

123:1-41-12

Order of displacement for employees in the service of the state.

Employees in the service of the state who are laid-off or displaced as a result of a layoff who have the right to displace shall exercise their displacement rights in the following order:

- (A) Displacement within the classification. An employee who is to be laid off or displaced may fill an available vacancy, or if no vacancy exists, displace within his or her classification. If the employee exercises the right to displace within his or her classification, he or she ~~shall~~ displaces the employee with the fewest retention points in that classification.
- (B) Displacement within the classification series. An employee who is to be laid off or displaced may fill an available vacancy, or if no vacancy exists, displace the employee with the fewest retention points in the next lower and then successively lower classifications in the classification series. This process ~~shall~~ continues, if necessary, until the employee with the fewest retention points in the lowest classification of the classification series has been reached and, if necessary, laid off.
- (C) Displacement to a classification previously held. An employee who is to be laid-off or who is displaced may fill an available vacancy, or if no vacancy exists, displace the employee with the fewest retention points in the classification the laid-off or displaced employee held immediately prior to his or her current classification, provided the classification is lower or equivalent classification to the employee's current classification.

A laid-off or displaced employee may displace into a classification previously held if:

- (1) The laid-off or displaced employee held a position in the previous classification within the three years preceding the date an employee was laid off or displaced; and
- (2) The laid-off or displaced employee still meets the minimum qualifications of the previous classification; and
- (3) The laid-off or displaced employee ~~shall have~~ has successfully completed his or her original probationary period.

:

- (D) Displacement to another appointment type. Notwithstanding the provisions of this rule, an employee ~~shall will not be required~~ have to accept a position with a lesser appointment type until the employee has had the opportunity to exercise displacement rights as provided in rule 123:1-41-11 of the Administrative Code.

- (E) Displacement rights of an employee previously displaced. If, after an employee has exercised his or her displacement rights, the employee is to be laid off or displaced due to a subsequent layoff, the employee's displacement rights ~~shall~~will be in accordance with the classification from which he or she was first displaced, provided however, the employee has rights to reinstatement or reemployment in his or her previous classification. The employee's displacement rights from a previously held classification ~~shall~~exists for a one-year period beginning with the date of the original layoff or displacement or until such time as the employee is removed from a layoff list.

Effective: 12/1/2022
Five Year Review (FYR) Dates: 9/15/2022 and 09/15/2027

CERTIFIED ELECTRONICALLY

Certification

11/21/2022

Date

Promulgated Under: 119.03
Statutory Authority: 124.09
Rule Amplifies: 124.321, 124.324
Prior Effective Dates: 01/10/1975, 07/31/1982, 02/04/1996, 06/04/2001,
07/01/2007, 01/18/2009, 11/18/2012, 10/06/2013