

Article 16 – Layoff / Furlough / Reduction in Hours

A. Decision to Effect – Layoff, Furlough or Reduced Hours

1. The Hospital recognizes that layoffs, furloughs, or reduction in hours have a significant impact on employees. Accordingly, the Hospital will exercise its right to layoff, furlough, or reduce bargaining unit employee hours only where there are no other reasonable alternatives.
2. For purposes of this article, a layoff is a full separation of employment or permanent reduction in hours. A furlough is a temporary reduction in hours or a temporary elimination of hours while the employee retains their employment status, benefits and seniority, together with an actual or anticipated return to work date.
3. Furloughed employees may use accrued CTO during their furlough, but shall not be required to use any CTO. CTO may also be used to cover the employee's benefits costs. If CTO is not available, or if the employee chooses not to use it, the employee will make arrangements with UVMMC to repay the amount when the employee returns to work.
4. Furloughs shall not exceed twelve weeks, unless agreed to by the employee, or every employee in the same job classification in the same Cost Center has had a twelve-week furlough, while maintaining necessary skill and ability.
5. In cases where UVMMC is requesting a return from furlough prior to the employee's recall date, the following will occur:
 - a. UVMMC shall first ask for volunteers. Volunteers must respond within 48 hours, and will be selected in order of seniority (most to least).
 - b. If no one agrees to return sooner than their return date, the Hospital may request the least senior person to return to work within fourteen (14) calendar days from the request. Employees with extenuating circumstances (like employees who are on travel assignment, are out of the country, have child care needs, or other similar circumstances) may discuss other options with their leader. No employee will be unreasonably denied additional time to return to work. Article 17 does not apply to furloughs.

In cases where circumstances necessitate a layoff of bargaining unit employees or a furlough or a reduction of hours, the Hospital shall, except in unforeseen emergency or disaster circumstances, notify the VFNHP in writing a minimum of fifteen (15) calendar days in advance and specify the positions so affected.

At the request of the VFNHP, the Hospital shall meet to discuss the layoff, furlough and/or the reduction, and explore alternatives.

B. APRN Layoffs/Furloughs

The Hospital shall determine the cost center, Job Group, shift and number of FTEs or portion thereof. In such units or departments, sites or offices, any layoff, furlough or reduction in hours shall be done in reverse order of hospital seniority. In cases where two (2) or more individuals who are affected by a layoff or furlough in a particular unit or department, site or office, have the identical hospital seniority dates the bargaining unit employee with the least unit seniority shall be the next to be laid off or furloughed. If two (2) or more bargaining unit employees have exactly the same unit seniority, the selection shall be made using the UVMC Employee ID number. The employee with the highest number shall be laid off or furloughed first, and so on from highest to lowest ID number.

C. RN Layoffs / Furloughs

The Hospital shall determine the cost center, Job Group, shift and number of FTEs or portion thereof. In such units or departments, sites or offices, any layoff, furlough or reduction in hours shall be done in reverse order of Hospital seniority. In cases where two (2) or more individuals who are affected by a layoff or furlough in a particular unit or department, site or office, have the identical Hospital seniority dates the bargaining unit employee with the least unit seniority shall be the next to be laid off or furloughed. If two (2) or more bargaining unit employees have exactly the same unit seniority, the selection shall be made using the UVMC Employee ID number. The employee with the highest number shall be laid off or furloughed first, and so on from highest to lowest ID number.

D. LPN Layoffs / Furloughs

The Hospital shall determine the cost center, Job Group, shift and number of FTEs or portion thereof. In such units or departments, sites or offices, any layoff, furlough, or reduction in hours shall be done in reverse order of Hospital seniority. In cases where two (2) or more individuals who are affected by a layoff or furlough in a particular unit or department, site or office, have the identical Hospital seniority dates the bargaining unit employee with the least unit seniority shall be the next to be laid off or furloughed. If two (2) or more bargaining unit employees have exactly the same unit seniority, the selection shall be made using the UVMC Employee ID number. The employee with the highest number shall be laid off or furloughed first, and so on from highest to lowest ID number.

E. Procedure

1. The use of Travel Nurses in a cost center selected for layoff or furlough or reduction of hours shall first be discontinued. (See Article 15.)

