

## **Policy 5-110: Reduction in Force and Severance Pay**

### **I. Purpose**

This policy applies to all Staff Members holding Benefits Eligible positions who have completed their Probationary Period. It outlines the University Policy with respect to the reduction in force.

### **II. 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.
- D. Relevant employee definitions are defined in [Policy 5-001](#).

### **III. 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 Staff Member, either delivered personally to the Staff, 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 Staff working within the Department in the same job classifications, and apply the following criteria to determine which Staff shall be separated from employment:

1. If there are any Staff in the position(s) or job title(s) selected by the department who are Temporary Non-Benefited Staff, they shall be released

- prior to any other Staff Members holding benefits eligible positions who have completed their probationary period..
2. Staff in the position(s) or job title(s) selected by the department who are in their probationary period shall be released after all Temporary Non-Benefited Staff in the position or job title selected have been released.
  3. After all Temporary Non-Benefited Staff and Staff in their probationary period in the position(s) or job title(s) selected by the department have been released, (or if there were no such employees), Staff Members holding a benefits eligible position 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 Staff 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 Staff Members holding benefits eligible positions that are in the position(s) or job title(s) selected.
  4. After all the Temporary Non-Benefited Staff, taff Members in the probationary period, and Staff Members holding a benefits eligible position with corrective or disciplinary problems in the selected position (s) or job title (s) have been released, seniority will govern the selection of the Staff Members holding a benefits eligible position that are in the position(s) or job title(s) to be released. Contracts and applicable federal laws may subject Staff to different Procedures and requirements.

#### D. Rehire

1. A Staff Member holding a Benefits Eligible position 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 date of

- notification of separation. Staff 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 Staff Member who was notified of a separation 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 Staff 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 date of separation.
2. Staff who are 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 Staff are separated due to a reduction in force, the Staff'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. Staff separated due to a reduction in force will not be paid out accrued sick leave or unused Personal Preference days.
  - b. When a Staff Member 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 Staff Member 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. A Staff Member 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 Staff Member in a benefits eligible 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 Staff affected by the reduction in force shall be given first right of refusal for rehiring into the position.

G. Grievance Rights:

A Staff Member holding a Benefits Eligible position who has completed his/her Probationary Period has the right to the grievance process found in [Policy 5-203](#) Staff Grievances, but only if s/he believes that the Procedures pertaining to this policy have been violated.

1. A Staff Member who is separated while s/he is in an "at-will" employment status is not entitled to the grievance process under [Policy 5-203](#).
2. A Staff Member who is in an "at-will" employment status may file a complaint under [Policy 5-210](#), 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.

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*[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]*

#### **IV. Rules, Procedures, Guidelines, Forms and other Related Resources**

- A. Rules
- B. Procedures
- C. Guidelines
- D. Forms
- E. Other related resource materials

#### **V. References**

[Policy 5-200](#), Sick leave Policy

[Policy 5-203](#), Staff Employee Grievances

[Policy 5-210](#), Discrimination Complaints

[Policy 5-300](#), Holidays

[Policy 5-301](#), Vacation Policy

#### **VI. Contacts**

The designated contact officials for this Policy are:

- A. Policy Owner (primary contact person for questions and advice): [Director of Employee Relations](#) for Human Resources.
- B. Policy Officers: [Chief Human Resource Officer](#)

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

*"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "*

*"The Policy Officer will identify an 'Owner' for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... . [and] bears the responsibility for determining -requirements of particular Policies...." University Rule 1-001-III-B & E*

## VII. History

Renumbering: Renumbered as Policy 5-110 effective 9/15/2008, formerly known as PPM 2-8.1

Revision History:

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Editorial changes were made to this document to reflect the changes in employee definitions as set forth in [Policy 5-100](#).

Earlier Versions:

[Revision 3](#): effective dates February 13, 2006 to February 8, 2007

[Revision 2](#): effective dates June 29, 2004 to February 12, 2006

[Revision 1](#): effective dates July 13, 1998 to June 29, 2004