#17-2

# Title: Determining faculty eligibility after a layoff

## Policy # 17-2

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| **Contact:** | Policy & Rules Specialist, PEB Division | **Effective:** | January 1, 2014 |
| | | **Rescinded:** | NA |
| **Associated RCW:** | 41.05.065(4)(j) | **Supersedes:** | NA |
| **Associated WAC:** | 182-12-129 | | |
| **Assoc. fed law/reg:** | NA | **Owner:** | Policy & Rules Manager, PEB Division |
| **Associated Procedures:** | | | |
| **Associated Forms & Communication** | Worksheets C-7, D-2 | **Approved by:** | |
| | | **Position:** | Deputy Division Director, PEB Division |
| | | **Date approved:** | 12-6-13 |

**Purpose:**

To apply the criteria for maintaining the employer contribution toward insurance coverage after a layoff, as described in WAC 182-12-129, to: 1) faculty who move from one position to another due to a layoff; and 2) employees who move from any type of position to a faculty position after a layoff.

**WAC 182-12-129 What happens when an employee moves from an eligible to an otherwise ineligible position or job due to a layoff?**

This section applies to employees employed by state agencies (as defined in this chapter), including benefits-eligible seasonal employees, and is intended to address situations where an employee moves from one position or job to another due to a layoff, as described in WAC 182-12-109.* This section does not apply to employees with an anticipated end date.

If an employee moves from an eligible to an otherwise ineligible position due to layoff, the employee may retain his or her eligibility for the employer contribution toward insurance coverage for each month that the employee is in pay status for at least eight hours. To maintain eligibility using this section the employee must:

- Be hired into a position with a state agency within twenty four months of the original eligible position ending; and
- Upon hire, notify the employing state agency that he or she is potentially eligible to use this section.

This section ceases to apply if the employee is employed in a position eligible for public employees benefits board (PEBB) benefits under WAC 182-12-114 within twenty-four months of leaving the original position.

After the twenty-fourth month, the employee must reestablish eligibility under WAC 182-12-114.

*WAC 182-12-109: "Layoff means a change in employment status due to an employer's lack of funds or an employer's organizational change."

**Policy:**

1. Employing agencies must apply the eligibility criteria in WAC 182-12-129 to any faculty who is laid off and rehired into a nonfaculty position.

2. Employing agencies must apply the eligibility criteria in WAC 182-12-129 to any employee (faculty or nonfaculty) who is laid off and rehired into a faculty position. In this case, faculty will qualify for the employer contribution for each month that he or she is in pay status for 5% of full time.

NOTE: The layoff provisions in WAC 182-12-129 do not apply to employees with an anticipated end date. Therefore, WAC 182-12-129 and this policy do not apply to faculty who are hired with an anticipated end date, including faculty hired on a quarter/semester to quarter/semester basis.