

New Jersey State Library

Layoff Guide for Local Government

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GENERAL INFORMATION

When a decision is made that a layoff cannot be avoided, appointing authorities must take specific steps to minimize the impact of the actions prior to issuing any layoff notice to permanent employees in the Career Service. Layoffs are generally conducted within a specific Layoff Unit and Job Location.

In local jurisdictions, the Layoff Unit is the department or entire autonomous agency or an entire school district. A Layoff Unit may be expanded to consist of more than one department upon approval by Commissioner of Personnel. Such an expansion may be initiated upon request of the appointing authority or may be initiated by the Commissioner of Personnel.

Notice of the request must be provided by the appointing authority to negotiations representatives. Affected employees and/or negotiations representatives may submit written comments and recommendations within a 20 day period. Approval of the request must be received prior to time set by NJSA 4A:8-1.4 for submission of the 30 Day Layoff Plan to the New Jersey Department of Personnel.

In local jurisdictions, the entire political subdivision is the Job Location and includes any facility operated by the political sub-division outside of its geographic borders.

Appointing authorities should seek out viable alternatives to the layoff process and must explore the possibility of instituting such actions. Alternatives to a layoff may include, but are not limited to such actions as:

- 1) Granting leaves of absence without pay to permanent employees without a loss of seniority;
- 2) Instituting a program providing for the voluntary reduction of work hours or job sharing;
- 3) Granting employees the option of accepting voluntary temporary demotions;
- 4) Any other appropriate action that will help to avoid a layoff.

It must be noted that employee participation in any Alternative to Layoff action or program must be entirely voluntary. Under Department of Personnel rules currently in effect, an employee's layoff rights are not to be diminished as a result of his or her participation in an alternative to layoff measure. Specifically, such an employee will be entitled to all seniority and title rights just as if he or she had continued to serve in his or her original title.

The appointing authority should consult with all affected unions prior to offering

alternatives to employees. In so doing, potential processing delays by this Department will be minimized. Additionally, development of a record of consultations with unions may be useful in establishing the necessity for the layoff in the event a good faith layoff challenge is filed.

Prior to implementing any alternative to layoff action, the appointing authority must submit a Plan for Alternatives to Layoffs and obtain New Jersey Department of Personnel approval prior to implementation. This Plan must contain:

1. Time frames for implementation and duration of alternatives;
2. A statement of the employee's right to be restored to prior status or title should a layoff occur during the time period of the alternative action;
3. A summary of employee status and salary at the conclusion of the alternative program.

In addition to the above alternatives to layoffs, current Department of Personnel rules provide that an appointing authority must implement, as appropriate, specific pre-layoff actions in order to lessen the possibility, extent or impact of layoffs. These Pre-Layoff actions may include but are not limited to such initiatives as:

- 1) Instituting temporary hiring or promotion freeze;
- 2) Separating temporary, provisional, and unclassified employees;
- 3) Returning provisionals to permanent titles;
- 4) Reassigning employees;
- 5) Assisting employees with transfers or other jobs.

The appointing authority should consult with all affected unions prior to initiating any Pre-Layoff actions and are urged to request any needed information or assistance from the New Jersey Department of Personnel.

It should be noted that the appointing authority must, to the extent possible, lessen the impact of any layoff action on permanent employees by taking pre-layoff actions which first place non-permanent employees (provisional or temporary) and employees with the least seniority in positions targeted for layoff.

At least 30 days PRIOR to the issuance of individual or general Layoff Notices, or within a shorter time frame as permitted, the appointing authority must provide the New Jersey Department of Personnel with a 30 Day Layoff Plan containing:

- 1) The reason for layoff;
- 2) The projected effective date of layoff;
- 3) Sample copies of both the Individual and General layoff notice and the projected date for issuance;
- 4) Any seniority listings maintained by the appointing authority including those for preferred seniority;
- 5) The number of positions by title to be vacated, reclassified or abolished and the names, status, Layoff Unit, location and, as of the effective date of layoff, the permanent title of initially affected employees, including those on leave;
- 6) The vacant positions in the Layoff Unit that the appointing authority is willing to fill as of the effective date of layoff;
- 7) A detailed explanation of all alternative and pre-layoff actions that have been taken or have been considered and determined inapplicable;
- 8) A detailed summary of consultations with affected negotiations representatives.
- 9) A list of affected negotiations representatives, including addresses and the units they represent.
- 10) The names of permanent employees who have received a rating of Marginally Below or Significantly Below Standards or equivalent in their permanent title within the 12 months preceding the effective date of layoff in a performance appraisal program approved by the NJ Department of Personnel.
- 11) A detailed affirmative action analysis of the impact of the proposed RIF, which must include EEO statistics for the targeted group - and the employee population as a whole. If there is disparate impact, the appointing authority must provide a statement to that effect.

