

TITLE 93 -- NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES  
CHAPTER 12 -- LAYOFF, RECALL AND RESIGNATION

001 Effective. A resignation is effective when accepted in writing or orally by a supervisor or any member of the Department's Human Resources Office or the Department's General Counsel's Office.

001.01 Absent extenuating circumstances, an employee will be considered as abandoning his/her job if absent from their designated work site more than two (2) consecutive work days without giving notice. Abandonment is considered a voluntary resignation.

002 Payment for Vacation Leave. Vacation leave not used prior to the last day of employment shall be paid to the employee in one lump sum, to be mailed to the employee after termination except as provided for in Chapter 9, Section 004.05 of this Title.

003 Determining Authority. The Commissioner, after providing written notification to the Board, may separate any employee without prejudice after thirty (30) calendar days written notice, because of reduction in funds or in work load. It shall be left to the discretion of the Commissioner to determine whether the layoff shall be geographical, organizational, program, by classification, or any combination thereof.

004 Layoff General Rules. When a layoff of employees occurs, the following general rules shall apply:

004.01 Layoffs shall be identified by the budget and program areas within a specific locality. The Department shall identify the classification(s) and affected positions within classification(s) for layoff to provide the most efficient and productive operation of the Department. Within the identified classification(s), the order of layoff will be based on seniority (based on the Department service date or Department adjusted service date as opposed to any adjusted service date that is calculated due to prior State service at another State Agency).

005 Transfer Rights – Vacant Positions. Employees who have received written notice of layoff shall have the right to exercise transfer rights under this Section. If there is a vacant position in the Department for which the employee satisfies the qualification requirements as determined by the Department, the employee may elect to transfer to such vacant position.

005.01 Within eight (8) calendar days of a laid off employee being provided such notice, the employee must notify the Department in writing of any intentions to transfer in accordance with this Section.

005.02 If more than one laid off employee elects to transfer into a vacant position, the selection will be made based on seniority.

TITLE 93 -- NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES  
CHAPTER 12 -- LAYOFF, RECALL AND RESIGNATION

005.03 In determining the priority of transfers identified in this Section, transfers to vacant positions in the same geographical area (i.e., within sixty [60] miles) shall be given priority over transfers to positions in a different geographical area.

005.04 An employee who transfers to another position in the same classification shall be transferred so as to effectuate no loss in pay.

006 Recall and Re-employment. This Section specifies how laid off employees shall be either recalled or given re-employment opportunities for vacancies created following a layoff.

006.01 Recall to Previously Eliminated Position. Following a layoff, when a previously eliminated position is restored, the employee occupying the position at the time of reduction in force shall have recall priority subject to Sections 006.02A through 006.02C of this Chapter.

006.02 Recall to Vacancy in the Same Classification Series. Following a layoff, when a vacancy is created in the same classification series, employees who satisfy the required qualifications as determined by the Department shall be recalled in reverse order of a layoff or transfer in lieu of layoff as follows:

006.02A At the time the vacancy occurs, the Department shall notify the first five (5) qualified employees in line for recall of the vacancy.

006.02B Such employee(s) shall then have ten (10) work days following date of notification to accept or refuse the recall by providing written notice to the Department. The recall vacancy will be offered to the employee with the most seniority who provides written acceptance within ten (10) work days.

006.02C Failure to Respond. Employees who fail to respond by either accepting or refusing the recall vacancy on two (2) successive notifications shall forfeit further recall rights.

006.03 Re-employment Opportunities. In the event that a vacancy occurs as provided in Section 006.02 of this Chapter and there are no persons laid off or transferred in lieu of layoff who held a position in the classification series at the time layoff began, the Department shall notify all laid off employees of the vacancy and the qualifications required to hold the position. Such employees shall then have ten (10) calendar days following receipt of such notice to apply for said position. The Department has the right to hire the most qualified applicant.

TITLE 93 -- NEBRASKA DEPARTMENT OF EDUCATION PERSONNEL RULES  
CHAPTER 12 -- LAYOFF, RECALL AND RESIGNATION

006.04 The pay rate of an employee who occupies a position of a lower classification as a result of recall from layoff or re-employment shall be set in accordance with Chapter 6, Section 004 of this Title.

006.05 Financial Assistance for Relocating. In cases in which employees have received state financial assistance, per Chapter 15, Section 017 of this Title, in geographically relocating to avoid layoff, there shall be no requirement for such assistance if recalled to their previous position.

007 Time Period for Recall and Re-employment. During the twelve (12) month period following layoff or transfer in lieu of layoff of the employee, no new employees will be hired to fill vacant positions until all employees on layoff or transfer in lieu of layoff who desire to return to work and who are qualified for the vacant position(s) have had the opportunity to be recalled or re-employed per Section 006 of this Chapter. It shall be the responsibility of the employee who was laid off or transferred in lieu of layoff to be available for recall or re-employment during such time, and such employee shall be responsible for providing the Department with a current address. It shall be the responsibility of the employee who was laid off or transferred in lieu of layoff to update and/or supplement the written documentation in their personnel file regarding their employment qualifications so as to allow the Department to evaluate their eligibility for recall or re-employment under Section 006 of this Chapter.

007.01 During the twelve (12) month period, employees may waive their rights to receive recall and re-employment notice rights contained in this Chapter by providing a written statement to the Department's Human Resources Office.

008 Accumulated Leave Payoff. Employees who are laid off shall be paid at the time of layoff for all accumulated and unused vacation leave, sick leave if eligible under Chapter 9, Section 005.12A of this Title, compensatory time, and overtime. Statutory provisions for the retention of vacation and sick leave shall not be modified by this Chapter.

009 Notification. "Notification," as used in this Chapter, shall mean Certified Mail to the employee's last known address, or personal delivery, or deposit at last known residence. In the event of personal delivery, a receipt acknowledging delivery will be signed by the laid off employee.