifications. To be eligible, you must meet the minimum qualifications and selective criteria required of a position.

Q: May I choose a position not listed in the options?
A: No. You may choose from within the list, but not beyond it.

Q: How long do I have to decide between options?
A: Once you receive your formal notification, you have three business days to select your preferred option. If you do not respond by the deadline, you forfeit the options and will be placed on the re-employment list for your current title.

Q: What happens if I don’t have any available placement options?
A: You are eligible for re-employment.

Q: My current position has layoff rights. Do I lose them?
A: Layoff rights are determined by the position. If you move into a position which is not afforded layoff rights, rights will not transfer.
Q: Can I transfer or bump into another state agency?
A: No. Transfer, bumping and placement services only occur within the agency/campus of the layoff. In our case, they will occur only within UNLV.

Q: During the transfer or bumping process, are Work Performance Standards reviewed and taken into consideration?
A: No. Work Performance Standards are not used during the transfer and bumping process. The process is based on seniority and meeting minimum qualifications and selective criteria only.

Q: How is seniority calculated?
A: Seniority is calculated based on an individual’s continuous state service date. Reductions are taken for reduced full-time equivalency (FTE), excessive leave without pay and catastrophic leave, and does not meet standards evaluations. Seniority scores are stated in months and days.

Q: I am part-time, can I be bumped?
A: Yes. If a part-time person is laid off, they are potentially eligible to transfer or displace into another part-time position based upon benefits eligibility. For example: a non-benefits eligible 40% FTE employee cannot bump a benefit-eligible 75% FTE employee and vice versa.

Q: I work on a grant, can I be bumped?
A: Yes. Transfer and displacement occurs regardless of funding source. However, you can only be bumped by someone who has more seniority and meets the position’s qualifications.

Q: Can I appeal my layoff or position elimination notification?
A: No. Layoff and position elimination separations are not open for appeal.

**Re-Employment and Reinstatement**

Q: What does re-employment mean?
A: Permanent employees whose positions are afforded layoff rights are eligible for re-employment whether or not a placement option was available. Agencies must hire qualified individuals from the re-employment list in seniority order. Your name will automatically be placed on the statewide re-employment list for the classification from which you were laid off for one year from the date of layoff and by preferred geographical location.

You are also eligible to be placed on lists for class titles at or below your current grade. You will be asked to submit a list of State job titles of interest to you within 30 days from the date of layoff notification. A UNLV HR representative will evaluate your eligibility for the title. If you meet the minimum qualifications for the classification, your name is added onto the list for one year from the date of layoff and by preferred geographical location.
Q: Do I have to apply to be hired as a re-employment?
A: No. Re-employsments are hired without going through the formal recruitment process. It is recommended that employees on reemployment lists be proactive. Monitor the State of Nevada job postings and contact the recruiter to express interest.

Q: If my name is on the list, do I automatically get the position?
A: No. A state agency is required to contact individuals on the list in seniority order. In order to be hired, you must meet the minimum qualifications all the selective criteria required of the position.

Q: I see a recruitment posted for a classification of which I am on the re-employment list. Why wasn’t I contacted?
A: Either someone on the re-employment list had more seniority than you or the recruiting agency reviewed your application and determined you did not qualify for the position.

Q: If I am hired from the re-employment list, do I have permanent status?
A: If you are hired into the agency and classification from which you were laid off, you will have permanent status. If you are hired into a different agency or at a different classification, you must serve a new probationary period.

Q: If I am hired from the re-employment list, what happens if I don’t make probation?
A: If you do not complete the probationary period, your name must be restored to appropriate re-employment lists for any remaining part of the year following the layoff date.

Q: If I am hired from the re-employment list at a lower grade from which I was laid off, do I stay on the list for higher grades?
A: Yes. If hired from the re-employment list at a lower grade than your previous position, your name stays on the re-employment list for higher grades. Ex. You were laid off from a grade 27. Two months later you are hired as a grade 23. Your name is removed from lists grade 23 and below, but remains on lists for grades 24-27.

Q: What happens after one year on the list?
A: After one year, your name will expire from the re-employment lists. However, you are eligible to reinstate to a position at the same or lower grade from which you were laid off for up to two additional years.