Upon receipt of the 30 Day Layoff Plan the N.J. Department of Personnel will review all submitted material in order to determine compliance with existing rules. NJDOP will notify the appointing authority of its approval or of any deficiencies that will need to be corrected prior to granting approval.

Although current rules only require that a notice of layoff be personally served and posted, for all practical purposes, there are two types of layoff notices, an Individual Notice of Layoff and a General Notice of Layoff, that an appointing authority must issue in the course of implementing a layoff or demotion in lieu of layoff. Upon receipt of approval from the Department of Personnel, Individual Notice of layoff must be

distributed to employees, whose positions are to be eliminated, at least 45 days prior to the effective date of layoff (EDOL). A General Notice of layoff must also be conspicuously posted in all affected facilities and distributed throughout the department(s) facing such actions.

The purpose of the general notice of layoff is to inform employees that they may be affected as a result of the layoff action. Not everyone receiving this notice will be affected, but it is very important to note that **EVERY POTENTIALLY AFFECTED EMPLOYEE MUST RECEIVE, PERSONALLY OR BY CERTIFIED MAIL, A MINIMUM OF 45 DAYS WRITTEN NOTICE.** If service is by certified mail, the 45 days will be computed from the date of mailing.

Within 45 days from the service of the above notices, the New Jersey Department of Personnel will determine the layoff rights and issue a Final Notice of layoff to each affected employee. These rights will identify employment opportunities available to the employee based on permanent title and seniority. Layoff rights may include lateral, demotional, and special reemployment rights.

Briefly, LATERAL TITLE RIGHTS are to titles, in the Layoff Unit (department or autonomous agency), determined to be on the same or comparable level as the layoff title. DEMOTIONAL TITLE RIGHTS are to related titles, in the Layoff Unit, that are determined to be on a lower level than the layoff title. SPECIAL REEMPLOYMENT RIGHTS are those, exercised after the layoff, against positions held by non-permanent employees or vacancies the appointing authority is willing to fill, in the same, lateral or lower related title.

Layoff rights are determined through a process involving the comparison and analysis of the duties, responsibilities, education, experience, and other required qualifications for titles affected by the layoff, with those available within the Layoff Unit and Job Location.

Under Merit System rules, layoff rights are provided to employees who have permanent status and, to a limited extent, to employees who are in their working test period. Permanent status means that an employee has gained tenure as the result of regular appointment from a certified eligible list, or to a non-competitive title, followed by successful completion of a working test period.

While layoff rights are generally based on the employee's current permanent status, layoff rights may extend beyond those derived from the employee's current title to include any previously held permanent title. Such non-title rights may be exercised only to a title that was held during current continuous service. The affected employee must have greater permanent continuous service, regardless of title, than the employee to be displaced. Such extended rights will not be granted when the employee has lateral or demotional title rights to a higher level title than the previously held title.

Once the employee's layoff rights have been determined a final notice of such rights will be prepared, by or on behalf of the Department of Personnel, and provided to the affected employee(s). This notice will advise the employee of his or her layoff rights, if any, and of the employee's right to appeal both the title rights determinations and appointing authority's "Good Faith" in instituting the layoff action.

GLOSSARY OF LAYOFF TERMS
LOCAL GOVERNMENT JURISDICTIONS

GLOSSARY OF LAYOFF TERMS

Autonomous Agency

For purpose of layoff, an Autonomous Agency is one which, by statute, is a body corporate and has the powers of an appointing authority.

Demotional Title Right

The right of a permanent employee to displace the least senior employee in a Layoff Unit holding a title determined to be lower but related to the affected title of the employee. Demotion rights may extend beyond title right to include any previously held permanent title, within current continuous service, if the affected employee has greater permanent continuous service than employee to be displaced.

Department

In local service, where not otherwise defined by statute, means the largest type of organizational unit established by ordinance or resolution, as appropriate, that is not a sub-unit of any other organizational unit for the purpose of administering the political subdivision.