2. Then seek relevant/applicable volunteers for layoff, furlough or reduction. If there are multiple volunteers, selection will be in seniority order (most senior to least senior), and considering skill and ability to meet the patient care needs of the unit. Volunteers shall be eligible for all vacant positions that they are qualified to perform. Employees by department or unit may propose a rotation or sharing of temporarily reduced hours and such proposals shall not be unreasonably denied. If there are not enough volunteers then,
3. All Probationary employees (new hires to the Hospital not veteran bargaining unit employees who are “probationary” or “orienting” to the unit, department, site or office) or within the affected unit or department, site or office in the affected Job Groups shall then be laid- off or furloughed first, then,
4. Bargaining unit employees with a suspension within the previous one (1) year will be laid off, furloughed or reduced first, then bargaining unit employees with a final written warning within the previous one (1) year will be selected. Bargaining unit employees laid off under this provision will not be eligible for the bumping procedure outlined in Article 16.F. If a bargaining unit employee laid off under this provision has their suspension or final written warning overturned in the grievance process, the layoff will be rescinded.
5. Bargaining unit employees are selected in the reverse order of Hospital seniority.
6. In the event layoffs or reduction of hours are necessary, then,

F. Bumping Procedure

1. The most senior bargaining unit employee who is laid off, furloughed, or reduced in hours shall be offered any available vacant positions, excluding per diem, in their Job Group in all Nursing Clinical Divisions on all shifts for which the bargaining unit employee is qualified. (At this point or any point up to #5, the bargaining unit employee may voluntarily accept any vacant position in any bargaining unit position and any Job Group where they are qualified.)
2. If no such comparable position (Job Group and shift) exists, then the bargaining unit employee must bump the bargaining unit employee with the least hospital seniority in their Job Group in their nursing clinical division and shift, provided that the following conditions are all satisfied:
 - a. It is in a different unit, department, site or office
 - b. Such individual has a lower hospital seniority than the bargaining unit employee exercising their bumping rights, and
 - c. That the bargaining unit employee is qualified for the position.
3. If there is no such least senior bargaining unit employee (for example, the bargaining unit employee targeted for layoff, or furlough, is the bargaining unit

employee with the least hospital seniority in their Job Group, nursing clinical division and shift) the bargaining unit employee must bump the bargaining unit employee with the least hospital seniority in their Job Group on any shift in their nursing clinical division, provided that the following conditions are all satisfied:

- a. Such individual has a lower hospital seniority than the bargaining unit employee exercising their bumping rights, and
 - b. The bargaining unit employee is qualified for that position.
4. If no such position exists, they must bump the bargaining unit employee with the least hospital seniority in their Job Group outside of their nursing clinical division on their shift first, and then outside of their shift if they are qualified to perform in the position.
 5. If no such position exists, they must accept any vacant position in any Job Group within the bargaining unit where they are qualified to perform the position.
 6. If no such position exists, they must bump the bargaining unit employee with the least hospital seniority in any Job Group and any nursing clinical division, providing the bargaining unit employee is qualified for that position.

For the purpose of this section, Nursing Clinical Divisions shall be (see Appendix 3):

- a. Outpatient Health Care Service
- b. Acute Inpatient Care
- c. Critical Care

NPs and Nurse Educators shall follow their respective units.

Any bargaining unit employee who, via the above procedure, accepts a position either vacant or by bumping shall be reimbursed at the same or new hourly rate and CTO accrual level, whichever is greater.

In case of multiple layoffs, furloughs or reduction in hours the bargaining unit employee with the highest Hospital Seniority shall exhaust the procedure first.

A bargaining unit employee affected by a bump will enter the bumping procedure outlined above.

If a bargaining unit employee refuses a position at any stage of the procedure, the bargaining unit employee waives all rights to bumping and shall be laid off and placed on a recall list or furloughed.

In a lay-off, those bargaining unit employees having bumping rights or rights to vacant positions shall exercise such rights within forty-eight (48) hours upon being notified in writing of their

options. In a furlough, those bargaining unit employees having bumping rights or rights to vacant position shall exercise such rights within twenty-four (24) hours upon being notified in writing of their options.

A full-time bargaining unit employee may, but shall not be required to, bump a less senior part-time bargaining unit employee or vice versa. In bumping, the bargaining unit employee must accept the number of hours and/or shift held by the least senior bargaining unit employee.

Laid-off or furloughed bargaining unit employees may join the Per Diem pool and shall be offered work as needed. Such bargaining unit employees shall be treated like other per diem bargaining unit employees. However, laid-off or furloughed bargaining unit employees joining the Pool shall return to their position upon recall. Bargaining unit employees on a recall list may enter Pool status while awaiting recall.

In the case of a reduction in hours, bumping rights shall apply as for lay-offs or furloughs.

For the purposes of bumping or filling a vacant position in a layoff, a bargaining unit employee shall not be deemed qualified if they would not also be able to perform independently in the position within ninety (90) days. For the purposes of bumping or filling a vacant position in a furlough, a bargaining unit employee shall not be deemed qualified if they would not be able to perform to the level of a Travel nurse after the orientation typically given to a Travel nurse for that unit/department.