

Policy 5-110: Reduction in Force and Severance Pay

Revision 4. Effective date: February 9, 2007

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I. Purpose and Scope

A. 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.

B. Scope.

[reserved]

II. Definitions

The following definitions apply for the limited purposes of this policy and any associated regulations.

- 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. Reduction in Force:

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 the Staff Member's 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, Staff 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 the 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, the Staff Member 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 the Probationary Period has the right to the grievance process found in Policy 5-203 Staff Grievances, but only if the Staff Member believes that the Procedures pertaining to this policy have been violated.

1. A Staff Member who is separated while 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 1-012, if the Staff Member believes the Staff Member 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.

Sections IV- VII are for user information and are not subject to the approval of the Academic Senate or the Board of Trustees. The Institutional Policy Committee, the Policy Owner, or the Policy Officer may update these sections at any time.

IV. Policies/ Rules, Procedures, Guidelines, Forms and other Related Resources

- A. Policies/ Rules. [*reserved*]
- B. Procedures, Guidelines, and Forms. [*reserved*]
- C. Other Related Resources. [*reserved*]

V. References

- A. Policy 5-200: Leaves of Absence (Health-Related)
- B. Policy 5-203: Staff Employee Grievances
- C. Policy 1-012: University Non-Discrimination Policy
- D. Policy 5-300: Holidays
- E. Policy 5-301: Vacation Leave Policy
- F. Policy 5-116: Reinstatement of Permanent Staff Members

VI. Contacts

The designated contact officials for this Regulation are

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

See Rule 1-001 for information about the roles and authority of policy owners and policy officers.

VII. History

Revision History.

A. Current version. Revision 4.

1. Approved by – Effective Date. February 9, 2007.
2. Editorial Revisions
 - a. Editorially revised January 26, 2024 to move to current regulations template
 - b. Editorially revised March 23, 2022 to replace gender-specific pronouns
 - c. Editorially revised October 28, 2021 to reflect the renumbering of Policy 5-210 to Policy 1-012
 - d. Editorially revised October 11, 2011 to reflect the changes in employee definitions as set forth in Policy 5-100.

B. Previous versions.

1. Revision 3. Effective Date. February 13, 2006.
2. Revision 2. Effective Date. June 29, 2004
3. Revision 1. Effective Date. July 13, 1998

C. Renumbering

1. Renumbered from Policy and Procedures Manual 2-8.1