

Article 16 – Layoff / Furlough / Reduction In Hours

- A. Decision to Effect – Layoff, Furlough, or Reduced Hours
1. UVMMC recognizes that layoffs, furloughs, or reduction in hours have a significant impact on employees. Accordingly, UVMMC will exercise its right to layoff, furlough, or reduce bargaining unit employee hours only where there are no other reasonable alternatives, and UVMMC may only furlough or reduce bargaining unit employee hours upon a State or federally declared emergency, in the event of other emergent circumstances that cease or significantly limit UVMMC's normal business operations, or with the mutual agreement of the Union.
 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, UVMMC 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 on Recall does not apply to furloughs.
 6. In cases where circumstances necessitate a layoff of bargaining unit employees, a furlough, or a reduction of hours, UVMMC 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.
 7. At the request of the VFNHP, UVMMC shall meet to discuss the layoff, furlough, or the reduction, and explore alternatives.
- B. Layoffs/Furloughs

UVMMC shall determine the cost center, position, shift and number of FTEs or portion thereof. In such cost center, any layoff, furlough, or reduction in hours shall be done in reverse order of UVMMC Seniority, in accordance with the procedure below. If two (2) or more bargaining unit employees have exactly the same UVMMC Seniority, the selection shall be made using the UVMMC Employee ID number. The employee with the highest number shall be laid off, furloughed, or have their hours reduced first, and so on from highest to lowest ID number.

C. Procedure

1. The use of Travel employees in a cost center selected for layoff, furlough, or reduction in hours shall first be discontinued. (See Article 15 on Work Preference.)
2. If there are temporary employees, they will be laid off, furloughed, or have their hours reduced in reverse order of UVMMC Seniority.
3. Then seek relevant/applicable volunteers for layoff, furlough, or reduction in hours. If there are multiple volunteers, selection will be in UVMMC 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 cost center may propose a rotation or sharing of temporarily reduced hours and such proposals shall not be unreasonably denied.
4. If there are not enough volunteers then all probationary employees (new hires to UVMMC not veteran UVMMC employees who are “probationary” or “orienting” to the department or location) within the affected cost center in the affected position shall then be laid-off, furloughed, or have their hours reduced first.
5. Then bargaining unit employees with a suspension within the previous one (1) year will be selected for layoff, furlough, or reduction in hours first, then bargaining unit employees with a final written warning within the previous one (1) year will be selected. Bargaining unit employees laid off, furloughed, or with reduced hours under this provision will not be eligible for the bumping procedure outlined in Article 16.D. If a bargaining unit employee laid off, furloughed, or with reduced hours under this provision has their suspension or final written warning overturned in the grievance process, the layoff, furlough, or reduction in hours will be rescinded.
6. Bargaining unit employees are selected in the reverse order of UVMMC Seniority. UVMMC may, however, elect not to lay off, furlough, or reduce the hours of a bargaining unit employee with the lowest seniority if the skills and abilities of that employee are required to maintain coverage in specialty areas and existing bargaining unit employees with higher seniority are not able to provide such coverage within 30 days.

D. 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, 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 Department where they are qualified.)
2. If no such comparable position (Department and shift) exists, then the bargaining unit employee must bump the bargaining unit employee with the least UVMMC seniority in the employee's Department and shift, provided that the following conditions are all satisfied:
 - a. Such individual has a lower UVMMC seniority than the bargaining unit employee exercising their bumping rights, and
 - b. 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, furlough, or reduction in hours is the bargaining unit employee with the least UVMMC seniority in their Department and shift) the bargaining unit employee must bump the bargaining unit employee with the least UVMMC seniority in their Department on any shift, provided that the following conditions are all satisfied:
 - a. Such individual has a lower UVMMC 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 accept any vacant position in any Department within the bargaining unit where they are qualified to perform in the position.
5. If no such position exists, they must bump the bargaining unit employee with the least UVMMC seniority in any Department providing the bargaining unit employee is qualified for that position.

For the purpose of this section, Department and cost center shall be set forth in Appendix 3.

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 reductions in hours the bargaining unit employee with the highest UVMMC 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 layoff, 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 a 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 remain in the department as a per diem 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 shall return to their position upon recall. Bargaining unit employees on a recall list may work as per diem 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 thirty (30) 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.