Job Location

In local service, the entire political subdivision, including any facility operated by the appointing authority outside its geographic boarder.

Lateral Title Right

The right of a permanent employee to displace the least senior employee in a Layoff Unit holding a title determined to be the same or comparable to the affected title of the employee. For probationary employees, a lateral title right means the right to fill a vacant position or displace a provisional or less senior probationary employee in the same title.

Layoff

The separation of a permanent employee from employment for reasons of economy or efficiency or other related reasons and not for disciplinary reasons.

Layoff Appeal

There are two types of layoff appeals that permanent and probationary employees may file in relation to their layoff rights. Employees are advised of their appeal rights when given their final written notice.

A. Good Faith Appeal - This appeal is based upon a claim that the layoff or demotion in lieu of layoff was initiated by the appointing authority for reasons other than economy, efficiency or other related reasons as provided by law and rule. A Good Faith appeal is subject to a hearing and determination by the Merit System Board. The appeal must be filed with 20 days of receipt of the final notice and must specify what determination is being appealed, the reasons for the appeal, and the relief requested. The burden of proof is on the appellant.

B. Determination of Rights Appeal - This appeal is based on a claim that the Department of Personnel's determination of the employee's layoff rights, including seniority, are incorrect. This appeal must be filed within 20 days of receipt of the final notice and is subject to a review of the written record by the Department of Personnel. It must specify what determination is being appealed, the reasons(s) for the appeal and the relief requested. The burden of proof is on the appellant.

Layoff Unit

In local service, the Layoff Unit is the department in a county or municipality, an entire autonomous agency or an entire school district.. May be expanded by Commissioner of Personnel to more than one department under procedures specified in Rules. See also NJAC 4A:8-1.5(b)

New Jersey State Library

Least Senior - "Bumping" or Demotion and Lateral Title Rights

Layoff rules specify that employees demote, laterally displace or "bump", to a position held by the individual with the least seniority. In the below example, a Senior Clerk Transcriber, whose position is to be abolished, has 5 years total seniority and has rights to laterally displace a Senior Clerk Typist in a unit with 5 permanent employees in that title.

EXAMPLE:

Person	Years of total permanent Seniority, currently serving as Sr. Clerk Typist
A	6
B	5
C	4
D	3 ½
E	2

Under the present regulation, the employee with 5 years seniority can only "bump" or displace E since E is the least senior. That individual (E) is then slotted into the layoff process with two years seniority. Moreover whenever possible, as a Pre-Layoff action, the least senior person must be placed in the position being abolished prior to the initiation of the layoff.

Seniority - Order of displacement

The sequence below is a helpful guideline that may be followed within each affected job title to determine the order of displacement:

- 1) Provisional appointees pending open competitive test
- 2) Provisional appointees pending promotional test
- 3) The least senior employee serving in a working test period
- 4) The employee with "Significantly Below Standard or equivalent" performance evaluation (NJ Department of Personnel approved plan only)
- 5) The employee with "Marginally Below Standard or equivalent" performance evaluation (NJ Department of Personnel approved plan only)
- 6) The permanent civilian employee with the least total seniority in the jurisdiction regardless of title. Or,

Seniority Ties

Ties in Seniority are broken as follows:

- Disabled Veteran has priority over a Veteran and a Veteran over a non-veteran.
- Employee with highest performance rating over an employee with lower rating if rated by same supervisor. (Must be NJ Department of Personnel approved system)
- Employee with greater continuous permanent service regardless of title.
- Employee with greater non-continuous permanent service regardless of title.
- Employee who ranked higher on the same eligible list for the title.
- Employee with greater continuous service as a provisional, temporary or interim appointee in the title.
- Employee with greater total service, regardless of title or status.
- Other factors as may be determined by the Commissioner of Personnel. (Note: In the event that a tie in seniority still exist the tie will be broken by means of a lottery to be conducted by the Department of Personnel.)

Special Reemployment Right

The right of a permanent employee, based on his or her permanent title at the time of the layoff to be certified for reappointment after the layoff action to the same, lateral and lower related titles. Additionally, the employee shall be entitled to special reemployment rights to his or her previously held lateral or demotional title.

An individual who has been laid off or demoted has rights back to their permanent title. Ranking on a list is based on the employee's permanent title and seniority at the time of layoff. The special reemployment list supersedes all other lists except promotion lists in units other than where the layoff occurred. These lists have no expiration date.

