



The FSA Layoff Toolkit

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This toolkit serves as a comprehensive guide to the Staff Reduction (layoff) process found in Article 18 of the FSA Collective Agreement. Article 18 is engaged when the employer formally notifies the union of Staff Reduction, which begins a three-stage process involving the FSA, the affected Departments, and ultimately the individual members subject to layoff. Step 2 (pp. 3 – 7) and Step 3 (pp. 8 – 10) provide detailed information on how Departments (Step 2) and individual members (Step 3) can exercise the rights available to them under the Collective Agreement. Regular members are encouraged to review the entire toolkit to fully understand the procedures and protections in place. This document is not intended for members working in Part-Time Studies or Temporary Employees.

Should you have any questions after reviewing this document, please do not hesitate to contact us at fsa@bcit.ca.

Preamble to The BCIT Layoff Process for Regular FSA Members

DID YOU KNOW...

...that the Collective Agreement requires a three-step process that takes at least three months to complete before a Regular FSA-represented employee at BCIT can be laid off?

STEP ONE: THE UNION

The FSA receives formal notice of a proposed staff reduction and meets with managers in a joint labour-management committee meeting (Article 18.1.1 and 18.1.2.2).

This is not the same as BCIT's Policy 5405 process used to determine how and when programs may be suspended or cancelled, which is explained in [Policy 5405 Toolkit](#), found on our website.

At the labour-management committee meeting, the union is given the opportunity to question the managers regarding the proposed staff reductions, alternatives considered, amount of money to be saved, and other details prior to any reductions being announced to the Departments.

STEP TWO: THE DEPARTMENT

Notices of staff reduction are given to individual Departments (Article 18.1.1.1). A minimum three-month timeline begins before individual layoffs are finalized.

Tasks to be completed in this step include:

- (a) Departmental review of layoff avoidance strategies (Step 2a, next page)
- (b) Where needed, the Department determines the individuals to be laid off. This can be done in two ways:
 - i. Reverse Order of Seniority: the last hired is the first to be let go.
 - ii. Mixing Reverse Order of Seniority with Essential Skills: those with essential skills may be retained in favour of those without (Step 2b)

STEP THREE: THE INDIVIDUAL

Members receive an individual notice of layoff and then exercise rights as required, such as bumping (Article 18.4). See also the sections on Individual Layoff Options (Step 3a) and Bumping (Step 3b)

STEP 2(a)

Departmental Layoff Notice: Layoff Avoidance Strategy Review

DID YOU KNOW...

...after a Department is given layoff notice, there is a ten-day window during which the members of the Department, their manager, the Union, and the Institute work together to look for ways to avoid the need for layoff? The possibilities to be considered are:

Balancing Part-Time Studies Workload

The Department may, if necessary, remove instructors from PTS /Flexible Learning (PTS hereafter) classes to save the job of a Regular Employee facing layoff. This should be done after PTS classes that have no instructor have been assigned to regular members facing layoffs.

If you, as a Regular Employee, receive PTS work in this way, you will remain a Regular Employee with the same salary and benefits, provided you achieve a normal workload. PTS classes will count towards the day school workload in this case.

The Department must distribute PTS work with a view to reasonableness and equity, ensuring that PTS instructors are given notice of the classes for which they will not be rehired, explaining the need to save a Regular Employee's job.

Voluntary Layoff

Regular Employees may volunteer for full or partial layoffs, with severance, effective the Departmental layoff date. Should a member choose this option, however, they cannot bump (bumping is explained in Step 3b). Nor are they eligible for recall.

Early Retirement

Regular Employees may apply to the Employer for early retirement. You must, however, be eligible for early retirement – that is, eligible to receive a pension – effective the layoff date.

If you are granted this option, you are entitled to the usual pre-retirement leave: a special leave for a period equivalent to 40% of your accumulated Sick Leave credit to be taken immediately before you retire, or you may opt for a special cash payment equivalent to the cash value of 40% of your accumulated Sick Leave credit, which would be paid out immediately prior to retirement.

Job Sharing

If two or more Regular Employees choose this option, their benefits, including pension,

would remain at 100%, provided each Employee elects to make their required level of pension and LTD contributions.

Voluntary Transfer

A Regular Employee in a Department which has received layoff notice may apply to transfer voluntarily into another Department which has need of additional staff. This means the receiving Department has posted a vacancy.

Your qualifications will be reviewed by the receiving Department to determine if you are suitably qualified. Note that “suitably qualified” does not mean perfectly qualified. Your transfer to the receiving Department will eliminate the posting and interview process if you are found to be suitably qualified.

The review should normally not be a full interview but an evaluation of the volunteer’s qualifications. For example, examining the resume and cover letter and asking clarifying questions where needed.

