

Reduction in Force (RIF) Information For DOCCS

It is important to note that this is a generic explanation of the RIF process for DOCCS NYSCOPBA members, and that each member is affected differently in this process depending on personal circumstances. Do not make "life" decisions based on this information alone.

- Facility is targeted for closure – This initiates a Reduction in Force (RIF)
- For RIF purposes, DOCCS Security Services Employees are considered one Statewide Layoff Unit. This does not consider county reassignment options.
- A target Closure date will be set – RIF meetings will be established
- DOCCS Personnel and NYSCOPBA will visit each facility to explain process
- Information Packets will be given to all affected members. Packets include:
 - Green Booklet "Information for State Employees Affected by Layoff" from Civil Service
 - S-295.5 Card "Green Card" – Not necessary til after layoff
 - Blue Booklet "Employee Guide for Agency Reduction Transfer List"
 - S-295.6 Card "Blue Card" – Can get you employed in another agency before layoff.
 - **"Employee Personal Information Verification Form"** outlining your adjusted seniority, date of original appointment, veteran status etc...*This form is very import. Incorrect information must be corrected.*
 - **"Location Preference Sheet"** Listing of each Correctional facility to rank in your order of preference for horizontal reassignment. Failure to submit a preference list or not indicating enough options on it may result in your loss of employment.

Seniority

- Seniority for purposes of layoff and reduction in force is **not** synonymous with Contract seniority or other purposes such as retirement, anniversary dates, leave accrual, or for bidding for shift work or pass days. For purposes of layoff, an employee's seniority date is defined as **the date of original permanent appointment in the classified service and continuous service since that date**. This is the seniority that is used in the RIF process, including ranking employees on the Location Preference List. *Employees do not receive credit for time served in municipal titles.*
- This date is adjusted however for:
 - * veterans who get 2 1/2 years additional seniority
 - * disabled veterans and the spouses of disabled veterans who get 5 years additional seniority

- * the legally blind* (as determined by the Commission for the Blind) who regardless of their original date of permanent appointment are considered the most senior employees of all employees in their title in the same category of retention status.
- Employees who have interrupted service may have Adjusted Classified Seniority adjusted for breaks in service, even for more than a year in some cases.
- Contract Seniority under article 24 is service in title extended by leaves under article 24 (military leave, sick leave , workers comp etc). This is the seniority that is used in ranking the Discretionary Negotiated Reassignment List (normal transfer List) for COs and Sgts .

Participation in Location Preference List and Discretionary Negotiated Reassignment List

- Only those employees in RIF affected titles at affected facilities will have the opportunity to voluntarily participate in the Location Preference Placement Sheet. This is a list of all available facilities, and employees are ranked by adjusted classified seniority. Once an employee is permanently placed in a non-closure facility, either through the normal transfer list or the preference list, that employee may no longer participate in the location preference list, unless they are affected as least senior in the state.
- All employees statewide, who normally participate in the Discretionary Negotiated Reassignment List (DNRL), will be allowed to continue to do so. This list is ranked by contract seniority after each revision. **(CCAs do not participate in this system.)**
- Movement of employees on the DNRL and the Location Preference List is at the sole discretion of DOCCS, and since the Taylor Law renders staffing distribution and levels a non-mandatory subject of negotiation, there is nothing to mandate that DOCCS move a certain amount of staff to a particular facility or location.
- DOCCS will set aside the DNRL approximately 60 days prior to closure date to allow for the ranking of the Location Preference List. This also provides DOCCS with enough time to give those being placed off the preference list, the Civil Service required 20 day notification of where they will report as of the date of closure.
- From this point to the closure date, only the Location Preference List remains active, and only those affected employees at the closure locations participate in the Location Preference System.
- The preference list will remain in affect until the date of closure, at which time the DNRL will resume.

Vacancies

- Budgeted Fill Levels (BFL) and Fill Levels – DOB establishes job item levels necessary to staff a facility known as BFL. The fill level of a facility is the actual number of employees actually paid out of that facility. The difference between the BFL and the Fill levels is known as the BFL vacancy. **This is not the vacancies that DOCCS uses in considering if they should transfer employees to a given facility.**
- “Fillable Vacancies” – This is the difference between the number of employees at a given facility and the number of employees they wish to carry at a given facility, based on the Department’s “need” at each facility. This level often differs greatly from the BFL vacancies and is seldom made public by the department.
- Example – BFL vacancies at Facility X may be 12, but DOCCS may consider the “fillable vacancies” at 20 or 0. It is their discretion.

