

123:1-41-08

**Verification of retention points.**

(A) General. This rule is only applicable to positions in the service of the state. Employees shall be laid off using the following process for systematic consideration of continuous service. An employee's total retention points ~~shall~~will be the sum of the base retention points plus the retention points assigned for continuous service.

(B) Computation of retention points. The appointing authority ~~shall~~computes the total retention points for each employee in the classifications affected by a layoff or position abolishment, including the classifications in which displacement may occur.

If an appointing authority indicated a different continuous service date for which retention points are calculated than the date indicated by the director, then the difference must be supported by documentation ~~which shall~~and be submitted with the list.

(C) Date for calculation of retention points. Retention points ~~shall~~will be calculated as of the pay period ending date prior to the pay period in which retention points are received by the director for verification.

(D) Submission of information to the director. The appointing authority ~~shall~~submits the list of employees' computed retention points, ~~The~~the number of pay periods of continuous service for each employee, a list of available vacancies within the same layoff jurisdiction as applicable, statement of rationale, and supporting documentation with the request for verification. Appointing authorities ~~shall~~will also provide a breakdown of the dates and number of pay periods of continuous service for employees with a combination of full-time and other than full-time service. This documentation will be used to verify retention points. The list submitted for verification of retention points ~~must identify~~identifies those persons being considered for layoff and/or the positions being considered for abolishment.

(E) Verification by the director. The director ~~shall verify~~verifies the calculation of retention points of the employees of appointing authorities whose employees are paid by warrant of the director of budget and management. Notification by appointing authorities to affected employees ~~shall~~will not occur prior to the director's verification of retention points.

(F) Movement into and out of affected classifications. Once an appointing authority has submitted the list of retention points and employees to the director the appointing authority may not hire into or move employees into or out of affected classifications by means of promotions, intra-transfers, voluntary demotions, position control number change, lateral or classification changes, or reassignments, except that inter-transfers out of an agency or implementation of the findings of a position audit

commenced prior to the date of the submission of the list for verification of retention points ~~shall~~will be implemented.

- (G) Personnel actions and recall lists. Personnel action forms and recall lists resulting from a layoff or displacement ~~must~~will be received by the director at least seven calendar days prior to the effective date of a layoff or displacement. Appointing authorities whose employees are paid directly by warrant of the director of budget and management ~~must~~will include all forms submitted by the employee indicating the counties the employee designated as acceptable for recall purposes for reinstatement or reemployment with the personnel action forms.
- (H) Notice of layoff, displacement, and sick leave conversion forms. A copy of the notice of layoff or displacement to employees ~~shall~~will be forwarded to the director with the personnel actions resulting from a layoff. If an employee had displacement rights in a layoff the appointing authority ~~must~~will indicate to the director whether or not the employee exercised those displacement rights. If the employee did not exercise displacement rights or the employee did not notify the appointing authority of a desire to exercise displacement rights, the personnel action forms or other appropriate forms, ~~must~~will indicate that fact.

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Five Year Review (FYR) Dates: 9/15/2022 and 09/15/2027

CERTIFIED ELECTRONICALLY

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Certification

11/21/2022

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Date

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