

Policy: 2-8.1 Rev: 3  
Date: February 13, 2006

Subject: **REDUCTION IN FORCE AND SEVERANCE PAY**

I. PURPOSE

To outline the University Policy with respect to the reduction in force of regular Staff employees.

II. REFERENCE

[Policy and Procedure No. 2-21](#), Sick leave Policy

[Policy and Procedure No. 2-25](#), Staff Employee Grievances

[Policy and Procedure No. 2-32](#), Discrimination Complaints

[Policy and Procedure No. 2-40](#), Holidays

[Policy and Procedure No. 2-41](#), Vacation Policy

III. DEFINITIONS

- A. Preceding 12 month period: The 12 month period immediately preceding the date upon which the department requested approval from Human Resources to implement a reduction in force.
- B. Reduction in Force: The elimination of positions or reduction in FTE (full-time equivalency) due to lack of work, lack of funds, budget constraints, grant expiration, departmental reorganization, or other business reasons.
- C. Seniority: Status attained by total length of service in a benefit eligible position with the University, not length of service within the position or length of service within the Department, unit, etc.

IV. POLICY

- A. When a department determines that a reduction in force is necessary, it shall send a written request to Human Resources and obtain approval from Human Resources prior to implementing a separation from employment.
  1. Prior to requesting approval from Human Resources, the department shall identify the position (s) or job title (s) to be eliminated within the Department.
    - a. The naming of position (s) or job title (s) that are to be eliminated during a reduction in force is a departmental decision, and cannot be grieved.

b. If a department is going through a reorganization, this policy does not require that there be an elimination or reduction in total FTE positions (full-time equivalency) in the department. The fact that a department is in need of a substantially different job position, with different skill sets, to complete its work, is sufficient to invoke this policy.

2. A representative of Human Resources will be assigned to assist the department through the reduction in force approval process.
3. After notification of approval from Human Resources, the Department shall provide written notice of the reduction in force action to each affected employee, either delivered personally to the employee, sent by email or mailed to his/her last known address.

**B. Boundaries:**

The boundaries of consideration for a reduction in force action shall be identified as the Department, unless there is a business reason to assign boundaries based on distinct units/groups within the department.

1. In order to contract or expand the boundaries for a reduction in force, the Department must make a written request to Human Resources.
2. The Department must receive written approval of the new boundaries from Human Resources before the boundaries will become effective.

**C. Separation during a reduction in force:**

Once the positions to be eliminated have been identified, the Department shall then identify employees working within the Department in the same job classifications, and apply the following criteria to determine which employee(s) shall be separated from employment:

1. If there are any employees in the position(s) or job title(s) selected by the department who are Temporary Staff, they shall be released prior to any other employees.
2. Regular employees in the position(s) or job title(s) selected by the department who are in their probationary period shall be released after all Temporary Staff employees in the position or job title selected have been released.
3. After all Temporary Staff and Probationary Period staff in the position(s) or job title(s) selected by the department have been released, (or if there were no such employees), Permanent Staff employees in the position(s) or job title(s) selected who have:
  - a. received a written performance evaluation within the preceding 12 months which documents performance substantially lower than the other employees in the position or job title selected;
  - or
  - b. received a written corrective or disciplinary action within the preceding 12 months

period;

shall be released before the other Permanent Staff employees in the position(s) or job title(s) selected.

4. After all the Temporary, Probationary Period, and Permanent Staff employees with corrective or disciplinary problems in the selected position (s) or job title (s) have been released, seniority will govern the selection of the Permanent Staff employee(s) in the position(s) or job title(s) to be released. Contracts and applicable federal laws may subject employees to different procedures and requirements.

#### D. Rehire

1. A Permanent Staff employee in good standing (no Final Written Warning) who has been affected by a reduction in force shall be given a preference during the job hiring process at the University after the effective date of notification of separation. An employee subjected to a reduction in force who fails to receive an interview for a specific position due to a Final Written Warning may request an interview by submitting an appeal to Human Resources.
  - a. If the regular employee who was separated from employment based on a reduction in force applies for an open position at or below the same grade level and meets the minimum qualifications of the open position, the Department having the opening shall interview the employee.
  - b. A department interviewing regular employee(s) who have been separated due to a reduction in force is not required to consider other applicants for the open position. The only exceptions would be the possible need to interview other applicants entitled to a preference.
  - c. The preferences listed above shall continue for up to six (6) months after the effective date of separation.
2. A regular employee who is separated from employment due to a reduction in force and who thereafter is rehired to the University within 180 calendar days shall:
  - a. Be reinstated with his/her original date of hire without loss of benefit entitlement, and
  - b. Will not be required to serve a new six (6) month probationary period.
3. When an employee is separated due to a reduction in force, the employee's unused Vacation leave and Overtime or Compensatory time will be paid out to him/her up to the limit in the other policies at the time of separation.
  - a. An employee separated due to a reduction in force will not be paid out accrued sick leave or unused Personal Preference days.
  - b. When an employee is affected due to a reduction in force and is rehired, s/he will not accrue Sick Leave, Personal Preference days or Vacation Leave during the period between

separation and rehire.

E. Notice and Severance Pay

1. A Regular Staff employee who is affected by a reduction in force shall be given written notice of the reduction in force at least four (4) business weeks prior to the effective date of the reduction in force.
  - a. An employee shall continue as a paid employee of the University for 30 days from the date of notice, whether or not they are required to report to work.

F. Reestablishment of a position that was the subject of a reduction in force

1. Reestablishment of a permanent staff position that has been subject to a reduction in force action within the last 12 months shall require prior consultation with Human Resources and approval from the Cognizant Vice President and Human Resources.
2. When a position that has been eliminated due to a reduction in force action is reestablished within 12 months of the initial reduction in force separation date, the employee affected by the reduction in force shall be given first right of refusal for rehiring into the position.

G. Grievance Rights:

A Permanent Staff employee has the right to the grievance process found in Policy and Procedure 2-25, Staff Employee Grievances, but only if s/he believes that the procedures pertaining to this policy have been violated.

1. An employee who is separated while s/he is in an “at-will” employment status is not entitled to the grievance process under Policy and Procedures 2-25.
2. An employee who is in an “at-will” employment status may file a complaint under Policy and Procedure 2-32, if s/he believes s/he has been discriminated against on the basis of race, color, religion, national origin, sex, age, sexual orientation, or status as a disabled individual, or disabled veteran.

Approved Board of Trustees: 2/13/06