Special Reemployment lists also take precedence over transfers, lateral title changes and lateral title changes pending qualifying exams except those resulting from position reclassification. Employees may be removed from a list for good cause. Those who retire or resign in lieu of layoff or demotion, or subsequently resign or retire, are not given special reemployment rights.

Title Rights

Each job title identified as being potentially affected by the layoff is reviewed by the Department of Personnel in terms of its job content, level of duties and responsibilities.

The Department of Personnel determines which titles are:

7) The permanent law enforcement or uniformed fire employee with the least seniority in the title affected by the layoff or demotion.

In cases where there is a "tie" because two individuals have the same amount of total permanent service time in a title, a sequence of tie breakers is used. Generally, the veteran has preference over the non-veteran; higher performance ratings over lower ratings; greater seniority before a break in service; and greater continuous permanent service regardless of title serve as the primary tie breakers. If a tie still exists other factors are used.

Preferred Seniority

This status is given to an individual who has exercised demotional rights to a lower position (other than to a previously held title pursuant to NJAC 4A:8-2.2(f)), or has been appointed to a lower title from a special reemployment list. The term means that the individual is considered to have the greatest amount of seniority of anyone else serving in that title. They would be the last "bumped" if there was ever another layoff affecting that title and unit.

Seniority

Seniority, for layoff purposes, except for police and fire titles, is the amount of continuous permanent service regardless of title in the jurisdiction. Time is counted from the initial date of permanent appointment and is based on total calendar years, months and days regardless of work week, work year or part-time status. Disciplinary suspensions, personal leaves without pay and previous layoff time are deducted from seniority. All leave with pay; as well as military leave, unclassified appointment leave, educational leave, disability leave, family leave, leave to fill elective office, and personal sick leave regardless of pay status, is not deducted.

Seniority for probationary employees is granted based on total length of service following regular appointment. Permanent employees serving in provisional, temporary or interim appointments in another title, or serving in a working test period in another title, continue to accrue seniority in their permanent title.

Seniority for police and fire titles is the amount of continuous permanent service in an employee's current permanent title and other titles that have (or would have had) lateral or demotional rights to it. A police title is any law enforcement rank or title where entry level employees are required by NJSA 52:17B-66 et seq. (Police Training Act) to complete a police training course. A fire title is any uniform fire department rank or title.

- Lateral (i.e., the same or comparable in duties and requirements and that do not require special skills, licenses or certificates not mandated for the title in which the layoff is occurring);

- Demotional (i.e., lower but substantially related in duties and requirements).

One general rule is that the employee in the affected title could do the lateral or demotional title job with minimal training and orientation. Another is that titles in series (Principal, Senior, Clerk Typist) are generally found to have demotional rights.

LAYOFF PROCESS TIMETABLE

Plan for alternative to layoff must be submitted to the Department of Personnel and approval must be obtained prior to implementation.

Between Date layoffs determined to be necessary and Effective Date of Layoff minus 75 days {(EDOL) -75 days} the appointing authority must explore the possibility of instituting Pre-layoff actions to minimize impact (temporary or permanent hiring freeze, elimination of non-permanent positions, organizational transfers, and delay or freeze of promotions, etc.)

Meetings with bargaining unit representatives should be held prior to initiating pre-layoff actions.

EDOL -75 days

Appointing authority submits its "Lay Off Plan" or "30 day package" to the New Jersey Department of Personnel which includes:

- 1) The reason for the layoff;
- 2) The projected effective date of layoff;
- 3) Sample copies of the layoff notice and the projected date for issuance;
- 4) Any seniority listings maintained including records of preferred seniority maintained by the appointing authority pursuant to NJAC 4A:8-2.4(b)2;
- 5) The number of positions by title to be vacated, reclassified or abolished and the names, status, Layoff Unit, location and, as of the effective date of the layoff, permanent titles of employees initially affected, including employees on leave;
- 6) The vacant position in the Layoff Unit that the appointing authority is willing to fill as of the effective date of the layoff;
- 7) A detailed explanation of all alternative and pre-layoff actions that have been taken, or have been considered and determined inapplicable; and
- 8) A summary of consultations with affected negotiations representatives.
- 9) A list of affected negotiations representatives, including addresses and the units they represent.

10) The names of permanent employees who have received a rating of Marginally Below or Significantly Below Standards or equivalent in their permanent title within the 12 months preceding the effective date of layoff.

