



## Legislative Fiscal Bureau

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May 26, 2015

TO: Representative Chris Taylor  
Room 306 West, State Capitol

FROM: Erin Probst, Fiscal Analyst

SUBJECT: Department of Natural Resources Bureau of Science Services and Natural Resources Educator Limited-Term Employees and Layoff Requirements

At your request, this memorandum provides information regarding the requirements for the termination (or release) of limited-term employees as related to the layoff of permanent, classified employees. In addition, information is provided regarding the number of Department of Natural Resources (DNR) limited-term employees (LTEs) within the Bureau of Science Services and the number of LTEs classified as natural resources educators.

The attachment, prepared by the Office of State Employee Relations (OSER), summarizes the agency layoff procedure for permanent, classified employees. As shown in the attachment, agencies must first establish a layoff group (most commonly by classification - all positions which are comparable with respect to authority, responsibility and nature of work required). The agency then determines whether there are any exemptions to layoff and then places appropriate employees in the layoff group "at-risk", by providing a written notice. Under section 230.34(2) of the statutes and OSER administrative rules, before an employee in the classified service with permanent status in a classification may be laid off, the agency must identify and terminate (release) all employees in the layoff group who are performing duties which the employee would be qualified to perform including: (a) limited term employees, including provisional employees; (b) employees serving on a project appointment, and (c) employees serving an original appointment probationary period.

For example, if DNR were to create a layoff group which consisted of classifications such as natural resources scientist - advanced, natural resources scientist- senior, and chemist, the Department would be required to provide at-risk notices to all permanent classified employees within those classifications (at-risk notices have been delivered to 30 people in the Bureau of Science Services). Prior to any permanent classified employees in those classifications being laid off, the agency would be required to terminate (release) all LTEs, project employees, and employees on original probation in those classifications (layoff group). As shown in the attachment, agencies are required to submit a copy of the layoff plan to the OSER Division of

Merit Recruitment and Selection (DMRS) for review and approval. As noted in the attachment, if a layoff plan is no longer required (for example, all employees found other employment prior to layoff notice), the agency is required to send notice to DMRS that the plan is cancelled. Additionally, agencies have some options with regard to movement of permanent employees in order to avoid layoffs. For example, under section 111.90 of the statutes, agencies have the right to "carry out the statutory mandate and goals assigned to a state agency by the most appropriate and efficient methods and means and utilize personnel in the most appropriate and efficient manner possible." A Department could utilize this authority to transfer personnel to available vacant positions rather than laying off staff. If the layoff plan is cancelled, the agency would no longer need to release LTEs within the originally identified layoff group.

The following table shows the number of Department of Natural Resources LTEs within the Bureau of Science Services and the number of LTEs classified as natural resources educators.

**DNR Limited-Term Employees in the Bureau of Science Services and  
Classified as Natural Resources Educators**

<b>Bureau of Science Services LTEs</b>		<b>Natural Resources Educator LTEs by Program</b>	
Natural Resources Research Scientist-Senior	41	Law Enforcement	20
Natural Resources Research Scientist-Advanced	<u>8</u>	Forestry	4
Subtotal Natural Resources Research Scientists	49	Land Program Management	4
Natural Resources Research Technician	33	Fisheries Management	3
Natural Resources Program Specialist	3	Wildlife Management	3
Fisheries Biologist	2	Air Management	3
Chemist	1	Forest Management	1
Conservation Biologist-Senior	1	Waste And Materials Management	1
Facilities Maintenance Specialist	1	Endangered Resources	1
Financial Specialist	1	Wildlife Management	<u>1</u>
Fisheries Technician	1	Total	41
Information Services Resources Support			
Technology-Entry	1		
Natural Resources Program Coordinator	1		
Office Operations Associate	<u>1</u>		
Subtotal Other	46		
Total	95		

In addition to the natural resources educator LTEs shown in the table, there are currently 20 LTEs in the Bureau of Parks and Recreation who are classified as "assistant naturalist guide", who perform interpretive programming at parks properties, similar to natural resources educators.

I hope this information is useful. Please contact me with any additional questions.

ER/lb  
Attachment

# Agency Layoff Procedure

(For Permanent, Classified Employees)

Agency establishes the layoff group

Agency determines any exemptions to layoff

- Agency places appropriate employee(s) in the layoff group At-Risk (Written Notice).
- Agency develops layoff plans.
- Agency identifies alternatives in lieu of layoff that will be offered to employees.
- Agency identifies LTE employees, project employees, and employees on original probation in the layoff group that must be released first.

Agency HR sends a copy of the layoff plan to DMRS for review and approval.

If a modification to the layoff plan occurs that results in a new layoff group, the plan must be resubmitted by the agency HR to DMRS for review and approval.

If a layoff plan is no longer required (e.g., all employees found other employment prior to layoff notice, etc.) notification should be sent by the agency to DMRS that the plan is cancelled.

Employee(s) are given written notice of layoff action **not less than 15 calendar days prior to its effective date.**

## Most Common Options for Establishing Layoff Groups

1. Classification – all positions which are comparable with respect to authority, responsibility and nature of work required. This is *the* most common.
2. Classification Subtitle – a substantial and distinct set of duties, responsibilities and authorities of a position that distinguishes it from other positions in the same class title.
3. Progression Series – a multiple-level classification series where employees are expected to progress via reclassification.

## Exemption Parameters

The appointing authority may exempt up to 2 employees or 20 percent (rounded to the next whole number), whichever is greater, of the number of employees in the layoff group to retain employees who either have special or superior skills or for other purposes as determined by the appointing authority. Documentation must be submitted to DMRS (along with the Layoff Plan) that outline the particular knowledge, skills and abilities of the particular employee(s) to be exempted.

## DMRS Layoff Plan Review

1. The DMRS agency consultant completes the initial review of the layoff plan using the layoff database. This review should involve checking Personnel Management Information System (PMIS) and Employee Roster to ensure that the plan is in accordance with the established policy.
2. After reviewing and approving the plan, the agency consultant will forward the plan to the DMRS Administrator (or designee) for final review and approval.
3. DMRS informs agency of approval/denial per email.

**AT ALL TIMES DURING THIS PROCESS, THE AGENCY MAY CONSULT WITH DMRS**

