



Layers of Protection: ESC Local 20 and Job Security at PG&E. August, 2017

Recently, non-union employees PG&E were laid off. ESC members have expressed concern that they may be next. The Union wants to clarify that it has not been approached by management regarding any layoffs of represented employees. Members should know that, unlike supervisors or non-union employees, they cannot be laid off with a “tap on the shoulder.” The following bullet points summarize contractual provisions regarding layoffs.

Preventing Layoffs

- ❖ **Demonstrated Need.** In order to lay off union employees, management must demonstrate a lack of work. Obviously if management is contracting out your work, there is no lack of work, in fact there is more work than staff. Also, management must demonstrate the “lack of work.” The Union has the right to challenge this, and in some cases has prevented layoffs by proving that the employees in question actually had plenty of work to do.
- ❖ **Before laying off Union-represented employees,** management must let go of any and all contractors doing your work.

Layoff Process and Notification

- ❖ **Affected Employees.** Management does its initial targeting, selecting how many employees in which classifications and locations they want to let go. The least senior employees (overall company seniority, per the contract) will be the ones initially targeted.
- ❖ **Severance in Lieu.** Under the contract, all employees in those same work groups have the right to opt for severance – potentially reducing the number of employees involuntarily affected. ESC has also negotiated system-wide severance offerings in the past to offset the need for involuntary layoffs.
- ❖ **Displacement, (“bumping”).** Initially targeted employees have the right to displace other, less senior employees, possibly moving to other headquarters or job classifications. There is a contractual process to effectuate this, which the Company must follow properly and the Union will carefully observe and verify.
- ❖ **Vacancies.** During any layoff action, all vacancies in ESC classifications are held for potential filling by affected employees. It can be the case that although one department has a lack of work, other departments have vacancies due to normal turnover.
- ❖ **Advance Notification.** Union employees are entitled under the contract to minimum ten workdays advance warning before a layoff. However in reality, employees well in advance of that. Layoffs are not a quick process. The Union will communicate that the process has begun, and employees with low seniority should understand that they may be affected and can start thinking of options before any action is taken.
- ❖ **Rehire Rights.** Laid off employees are prioritized for re-hire before any internal or external hiring to their previous classifications, for two and half years.

If you are ESC represented, you don’t have to worry about being “escorted out of the building with a cardboard box.” Maybe that is how corporate America does it, but we have a Union and a good contract. It’s sad that things have changed in our country and now the same-day layoff is considered normal. All American workers should have the protections that we have.