Retraining or Special Employment

The Employer may provide retraining, return to industry, or an Institutional Exchange for a Regular Employee. These options are at your regular rate of pay provided any remuneration received for this work experience is deducted from what you receive from BCIT. You are guaranteed to be reinstated at the end of this program to a position equivalent to the one you previously held at BCIT, but if BCIT is over-staffed on your return it may issue another layoff notice to the Department

You should provide BCIT with an analysis that demonstrates a cost savings that will mitigate or reduce a need for a layoff.

Other Strategies

Departments should consider *any* methods that could avoid or reduce the need for layoffs. For example, redistribution of expected overtime work, or redistribution of teaching hours if any Regular Employee could give up hours but still obtain a regular teaching load. This strategizing is meant to be a cooperative endeavor within the Department. Any proposals created must, however, be approved by the FSA and BCIT before they can be adopted.

STEP 2(b)

Departmental Layoff Notice: Essential Skills and Expertise FAQs

DID YOU KNOW...

...if someone in your Department elects the Essential Skills and Expertise review in the layoff process, your Manager is obligated to define criteria to determine what skills/expertise are essential? This would then alter to some degree the usual process of laying off members in reverse order of seniority (most junior to most senior) in favour of retaining members with essential skills.

How is the Essential Skills and Expertise Review invoked?

Any individual member of the Department, its manager, or the entire Department may invoke the process within *10 days* of the Department being formally notified of layoff(s). If invoked, the manager in consultation with the Department must determine the criteria of essential skills and expertise. This determination must consider Departmental objectives, projected Departmental activities for the coming year, and recent job selection criteria, postings and descriptions, where applicable.

Does my Manager determine which people are essential?

No. Managers define the criteria for what skills/expertise are essential in your Department. These criteria will be applied by your Departmental Selection Committee to determine who may be laid off.

How would a Manager determine criteria?

At a minimum, a Manager must consult with the Department on the criteria, reviewing Departmental objectives and projected Department activities. This review may include, where applicable, recent job descriptions, recent job postings, and selection criteria.

What do the criteria look like?

The Collective Agreement does not define criteria since many Departments operate differently. Criteria then should allow the Department's Selection Committee to know what skills are needed to keep the Department functioning and meeting objectives even after layoffs are accomplished. This could be, for example, a list of teaching expertise to cover courses that will be taught after layoffs occur.

What does consultation look like?

Consultation must be done in good faith. Consultation means the serious exchange of ideas and information before action is taken. Managers should listen and respond to questions and concerns. Consultation does not mean that veto power rests with the Department

members, however. Consultation should be given enough time to be serious but meet layoff deadlines under the Collective Agreement.

How does an Essential Skills and Expertise Review play out?

A Selection Committee is convened and reviews members, in reverse order of seniority, by posing the following question: If this person were laid off, would the Department have, within the Employees remaining, the essential skills or expertise needed to meet Departmental objectives and activities?

If the answer is *YES*, the Employee would be recommended for layoff.

If the answer is *NO*, the question is then posed for the next least senior Employee.

This continues until the required number of Employees to be laid off has been met.

If the Selection Committee is deadlocked, the question is resolved in favour of the most senior Employee (the junior is laid off).

How will the Committee know what skills people have?

The Committee is empowered to determine this themselves, provided it is fair, reasonable, and non-discriminatory. In past layoffs, the FSA has advised members that a clear, thorough, complete resume of all their skills and expertise should be prepared and made available to the Committee to ensure that deliberations are accurate.

Who sits on the Committee?

The Committee forms the same way a regular Selection Committee forms. If you already have a standing Department Selection Committee, that committee may do this essential skills process. As a reminder, the Committee will have two sides: a management side and a union side. The union side should be determined by and chosen amongst the FSA-represented Department members.

Both sides will receive 50% voting weight. This means, for example, if you have one manager and five FSA representatives, the manager's vote equals the vote of the union side's five. The union side cannot split and send votes to the management side. The union side must either reach consensus, or, if it cannot, it should vote to determine the entirety of its 50% weighting.

What rules define how the Committee runs?

The Committee itself has the power to resolve questions about how it should run, provided the Collective Agreement is not violated. It may draw upon the powers of a regular Selection Committee.

The Committee may appoint non-voting experts to help with their work. As well, the FSA may appoint non-voting but participatory observers on committees.

So, is it a good idea then to have an odd number of Union-side appointees on the committee?

Yes, this is ideal. It avoids a tie on the Union side of the Committee if it is forced to vote because it cannot reach a consensus.

What happens if the Committee deadlocks (i.e. a tie vote of management and union sides)?

If the Committee cannot agree on whether an employee is to be laid off, its deadlock is resolved by keeping more senior employees at the Institute.

Step 3(a)

Individual Layoff Notice: Options

DID YOU KNOW...

... that there are several options an individual can explore if they receive a layoff notice?