Retention Rights Pecking Order

- Temporary and provisional employees at affected facilities have the least retention rights and do not have Preferred List rights or location Preference Sheet participation in the RIF process. These employees are sent back to their permanent hold items on the closure date through RIF.
- Probationary then Contingent Permanent employees have the next strongest retention rights. They have less than retention than a permanent employee, but are allowed to participate in the RIF and Location Preference Sheet process.
- Permanent employees have the most retention rights based on adjusted classified seniority and obviously participate in all facets of the RIF process.

Horizontal and Vertical Reassignment

- Horizontal Reassignment – In a layoff situation, an agency must offer more senior employees who cannot retain a position in their current location an opportunity to be reassigned to another location where they will displace less senior employees in the same title. DOCCS uses horizontal reassignment which allows the most senior affected employee to displace the least senior employee in the same affected title, ranked by adjusted classified seniority.
- Retreat - in a layoff situation, the displacement of the employee with the least retention rights in the layoff unit in a lower level title by an impacted employee in a higher level title who previously held that title on a permanent basis. Retreat is the only method of displacement available to employees in the non-competitive and labor classes. Only those competitive class employees who have no bumping rights may retreat. **(Some affected CCCAs will have this option.)**

Process for Placement off of Location Preference List

- Employees are ranked by adjusted classified seniority.
- DOCCS will review the most senior affected employee in title.
- In considering the employees #1 choice they will ask and answer 3 questions prior to moving to the next choice:
 - Is there an available fillable vacancy at the chosen location?
 - Is there a temporary employee at the chosen location?
 - Is the least senior employee in that title in the State at that location?
- If the answer is “no” to all 3 questions, then DOCCS will proceed to the employees #2 preference and ask the same questions. And so on.
- If the answer is yes to any of the questions, that employee will horizontally reassign to that location and assume the position. **(It is important to note that when a employee assumes the position of a temporary employee, the assuming employee also assumes the temporary status – regardless of time in a permanent position in that title. This also means that you lose disciplinary protection rights under our contract. This currently only occurs in the Correction Sergeant Titles for NYSCOPBA members.)**
- If an employee horizontally reassigns to a position held by the least senior in title in the state, that affected least senior employee can now participate in the preference list procedure for that title.
- **IF AN EMPLOYEE DOES NOT PLACE ENOUGH CHOICES ON THE LOCATION PREFERENCE LIST TO ALLOW PLACEMENT OFF THAT LIST, THE EMPLOYEE WILL BE LAID OFF. – It is highly recommended that an employee avails themselves to all possible locations.**
- Once an employee is permanently placed off the preference list to a non-closure facility, they can no longer participate in the Location Preference List.
- This process will continue from Most senior in the affected facility to the affected least senior employee in the state. Seniority is based on Adjusted Classified Seniority.
- Depending on the employee, once all preference list options are exhausted, the employee may have retreat rights to a previously held permanent position in a lower grade (vertical reassignment). – **This option may be available for the displaced least senior CCCAs because they all held permanent positions as grade 14 Correction Officers.**
- If an employee (CCCA) has retreat (vertical reassignment) right to CO, then they will be placed on the Location Preference List for COs affected in the RIF. The same procedure will follow for them in that placement process.

Discretionary Negotiated Reassignment List

(Regular Transfer List)

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1. **Ranked by Contract Seniority in title –**
 2. **Bi-Annual revision (unless negotiated differently)**
 3. **Statewide Participation**
 4. **Most senior gets choice**
 5. **Participants placed where there are available vacancies at discretion of DOCCS.**
 6. **If permanently placed in a non-closure facility, employee does not participate in RIF (unless considered affected as least senior in state)**
 7. **28 Day hold (unless negotiated differently)**
 8. **Set aside approximately 30 days prior to closure date. Resumes on closure date.**
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Location Preference List Placement

(Reduction in Force (RIF) List)

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1. **In affect approximately 60 days prior to closure date.**
 2. **Only those affected by the RIF process participate.**
 3. **Ranked by adjusted classified seniority (includes all permanent state service in state employment – no temp or provisional – no municipal or county service. Adjusted for Veterans Status)**
 4. **Most senior affected to least senior in state.**
 5. **Participants placed where there are :**
 1. **Available vacancies at discretion of DOCCS**
 2. **Temporary or provisional employees**
 3. **The “absolute” least senior in the state.**
 6. **Report date is closure date.**
 7. **No 28 day Hold**
 8. **Those placed must be sent notice of where to report to on closure date 20 days prior.**
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