



# BCITFSA GUIDE

## THE NUTS AND BOLTS OF STAFF REDUCTION (LAYOFF)

Collective Agreement Reference: Articles 9.11, 18.1, 18.2, 18.3, 18.4, 18.5, 18.6

*This Guide is a general overview. It is not a substitute for consultation and advice about specific cases, and members should direct inquiries about their personal circumstances to one of the FSA's Labour Relations staff.*

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Representation. Negotiation. Advocacy.

### **Day 1: Notice of need for staff reduction given to department and union (Article 18.1)**

### **Day 1–10: Department considers layoff avoidance strategies (Article 18.2)**

1. Counterbalancing dayschool workload with PTS or Industry Service work
2. Volunteering for layoff
  - Get severance pay
  - Cannot take 40% of your banked sick leave as Pre-Retirement Leave (Article 9.11)
  - Cannot bump
3. Take early retirement
  - Must be 55 or older
  - No severance pay
  - But you can take 40% of your banked sick leave as a paid leave or a lump sum as per Article 9.11
4. Job Sharing
  - 2 or more employees take partial layoff and share the remaining work
5. Voluntary transfer
  - To a vacancy in another department if qualified
6. Retraining or Special Employment
  - Might be offered by the employer
7. Other strategies

### **Day 10: Has the layoff been avoided?**

**Yes:** No further action required.

**No:** Process of determining who will receive layoff notice commences

### **Day 10 - 20: Determination of layoff (Article 18.3)**

### **Day 20: Individual layoff notice issued**

Layoff date will be 2 months from this date.

#### Option 1: Seniority only

Layoff notice given in reverse order of seniority starting with the Regular Employee with the least seniority.

#### Option 2: Seniority and essential skills and expertise

*Department, manager or individual member of department may raise this process*

1. Criteria to establish essential skills and expertise determined by manager in consultation with department.



2. Selection committee formed to determine essential skills or expertise, starting with least senior regular employee in department.

Question to be answered is: "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?"

- Yes, individual will be laid off.
- No, next least senior employee is considered until necessary staff reductions are met.

### **Day 20: Individual layoff notice issued**

Layoff date will be 2 months from this date.

### **Rights of employee with layoff notice (Article 18.4)**

1. Avoid layoff by taking a full or partial PTS workload or workload in another department if available
2. Avoid layoff by displacing PTS employees
3. Transfer at no loss of pay or benefits into a vacancy in another department for which the employee is qualified
4. A full-time employee with a partial layoff, may take the partial layoff and become a part-time employee or may opt for a full layoff and severance pay
5. Take a special leave without pay for up to 1 year in hopes conditions change
6. Bump someone in another department who is less senior
7. Take severance pay (rates found at Article 18.4.7)

*Note: Employees cannot take 40% of banked sick leave as paid leave or a lump sum as per Article 9.11.*

### **Employer options regarding employee with layoff notice**

May provide special leave with pay for up to 1 year for retraining (Article 18.5)

### **Recall rights for employee laid off (Article 18.6)**

Will be notified of all regular or temporary vacancies at BCIT for 2 years

- If person applies for such a vacancy and has "necessary qualifications" for position, person is rehired.
- If rehired before a time period equivalent to the amount of severance pay received, will be required to reimburse BCIT for severance pay (and vacation pay) in excess of what would have been required to keep person at full pay and allowances from layoff date to rehire date.

If you have questions please contact the FSA at [fsa@bcit.ca](mailto:fsa@bcit.ca)