Article 18.4 offers the following options:

1. You can avoid layoff by opting for a full or partial workload available in PTS, in your Department or another, assuming you are qualified to do the job(s).*
2. You can displace an Auxiliary Employee (e.g. PTS Instructor) if qualified to do so.*
3. You can transfer at no loss of pay or benefits into another Department's posted vacancy if you are qualified.*
4. If you receive a partial layoff (i.e. a fraction of your full employment) you may choose *pro rata* severance pay combined with continuing part-time Regular employment *or* you can opt to take a full layoff with full severance pay.
5. You may opt for a special period of Leave Without Pay, up to one year. If you pick this option, you must pay for your own benefits. This option only defers layoff to the end of the leave, unless conditions change and the layoff becomes unnecessary.
6. You can bump (see Step 3b on the next page for more) a less senior Employee if:
 - You are senior to Employees in the Department you want to bump into
 - You have the minimum qualifications to carry out the duties involved*
 - The skills and expertise of the displaced Employee aren't essential to the receiving Department.
7. You can opt for severance, and the formula is one month per year of service, up to a maximum of 7 months of pay, plus long service awards: an additional month at 10 years, 15 years, and 20 years of service, as detailed in Article 18.4.8 (p. 108) of the Collective Agreement.

In addition, the Institute may – and this is *not a right* belonging to the individual – offer:

8. Retraining: The Institute may grant you one year's leave to retrain.

** Qualifications determined by the receiving Department's Selection Committee*

N.B. Recall Rights: Laidoff members will be notified of all Regular and Temporary BCIT vacancies for two years. If a member applies for a vacancy and has the qualifications, they will be hired before internal applicants with less seniority and external candidates. If rehired, and the total amount of severance pay and vacation pay a member receives is more than the salary they would have received without layoff, BCIT must be reimbursed the excess.

STEP 3(b)

Individual Layoff Notice: Bumping FAQs

DID YOU KNOW....

...bumping is an option for members who have received an individual notice of layoff from the employer? This means that a member facing layoff may be able to join a Department that has room or displace another regular employee at BCIT who has less seniority.

When can someone opt to bump another employee?

First, the FSA and then the Department must have received formal notices of potential staff reduction, and the Department must have attempted to find a strategy to avoid the layoff. Only when that fails, do employees receive an individual notice of layoff.

Is bumping the only option I have when I receive an individual notice of layoff?

No, there are many others, but this section, 3b, focuses only on bumping. Please consult the section on Individual Layoff Options (Step 3a) in this toolkit.

Who can I bump?

You can bump any regular employee in the Institute who falls under the FSA Collective Agreement, provided three conditions are met:

1. You must have more seniority than the Employee you bump
2. You must have the minimum qualifications to carry out the duties of the position you bump into
3. The member you bump must not have a skill or expertise that is essential to that Department. For example, if you bump a hypothetical math instructor who is the only one who can teach topology in that Department, and topology is essential to the Department, you may not bump them, unless of course you can teach topology

How and when do I exercise bumping rights?

You must identify the Department(s) you want to bump into within one month of receiving formal, individual notice of layoff. You must identify if you wish to carry out the work of Faculty, an Assistant Instructor or Tech Staff, or if you are willing to do any of these functions.

What Departments are there?

All Departments are listed in Appendix 3 to the Collective Agreement (pp. 126-127).

What happens next?

You will be assessed by the Selection Committees of the Departments you proposed to join if you meet the minimum qualifications and criteria determined as per Article 18.3.1.2. If

approved, you will enter the Department provisionally. If you are turned down, you and the FSA will receive reasons in writing.

What happens to others in the Department where I proposed to bump?

It is possible that they may not need to lay off anyone if you join them. BCIT management and the FSA will perform a strategy review to determine if layoffs are required. If so, an Essential Skills and Expertise Review will commence and may then lead to the member(s) you bump receiving two months' notice of a formal, individual layoff, whereafter they shall have identical options, including bumping others.

What happens to my salary if I bump into a position that has a lower salary?

Each job at BCIT has a salary range expressing a minimum and a maximum. The climb from the minimum to maximum is done by achieving steps, usually one per year of service. If your current salary is higher than the maximum of the job you bump into, you will get the maximum of the new job's range. If your current salary happens to fall within the range of the job you want to bump into, but the job has a lower maximum than the one you are currently in, you will be placed one step above your current salary when you bump.

What happens to my salary if I bump into a position that has a higher salary?

You will not lose salary and shall be placed on the salary range of the new position as if you were acting in a position above your prior one – thus normally getting a step increase.

Can I return to my previous Department after I bump into another?

An employee who successfully bumps into a Department shall have the right to return to their original Department when there is a vacancy that employee can fill if no qualified person who has been laid off and is on recall wishes to fill the vacancy. This right to return lasts for two years after bumping.

