

offer or lose all layoff rights.

7. For any recall from layoff, which entails a change of duty station, the Bargaining Unit member shall be responsible for any travel or moving expenses incurred.

### **10.6 Termination of Recall Rights**

A Bargaining Unit member's right to be recalled from layoff will terminate when any of the following occur:

- A. The member resigns from State service;
- B. The member fails to accept a recall offer consistent with the member's designated conditions of availability for recall from layoff;
- C. The member has been in layoff status for two (2) years. The recalled member must have a current APSC certification or successfully complete the applicable APSC certification requirements;
- D. The member becomes ineligible for APSC certification;
- E. The member fails to keep the Department notified of a current address and phone number.

## **ARTICLE 11 - CONTRACTING OUT**

### **11.1 Feasibility Studies**

- A. The State has the right at all times to analyze its operation for the purpose of identifying cost-saving opportunities.
- B. Decisions to contract out shall be made only after the affected agency has conducted a feasibility study determining the potential costs and benefits, which would result from contracting out the work in question. The State agrees to notify the Association within two (2) weeks of its decision to initiate a study, or, in the alternative, that it intends to review operational analyses for purposes of contracting out work. Such operating analyses shall constitute a feasibility study under this Article. Notice to the Association shall include the job classifications and work areas affected. Notification by the State to the Association of the results of the feasibility study will include all pertinent statistical and analytical information which the State will consider in making its decision regarding contracting out the work, including but not limited to the total cost savings the State anticipates.
- C. The State shall notify the Association of its final decision regarding contracting out.

- D. If the State decides to contract out work that will result in the direct displacement of employees, the State shall provide the Association with no less than thirty (30) days' notice that it intends to contract out Bargaining Unit work.
- E. The Association may then submit an alternative plan that is to include potential costs and benefits. The alternate plan will be given fair consideration by the State, provided the plan is submitted not more than thirty (30) days after the Association has received the notice of intent to contract out. During this thirty (30) day period, the Association shall have the opportunity to discuss the placement of affected employees.
- F. No employees shall be laid off and their work contracted out unless the feasibility study shows that contracting out would cost the employer less.

### **11.2 Effect on Members**

Once the State makes a decision to contract out work that will result in the direct displacement of members, it will make a good faith effort to place members elsewhere in State government in the following order of priority: 1) within the Department or 2) within State service generally.

In the event members must be displaced as a result of contracting out, such displacement shall be made in accordance with the layoff provisions of this Agreement.

## **ARTICLE 12 - NOTICE OF DISCIPLINE AND DISCHARGE**

### **12.1 Definition**

- A. Discipline and discharge of permanent employees shall be for just cause. Failure to complete a probationary period does not require just cause and shall not be considered a disciplinary action. Discipline is defined as personnel action against a permanent employee resulting from a just cause finding from the Employer.
- B. Egregious misconduct which may result in immediate discharge includes, but is not limited to, gross disobedience or insubordination, dishonesty, chemical or alcohol intoxication, physical misconduct, criminal conduct, undue familiarity with offender or their families, abusive or lewd behavior, the unauthorized possession, viewing or accessing of pornography or lewd materials at work or on State equipment, or abandonment of duties.

### **12.2 Administrative Investigation**

- A. The member shall be entitled to a fair investigation.