11) A detailed affirmative action analysis of the impact of the proposed RIF, which must include EEO statistics for the targeted group - and the employee population as a whole. If there is disparate impact, the appointing authority must provide a statement to that effect.

Note: Upon request the 30 Day time frame specified in NJAC 4A:8-1.4 may be waived to a shorter period by NJDOP if substantially all of the above material and data are submitted, and the work load of the Department permits.

BETWEEN EDOL -75 AND EDOL -45 days

The NJDOP reviews and approves the "Lay Off Plan" and notifies the appointing authority of deficiencies to be corrected or of its approval.

EDOL -45 days

General Layoff Notice distributed (personally served or sent by certified mail to those employees on leave) to all permanent and probationary employees potentially affected by layoff

Individual Notice of Layoff distributed (personally served or sent by certified mail to those employees on leave) to those employees who have been initially selected for layoff.

Between EDOL -45 and EDOL -1 day

Employees advised in writing by NJDOP of actual or potential impact upon them. Employees advised of 20 Day period in which to appeal "Good Faith" or layoff rights determinations.

EFFECTIVE DATE OF LAYOFF

Last day of employment

Between EDOL and EDOL +10

Appointing authority completes Confirmation of Layoff Form showing all lateral, demotional and layoff actions for all affected employees. The Department of Personnel then constructs the Special Reemployment lists.

APPENDIX

- A. PRE-LAYOFF CHECK LIST
- B. SAMPLE "LAYOFF PLAN" OR "30 DAY PACKAGE" COVER LETTER
- C. SAMPLE "GENERAL NOTICE OF LAYOFF"
- D. SAMPLE "INDIVIDUAL NOTICE OF LAYOFF"

APPENDIX A.

PRE-LAYOFF CHECK LIST

1.) REASON: Economy _____ Efficiency _____ Other _____
(List specifics on attached sheet)

2.) EFFECTIVE DATE:
(Must be Minimum 45 & Maximum of 120 days from Employee Notice.)

3A.) SAMPLE NOTICES:
General: DATE COMPLETED _____ (attach sample)
Individual: DATE COMPLETED _____ (attach sample)

3B.) PROJECTED DATE OF ISSUE:
(Allow 30 days from initial notice to NJDOP)

4.) PREFERRED SENIORITY LISTING: DATE COMPLETED _____
(Submit with 30 day notice to NJDOP)

5A.) # POSITIONS BY TITLE: # _____ TITLE _____
(If more than one title attach list.)

5B.) NAMES, STATUS, RA TITLE: DATE COMPLETED _____
Name: _____ Status: _____
Title: _____
(If more than one attach list)

5C.) Layoff Unit :(DEPARTMENT OR AGENCY NAME)

6.) VACANT POSITIONS TO FILL: NONE _____ DATE COMPLETED _____
TITLE: _____ NUMBER: _____

7A.) ALTERNATIVES: DATE COMPLETED _____ (Attach List)

7B.) PRE-LAYOFF ACTIONS: DATE COMPLETED _____ (Attach List)

8.) SUMMARY CONSULTATIONS UNION REPRESENTATIVES: DATE
COMPLETED _____
(Attach detailed summary of consultations with unions, whom, what union, date,

results)

9.) PREPARE AND ATTACHED AN AFFIRMATIVE ACTION ANALYSIS OF IMPACT OF LAYOFF, INCLUDING EEO STATISTICS FOR AFFECTED EMPLOYEES AND EMPLOYEE POPULATION AS A WHOLE AND DISPARATE IMPACT STATEMENT. DATE COMPLETED _____

10) COMPILE AND ATTACH LIST OF AFFECTED NEGOTIATIONS REPRESENTATIVES, INCLUDING ADDRESSES AND THE UNITS THEY REPRESENT.

11) COMPLETE PACKAGE MAILED OR DELIVERED TO NJDOP.
DATE: _____

APPENDIX B.

Xx. XXXXXXXX XXXXXX, Director
Division of Human Resource Management
Department of Personnel
CN 313
Trenton, NJ 08625-0313

Re: Proposed Layoffs - (County of) (City of) (Town of) etc.

Dear Director:

The undersigned is the (County Executive, Mayor, Administrator, Attorney) for (County, Municipality, etc.). This is to notify the New Jersey Department of Personnel of the possible layoff of permanent employees in the (County, Municipality, etc.). This letter is being forwarded to you in accordance with N.J.S.A. 4A:8-1.4.

