

State of California

M E M O R A N D U M

TO: PERSONNEL MANAGEMENT LIAISONS **DATE:** July 8, 2003
REFERENCE CODE: 2003-022

THIS MEMORANDUM SHOULD BE DISTRIBUTED TO:

Employee Relations Officers
Personnel Management Liaison
Personnel Officers

FROM: Department of Personnel Administration
Labor Relations Division

SUBJECT: Layoff Appeals

CONTACT: Labor Relations Officer
(916) 324-0476
FAX: (916) 322-0765

We have recently received questions regarding the process for layoff appeals. This is to clarify for departments the procedures used for layoff appeals and grievances.

The Department of Personnel Administration's (DPA) Statutory Appeals Unit is required to hear and/or investigate layoff appeals from excluded, confidential, management and supervisory employees as well as layoff appeals from employees in the following bargaining units:

<u>Unit No.</u>	<u>Name</u>
2	California Attorneys, Administrative Law Judges and Hearing Officers (CASE)
5	California Association of Highway Patrolmen (CAHP)
6	California Correctional Peace Officers Association (CCPOA)
7	California Union of Safety Employees (CAUSE) Protective Services and Public Safety

- 8 CDF Firefighters (CDF)
- 9 Professional Engineers in California Government (PECG)
- 10 California Association of Professional Scientists (CAPS)
- 12 International Union of Operating Engineers, Craft and Maintenance (IUOE)
- 14 California State Employees Association (CSEA) Printing Trades
- 18 California Association of Psychiatric Technicians (CAPT)
- 19 American Federation of State, County and Municipal Employees (AFSCME)

Government Code Section 19997.14 governs the filing of such appeals. An employee may appeal to DPA within 30 days after receiving notice of layoff on the grounds that the required procedure has not been complied with and/or that the layoff has not been made in good faith or otherwise improper. DPA is responsible for holding a hearing or investigation of a layoff appeal within thirty (30) days after the appeal is filed. Because of the number of layoff appeals anticipated, the Statutory Appeals Unit anticipates consolidating the individual appeals of employees in the same bargaining unit for each department. The appeals from excluded, confidential, management, and supervisory employees in each department will also be consolidated as much as possible. Appeals of seniority scores pursuant to Government Code Section 19997.14 will be subject to investigation. All layoff appeals heard by DPA's Statutory Appeals Unit should be sent directly to:

Department of Personnel Administration
Statutory Appeals Unit
1515 S Street, North Building, Room 400
Sacramento, CA 95814

The collective bargaining agreements (MOUs) for the following bargaining units mandate that layoff appeals will be resolved solely through the grievance and arbitration procedure.

<u>Unit No.</u>	<u>Name</u>
1	California State Employees Association (CSEA) Administrative, Financial and Staff Services
3	California State Employees Association (CSEA) Professional Educators and Librarians
4	California State Employees Association (CSEA) Office and Allied
11	California State Employees Association (CSEA) Engineering and Scientific Technician
13	International Union of Operating Engineers, Stationary Engineers (IUOE)
15	California State Employees Association (CSEA) Allied Services
16	Union of American Physicians and Dentists (UAPD) Physician, Dentist and Podiatrist
17	California State Employees Association (CSEA) Registered Nurse
20	California State Employees Association (CSEA) Medical and Social Services
21	California State Employees Association (CSEA) Education Consultants and Library

The Department of Personnel Administration waives the lower levels of review for layoff appeals where the MOU provides that they be filed in accordance with the grievance and arbitration procedure. Such appeals may be appealed directly to DPA. Layoff appeals for the above bargaining units should be sent to:

Department of Personnel Administration
Labor Relations Division
1515 S Street, North Building, Room 400
Sacramento, CA 95814

If you have any questions regarding the above, please do not hesitate to call the DPA Labor Relations Officer assigned to the bargaining unit in question.