



POLICY MANUAL

EMPLOYMENT

Number 398

Subject: Reduction-in-Force

Covered Employees: Classified and Professional Employees

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Effective Date of Last Revision: July 1, 1999

398.1 POLICY

The terms of this policy will govern job termination and salary reductions for a reduction-in-force among University classified and professional staff. A reduction-in-force could result from elimination of funds or the dissolution or reorganization of programs. The Office of Human Resources should be notified as soon as a reduction-in-force situation becomes known.

398.2 DEFINITIONS

2.1 Seniority

The accumulated time of all salaried service at the University in which the employee provided services in a position that is in the same designated job family as the employee's current position.

2.2 Job Family

A series of jobs which have a basis of common skills, occupational qualifications, technology, licensing, working conditions, work place, career paths, and organizational tradition.

398.3 PROCEDURES

3.1 Reduction-in-Force

(1) Staff may be terminated or their hours and/or salaries reduced without any demonstration or suggestion of incompetence, poor performance, or wrongdoing as the result of a reduction-in-force, with the approval of the dean/vice president and the Provost.

(2) This policy does not include termination for cause. For clarification of termination for cause, see policy 399.

3.2 Layoffs Determined Primarily By Seniority

When a department must reduce or reorganize its staff, the administrator should arrange layoffs within the targeted program and employment classification beginning with less senior employees, *unless important job-related considerations dictate a different order of layoffs*. Any time an administrator discharges employees out of the order of seniority, he or she will provide written reasons to the Director of the Office of Human Resources.

(1) Bumping rights within the department and job family.

Employees targeted for layoff do not bump employees with less seniority in other departments of the University or within the same department in different job families or higher employment classifications. However, an employee targeted for layoff may bump a less senior employee in an equal or lower employment classification of the same job family within the same department, as long as the employee targeted for layoff has the necessary job skills to perform in that position. If this occurs, the individual will be adjusted to the salary schedule for the position of the bumped individual. A benefit-eligible employee who is identified to be laid off through a reduction-in-force may also bump a less senior hourly employee who is working in the same job family and department, with salary and benefits adjusted according to the eligibility of the hourly position being bumped.

(2) Personnel of equal seniority.

In situations where the seniority of staff members in programs or classifications identified for reduction is equal, relative competence and experience, or any job-related factor at the discretion of the supervisor, will be the determining factor for reduction. Layoffs among persons of equal seniority will be managed so that the numbers of women and minorities in the affected department are not disproportionately reduced.

(3) Minorities and women.

Minorities and women (frequently last hired to redress ethnic and gender underutilization) will be protected from bumping, regardless of their seniority if the bumping situation negatively affects the department's utilization statistics. An exception to this would be granted if the individual of a protected group were transferred to another position in another unit/department. Any transfer affecting either the losing organization's

affirmative action goals or the gaining organization's affirmative action goals will be reviewed by the Director of the AA/EO Office.

(4) Equal opportunity.

Termination or salary reductions of personnel due to a reduction-in-force must not be based on impermissible grounds such as race, color, religion, sex, national origin, age, disability, or the exercise of first amendment rights, except as provided in (3) above.

3.3 Right to First Interview for Available Positions

(1) In the event of a reduction-in-force, hiring administrators in other University departments will interview the affected qualified employee for open positions at an equal or lesser grade. Administrators are not required to hire such individuals, but the qualified employee will receive priority interviewing status before the position is opened for career enhancement opportunity or to the general public. Affected individuals are given "right to first interview" status for one year from the date of termination (whether or not they become employed off-campus). The affected individual may apply for higher level positions, but will not receive "right to first interview" for those positions.

(2) If an affected employee is not hired after interviewing for an open position for which he or she is qualified, the hiring administrator will supply in writing to the Director of the Office of Human Resources reasons for not hiring the individual. Such reasons may include legitimate questions concerning competence, past performance, or any other job-related consideration. The Office of Human Resources will coordinate the priority interviewing efforts for affected employees with departments that have appropriate open positions.

3.4 Outplacement

The University is not required to create a position for or retrain an employee who is laid off. The University will make a reasonable effort to help laid-off employees obtain other employment.

3.5 Reduction Through Cutbacks in Hours and/or Salaries

If an administrator chooses to implement a reduction by cutting salaries and/or hours of staff, the following rules apply:

(1) The administrator may apportion the cuts evenly among employees within the same employment classification and department, or

(2) the administrator may let reductions fall in the reverse order of seniority within the same employment classification and department, or

(3) the administrator may let such cuts fall outside the order of seniority if important job-related considerations dictate another order of cuts, and with approval of the Director of the Office of Human Resources.

3.6 Post-Layoff Adjustments

Employees remaining after a reduction-in-force must have the necessary skills and capabilities to accomplish the duties of the remaining positions. Retraining should be considered only if the layoff period is expected to be lengthy. If the tasks to be performed in a remaining position are difficult for the remaining employee(s) to perform in a satisfactory manner, the appropriate dean or vice president will approve one of the following:

(1) Allow the remaining employee(s) to complete short-term training to acquire necessary skills, or

(2) Allow the remaining employee(s) an introductory period of 90 days to assume all duties and responsibilities and to perform at a satisfactory level. At the end of the introductory period, if it is demonstrated by the supervisor to the dean or vice president that the performance is substandard, the employee may be placed in layoff status and another employee recalled in the order of seniority, if the employee to be recalled is considered to have the necessary skills and capabilities to accomplish the job.

3.7 Reestablishment of Positions

Reestablishment of a position which has been discontinued under a reduction-in-force action requires prior approval of the Office of Human Resources, AA/EO Office, and the Provost. A budgeted position may not be reestablished for at least one calendar year.

3.8 Recall

Employees laid off due to a reduction-in-force will be recalled without advertising if an opening occurs in the same department in a position of the same job family with equal or lower classification, and if the recall takes place within one year from the date of layoff. If more than one person has been laid off from the same employment category and department, the employee must be rehired in order of length of previous service unless important job-related reasons for recall out of order can be demonstrated in writing to the Director of the Office of Human Resources.

3.9 Notice and Pay in Lieu of Notice

When it is necessary for the University to implement a reduction-in-force, or to terminate an employee for reasons other than cause, affected employees will be given written notice of termination (2 weeks for classified staff and 4 weeks for professional staff). If the full required notice is not given, an employee may be given pay in lieu of notice on a full or partial basis.