Pursuant to NJAC 4A:8-1.2 the (County, Municipality, etc.) has taken the following actions to lessen the possibility of layoffs: **(NOTE: The following are only EXAMPLES of possible pre-layoff actions.)**

1. The (County, Municipality, etc.) has implemented a budget freeze for the coming year freezing the budgeted items at last years levels other than for salaries.

2. Certain employees are not receiving any increment in their salaries for the current year.

3. Despite the above, the jurisdiction is still some \$XXXXXXX over the allowable limits, and has chosen to implement layoffs to close the budget gap as a last resort..

Pursuant to NJAC 4A:8-1.2 the (County, Municipality, etc.) has explored the following alternatives to layoffs: (NOTE: The following are only EXAMPLES of possible alternative to layoff actions.)

1a. Voluntary reduction of work hours has been instituted but will not result in sufficient savings to avoid a layoff action.

or,

1b. There can be no voluntary reduction of work hours by employees of this department since it is our opinion, that such would result in a danger to public safety in the (County, Municipality, etc.).

2a. The employees who are subject to possible layoff are the least senior (and/or

are serving in the lowest affected titles) and therefore not subject to optional temporary demotion.

or,

2b. Temporary demotions have been offered to employees but such will not result in sufficient savings to avoid a layoff.

3a. The (County, Municipality, etc.) is considering layoffs of other employees along with those of the above Department, which renders temporary transfers impractical.

or,

3b. Temporary transfers have been offered to employees but such will not result in sufficient savings to avoid a layoff.

4. The appointing authority has met with union representatives for consultation with regard to the proposed layoffs, pre-layoff actions and alternatives to layoffs. A summary of such consultations is attached.

Pursuant to NJAC 4A:8-1.2 (f) the appointing authority will continue to explore all alternatives during the time period from the date of this letter up until the proposed date of layoff. If the layoffs occur, and in the future the appointing authority obtains the necessary resources, it is expected that some or all of the employees may be returned to the payroll. That status, including salary at the date of layoff will be forwarded to the Department of Personnel at the time of these layoffs.

Pursuant to NJAC 4A:8-1.3 the appointing authority has taken the following steps to lessen the possibility, extent or impact of layoffs as pre-layoff actions. **(NOTE: The following are only EXAMPLES of possible actions to lessen impact of layoff.)**

1. The (County, Municipality, etc.) has at this time instituted a temporary hiring and promotion freeze.

2. Beyond those actions already addressed above, the (County, Municipality, etc.) has no non-permanent employees in the affected Department who could be reassigned as a money saving action.

3. The jurisdiction has no provisional employees in the affected Department who could be dismissed, prior to the layoff, to avoid the possibility of layoffs.

4. There are no full time positions in the (County, Municipality, etc.) other than those already identified above to which employees could be assigned or temporarily transferred which would lessen the extent or impact of the layoff.

5. The (County, Municipality, etc.) will take the following actions to assist the potentially affected employees in securing transfers or other employment:

(NOTE: The following are ONLY examples of steps that could be taken to assist employees.)

a) The (appointing authority, personnel office, etc.) will be available for consultation with the affected employees.

b) The (County, Municipality, etc.) has agreed to provide letters of recommendation to any agency that wishes to employ the affected employees.

Pursuant to NJAC 4A:8-1.4 the following is submitted by the (County, Municipality, etc.) to the New Jersey Department of Personnel:

1. Reason for layoff - (County, Municipality, etc.) is (without sufficient operating funds), (projecting severe budget shortfalls), etc., and despite budget cuts, layoffs are a last resort.
2. All available alternatives to a layoff have been considered and implemented where practical and all reasonable pre-layoff actions have been considered and are being implemented where possible.
3. The effective date of layoff is (PROPOSED EFFECTIVE DATE).
4. A sample copy of the Layoff Notice(s) is (are) enclosed.
5. The employees are the least senior in the affected title(s).
6. The number of positions to be affected are (ENTER NUMBER) and all are permanent or probationary employees of the Department of (ENTER DEPARTMENT NAME) in (County, Municipality, etc.).
7. There are (ENTER NUMBER) or (no) vacant positions in the Layoff Unit. **(NOTE: If vacant positions exist that the appointing authority is willing to fill, they must be identified.)**
8. The detailed explanation of alternative and pre-layoff actions that have been taken or considered are as set forth above or on the attached.
9. A detailed summary of consultations with union representatives is attached.
10. An affirmative action analysis of the impact of the layoff, including EEO statistics for affected employees and the employee population as a whole, including a statement as to disparate impact is included.