Q: What is reinstatement?
A: Permanent employees, who voluntarily or involuntarily (through no fault of their own) separate, may be eligible for reinstatement to a position in the same or similar grade or classification as previously held for two (2) years. Individuals whose positions are eliminated and do not have layoff rights may reinstate.

Individuals, who separated from service due to layoff and whose positions’ had layoff rights, will have one year of re-employment rights. Beyond re-employment, the individual is eligible for reinstatement for two (2) years after exhausting re-employment rights.
**Benefits and Compensation**

**Q:** What happens to my leave if…?

**A:** I separate from state service: Upon separation, if you have worked six months, you will be paid for any accrued annual leave and compensatory time. Employees with 10 or more years of public service will be paid for unused sick leave subject to the provisions of NRS 284.355.

I get placed into a different position: Your leave balances will transfer to the new position.

I am hired within one year from the re-employment list after separation: You are eligible to purchase any annual leave for which you were paid based upon your current rate of pay. Remaining sick leave in your account at the time of layoff will be restored. (NRS 284.5405)

I am hired as a reinstatement: You will begin accruing and may use sick leave accruals immediately. Your annual leave will begin accruing immediately, but you will be required to wait six months before you are eligible to use annual leave. (NRS 284.5405)

**Q:** What happens to my pay if…?

**A:** I get placed into a different position: You must be paid a rate which is closest to the base rate of pay of your former position, not to exceed the highest step for the class to which you are being demoted.

I am hired from the re-employment list: You must be paid a rate which is closest to the base rate of pay of your former position.

I am hired as a reinstatement: You must be paid a rate which is at or below the base rate of pay of your former position.

**Q:** What happens with PERS if I separate through layoff?

**A:** If you separate via layoff and are not prepared to draw your retirement, your contributions remain in your PERS account until you are ready to retire. If you are reemployed in a PERS eligible position you will contribute toward your existing retirement account. If you are enrolled in employee/employer paid retirement, you can withdraw your portion of your contributions made to date. However, if you are reemployed you will no longer have the retirement service credit in your account unless you purchase the service credit back. If you are enrolled in employer paid retirement you cannot withdraw your contributions, but your account will be available upon retirement if fully vested.

**Q:** What happens with my voluntary retirement if I separate?

**A:** Contact your supplemental retirement vendor directly to discuss the best option for you.

- AIG Valic: 877-268-2434; [www.valic.com](http://www.valic.com)
- Fidelity: 800-982-7012; [www.mysavingsatwork.com](http://www.mysavingsatwork.com)
- Hartford: 888-457-7824; [www.reitre.hartfordlife.com](http://www.reitre.hartfordlife.com)
Q: What happens with my medical benefits if I separate due to position elimination?
A: Your health insurance will end on the last day of the month in which you separate from employment. You will be offered COBRA, which is the right to continue your health insurance for yourself and your dependents, at full cost, for a period of time (generally 18 months). PEBP will automatically send separated employees information and enrollment material for continuation of health insurance under COBRA. You will have 60 days from the date of the COBRA notice to make an election. If you have not received your COBRA information within 10 days of separation please contact the Benefits Office at 702-895-3504.

Please note that the COBRA packet will contain your Certificate of Coverage which documents when your insurance started and ended and who was covered. You will be required to present this certificate to your next insurer to provide proof of previous insurance. You should keep this document for your records.

If you more have than 5 years of service with NSHE and would consider drawing retirement income, you may qualify for Retiree Health Insurance which, depending on your years of service, is a subsidized product and may be cheaper than COBRA. If you wish to discuss this option please contact one of the benefits staff members in HR at 702-895-3504 or refer to the COBRA information on the benefits website.

Q: If I am in the middle of classes, do I lose my Grant-In-Aid for the semester if I separate from service?
A: As long as you are eligible for the grant-in-aid benefits at the time classes commence, you will be able to complete your semester. You must still adhere to the grade policies as set forth in the grant-in-aid policy or be accountable for the cost of the class.

Q: Can I file for unemployment insurance?
A: Yes. You may file for unemployment insurance at the Department of Employment, Training, and Rehabilitation by calling (702) 486-0350 or visiting http://nvdeitr.org/ESD%20Pages/ui%20eligibility.htm.