

REDUCTIONS IN FORCE

1. GENERAL

- a. A reduction in force is the elimination or reduction in FTE (full-time equivalency) of a regular staff position due to lack of work, shortage of funds, abolishment of a position, grant expiration, departmental reorganization, or other business reasons resulting in the necessary curtailment of personnel. When normal attrition does not produce the desired results and no other measures seem feasible, the University may terminate the employment of regular staff employees according to the following procedures.
- b. A reduction in force does not include those situations in which a staff employee's termination is governed by an employment contract.
- c. Reduction in force will not be used as a means of separating staff employees who should be separated for poor performance, unacceptable conduct or other issues, which should be addressed through the disciplinary process.

2. REDUCTION IN FORCE POLICY

- a. All reduction in force separations must receive prior approval from the Director of Human Resources to ensure compliance with University policies and procedures, and with federal and state laws and regulations.
- b. Regular staff employees may be separated as a result of a reduction in force, subject to the following provisions:
 - (1) Prior to requesting approval from the Director of Human Resources, the department head will identify the position or positions to be eliminated by job classifications. The department head will then identify staff employees working within the department in the same or similar job classifications, and apply the following criteria to determine which staff employee(s) will be separated.
 - (a) Type of employment – Regular staff employees will be retained over temporary and probationary staff employees.
 - (b) Relative performance – Reduction in force often results in fewer staff employees to perform the same work tasks; therefore, in the interest of efficiency, the better performers must be retained. Staff employees who have been given a written warning for unsatisfactory job performance or who have been disciplined for cause within the preceding 12-month period, may be considered for separation before other staff employees. The preceding 12-month period means the 12 months preceding the date upon which the department requested approval from Human Resources to implement a reduction in force.

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- (c) Length of service – Total length of service with the university will be considered in determining which staff employees are to be separated. Years of service may become a differentiating factor in the separation decision, particularly in instances where other retention criteria are equivalent.
- (2) The boundaries of consideration for a reduction in force action shall be identified as the department, unless the department head receives approval from the Director of Human Resources to expand or contract the boundaries for bona fide business reasons.
- (3) A regular staff employee whose position is eliminated due to a reduction in force shall be referred to Human Resources (Staff Employment) where he/she shall be scheduled for interviews for open positions at the same or lower grade for which the staff employee is qualified. A department having an open position will be expected to interview such a staff employee provided he/she meets the minimum qualifications for the position. A department accepting a staff employee who has been separated due to a reduction in force, or who is under notice of separation due to a reduction in force, to fill an open position will not be required to consider other applicants.
- (4) Staff employees who are separated due to a reduction in force and who thereafter are rehired within six months into the same position, will be reinstated with their original date of hire and without loss of benefit entitlement and will not be required to serve a new probationary period. Unused paid time off (PTO) leave is paid out at the time of separation. Employees will not accrue PTO leave during the period between separation and rehire.
- (5) Regular staff employees who are separated due to a reduction in force will be given written notice of separation at least four (4) weeks prior to the effective date of separation, or severance pay in lieu of notice. Notice is given in writing by the department head, and either delivered personally to the employee, or mailed (certified) to the employee's last known address.
- (6) Reestablishment of a regular staff position that has been subject to a reduction in force action within the previous 12 months will require prior approval from the appropriate vice president, Director of Athletics, or General Counsel.
- (7) When a position that has been subject to a reduction in force action is reestablished within 12 months of the initial reduction in force action, the employee affected by the reduction in force will be given first consideration for rehiring into the position.

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3. SEVERANCE PAY

- a. When it is necessary for the University to effect a reduction in force, regular staff members are to receive four (4) weeks notice. If the required advance notice is not given, or is given for a shorter period of time, severance pay will be given in lieu of notice and will be included in the final paycheck for the staff employee.
- b. The amount paid as severance pay will be the amount represented by the pay rate in effect for the staff employee during the period of the required notice, multiplied by the number of working days for which the staff employee did not receive the required notice.
- c. A staff employee is not eligible for severance pay if the effective date of separation occurs within the probationary period of employment, if the staff employee is dismissed for cause, or if the separation is voluntary.
- d. Severance pay will be considered compensation for the purpose of FICA and income tax withholding, but will not be considered for the purpose of University benefits and does not extend the employment period beyond the effective date of separation.
- e. Staff employees are not entitled to severance pay except as provided in this policy and procedure.

4. PROCEDURE

- a. When a department head determines that a reduction in force is necessary, he/she will send a written request to the Employee Relations Manager. The written request must include the reason for the reduction in force, the effective date, the position(s) being eliminated due to the reduction in force, and the name(s) of the employee(s) to be separated as a result of the reduction in force.
- b. The Employee Relations Manager will assist the department head through the approval process.
- c. Once the reduction in force action is approved, the department head will receive written notice from Human Resources. The department head will then provide written notice to the employee that contains the following information:
 - (1) reason for the reduction in force;
 - (2) effective date (at least four [4] weeks following the notification date);
 - (3) information regarding severance pay and employment assistance; and

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(4) direction to contact the Human Resources Department to schedule an exit interview.

- d. The Employee Relations Manager will communicate to the Payroll Office separations for which severance pay is to be given, the amount to be paid and the effective date of separation after receiving this information from the department head.

Drafted by the Director of Human Resources, May 24, 2002

Approved by the President, June 28, 2002