The jurisdiction requests that the Department of Personnel to offer the following assistance in implementing the pre-layoff measures. (Seniority list, technical guidance,

etc.) All future correspondence in this matter should be forwarded to (name of the appointing authority or agent with whom NJDOP should correspond), with copies to the undersigned.

APPENDIX C.

GENERAL NOTICE OF LAYOFF OR DEMOTION

Name of Jurisdiction

Date

TO: Employees of the _____
(Department or Autonomous Agency)

FROM: _____
(Name & Title of Appointing Authority)

Pursuant to the provisions of N.J.S.A. 11A:8-1, this is to notify all employees that for reasons of () economy () efficiency () other (specify): _____ it is possible that they will be laid off or demoted from their permanent or probationary positions. If your position is subject to layoff, you may have the right to displace employees in other positions.

These layoffs will be effective at the close of the working day on _____. This notification provides all employees with the minimum 45-day layoff notice required by the above law and, unless otherwise extended by the Commissioner of Personnel, shall expire no later than 120 days from the date of issuance.

At the present time, it is not possible to determine the exact effect that this layoff action will have on each employee. This is to notify all employees that they may be affected by the exercise of the seniority, lateral, demotional, and/or special reemployment rights of other employees.

A copy of this notice is being forwarded to the New Jersey Department of Personnel. That Department will be responsible for determining seniority, lateral displacement, demotional, and/or special reemployment rights. Both the affected employees and the appointing authority will be notified of these determinations prior to the effective date.

The procedures to be followed in instituting any appeals will be outlined in the letter of notification of layoff rights from the New Jersey Department of Personnel.

(Signature of Appointing Authority or Authorized Agent)

APPENDIX C.

GENERAL NOTICE OF LAYOFF (cont'd)

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Notice to Appointing Authority: The following certification statement shall be placed on the copy of the general notice forwarded to the New Jersey Department of Personnel.

CERTIFICATION BY APPOINTING AUTHORITY

I certify that a copy of this layoff notice has been posted, and served by personal service or certified mail on each potentially affected employee of the organization unit, on the following date or dates:

_____.

(Signature of Appointing Authority)

APPENDIX D.

INDIVIDUAL NOTICE OF LAYOFF OR DEMOTION

Name of Jurisdiction

Date

TO: _____

(Name & Home Address of Employee)

FROM: _____

(Name & Title of Appointing Authority)

Pursuant to the provisions of N.J.S.A. 11A:8-1, this is to notify you that for reasons of
() economy () efficiency () other (specify) _____ you will be laid
off from your permanent or probationary position of: _____
_____, Department of _____, effective at the close of the
working day on _____. This notification provides you with the minimum
45-day layoff notice required by the above law and, unless otherwise extended by the
Commissioner of Personnel, shall expire no later than 120 days from the date of
issuance.

(Complete the following only if applicable)

Although you are being laid off in your permanent title, you:

() will () will not be retained in your current provisional or temporary title of _____

() will be appointed to the provisional or temporary position of _____
effective _____.

Since your position is subject to layoff, you may have the right to displace employees
in other positions. A copy of this notice is being forwarded to the New Jersey
Department of Personnel, which will be responsible for determining your seniority,
lateral displacement, demotional, and/or special reemployment rights. The
Department of Personnel will notify both you and the appointing authority of its
determinations prior to the effective date of the layoff action. The procedures to be
followed in instituting any appeals will be outlined in the letter of notification of your
layoff rights from the New Jersey Department of Personnel.

(Signature of Appointing Authority or Authorized Agent)

APPENDIX D.
INDIVIDUAL NOTICE OF LAYOFF (cont'd)
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Method of Service

☐ Personal Service

Name of Server _____

Date Served _____

☐ Certified or Registered Mail (Attach copy of receipt)
Date sent to employee or agent must be shown on postal receipt.

☐ Copy of notice forwarded to Department of Personnel Date: _____

NOTICE TO APPOINTING AUTHORITY: Concurrent with the issuance of this notice to the employee, a copy of this notice must be forwarded to the New Jersey Department of Personnel as required by N.J.S.A. 11A:8-1.

