

Implementing Bumping Rights as described in the AFSCME Clerical and Technical Agreement

It is important to refer to the appropriate contract for specific language and to consult with your unit's local HR resource and/or central HR Consultant.

Before the actual layoff occurs, the Department and the employee should consider alternatives to layoff, including reassignment, voluntary reduction in appointment, and vacancy preference. The employee's options upon layoff are listed in order below.

1. Acceptance of Vacancy

Before bumping, the employee must take a vacant position if the conditions listed below are met: (Article 25, Section 7D)

- The vacancy is in the employee's current classification, Collegiate/Administrative Seniority Unit, and immediate geographic area, within the applicable definition of layoff per Article 25, Section 3, A-D which provides the same salary.
- The employee is qualified for the vacancy as determined by the employer and meets the measurable, job-related selection criteria as applied by the Department having the vacancy.
- If more than one employee is laid off at the same time, the position is offered in order of University Seniority.

If the employee does not accept a vacancy offered according to the conditions mentioned above, the employee loses the eligibility to bump. However the employee still has the right to be placed on the layoff list.

2. Bumping

The following conditions must be met, for all the bumping options described in 2.2 below.

1. Conditions: (Article 25, Section 6)

- Whether the position is in the same Department or Collegiate/Administrative Seniority Unit, it must be in the same immediate geographic area as the employee's current position.
- The position is within the employee's applicable definition of layoff that provides the same salary. (Article 25, Section 3, A-D).
- The employee is qualified for the position as determined by the employer.
- The employee's meets the measurable, job related selection criteria for the position as applied by the department.
- The employee has more University Seniority, than the employee holding the position.

Bumping rights are available in the order listed below:

2. Bumping order: (Article 25, Section 6)

See the layoff template letters for AFSCME clerical layoffs with bumping rights and AFSCME technical layoff with bumping rights at <http://www1.umn.edu/ohr/toolkit/letters/index.html> for specific language to use when identifying bumping rights.

- A. The layoff letter should identify the position that meets the conditions described in 2.1 above that is held by the person with the least University Seniority in the same Department and same classification if such a position exists.

(Note: At this point, if this bumping right does not exist, the employee may choose to take a position in a definition of layoff which provides less work time held by the person with the least

University Seniority in the same Department, same classification. This option should be discussed with the employee; however, it is not required to be identified in the layoff letter.)

- B. If a position described in A above does not exist, the layoff letter should identify the position that meets the conditions described in 2.1 above that is held by the person with the least University Seniority in the same Collegiate/Administrative Seniority Unit and same classification if such a position exists.

(Note: At this point, if this bumping right does not exist, the employee may choose to take a position in a definition of layoff which provides less work time held by the person with the least University Seniority in the same Collegiate/Administrative Seniority Unit, same classification. This option should be discussed with the employee; however, it is not required to be identified in the layoff letter.)

- C. If a position described in B above does not exist, the layoff letter should identify the position that meets the conditions described in 2.1 above that is held by the person with the least University Seniority in the same Department in a lower class in which the employee has passed probation in the Department.

(Note: At this point, if this bumping right does not exist, the employee may choose to take a position in a definition of layoff which provides less work time held by the person with the least University Seniority in the same Department in a lower-level classification in which the employee has passed probation. This option should be discussed with the employee; however, it is not required to be identified in the layoff letter.)

3. Layoff List (Article 25, Section 10)

If the laid off employee has passed probation in a BU 7 or BU 6 classification and cannot or chooses not to take an alternative to layoff, or a vacancy, or to exercise their bumping right, the employee has a right to the layoff list for two years, or three years if outside the seven county metropolitan area, or until the employee has returned to work at the University within their definition of layoff as described in Article 25, Section 3, A-D.

4. Salary considerations (Article 25, Section 11)

An employee who bumps to a position in the same class shall maintain the same salary at the time of layoff. An employee who bumps to a lower level shall have their salary cut by no more than ten percent, or the top of the new lower salary range whichever is lower.

5. Rights to return to clerical or technical unit (Article 25, Section 12)

See this section for a description of the return rights for an employee who has moved outside of the bargaining unit.