

Reduction in Force of Non-Academic Employees

Original Implementation: July 28, 1986

Last Revision: October 29, 2018

Purpose

This policy establishes a process for effecting a reduction in force of non-academic employees.

Definitions

A reduction in force is defined as a layoff of a segment of the work force due to a lack of work, reduction in funding, or reorganization. It is an involuntary termination of employment not involving delinquency or misconduct.

General

The president of the university may implement a reduction in force in order to meet operating expenses and maintain sound reserves without diminishing capital or generating unwise or impermissible indebtedness. Prior to the implementation, the president shall consult with the vice presidents and other administrators of the president's choice. The consultation shall include a discussion of:

- anticipated income and expenditures;
- retrenchment measures which have been taken;
- reasonable alternatives to reduction in force; and
- other matters the president deems appropriate.

Regular, full-time employees will be given preference for retention over probationary, part-time or temporary employees. Length of service with the university, ability to perform the remaining work in the affected department, and critical skills required for the remaining work shall be weighed equally in selecting employees for layoff. The university will make every effort to place potentially affected employees in vacant positions for which they qualify. Employees who are laid off as a result of a reduction in force will be given priority consideration for vacant positions for which they qualify. If there are no suitable job openings at the university, human resources will provide reasonable assistance to affected employees in finding positions outside the university.

Methodology

A director or other administrator who is instructed by the president to accomplish a reduction in force will prepare a work force profile on all employees in the affected department or program.

The work force profile shall indicate the number of positions to be abolished, discontinued or vacated, and the names, job titles, length of service and classification (temporary, probationary, or full-time, regular) of the affected employees. The director or other administrator shall list the employees recommended for separation on a reduction-in-force roster and forward the roster and the work force profile through the appropriate vice president to the director of human resources.

The director of human resources shall review and certify that the reduction-in-force roster complies with the provisions of this policy. After certification, every affected department's roster shall be sent to the president for final approval.

Upon approval by the president, the director or other administrator of the department will meet with each affected employee, review the reason for the reduction in force, provide the employee with written notification of separation and refer the employee to human resources. Whenever possible, a written notification should be given at least sixty (60) days prior to the effective date of the reduction in force.

Each affected employee will either submit an updated resume or complete a new online application as directed by human resources. Human resources will review the resume or application prior to interviewing the employee. If there are suitable openings with the university, the employee will be referred to those job vacancies for which the employee is qualified.

If there are no suitable openings, the university may replace an employee in one department with an employee who has more seniority in the same or other department. The university may exercise this option in cases where both employees are in the same or similar job classification according to the university's validated job descriptions, or the employee will be provided with placement assistance for positions outside the university. The affected employee who is transferred under this option shall receive the compensation budgeted for the position to which the employee has been transferred.

Human resources will provide each affected employee with information regarding unemployment benefits from the Texas Workforce Commission and other available assistance. Employees who are laid off as a result of a reduction in force will be recalled to the next available position for which they qualify. The right to recall shall be granted on a priority basis. Length of service with the university, ability to perform the work in the affected department and critical skills required for the work shall be weighed equally in selecting employees for recall.

A notice of recall shall be sent to affected employees at the last known address according to university records. A reasonable period of time not to exceed seven (7) days will be allowed for the affected employee to reply. The university may grant written extension when there are extenuating circumstances.

The right to recall shall cease six (6) months after layoff. An employee on layoff from the university who rejects a recall or job offer for a position for which he/she qualifies shall forfeit further rights to recall.

Each employee who is laid off as a result of a reduction in force may appeal the decision in accordance with the procedure for category I grievances under the Grievance and Appeals policy. The appeal shall begin at step three. The burden of proof is on the employee, and the scope of the review is limited to the opportunity for the employee to establish that the layoff was made on a constitutionally impermissible or unlawful basis or an arbitrary or capricious basis, or that this policy was substantially violated.

Cross Reference: Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101, et seq.); Financial Exigency (3.15); Discontinuance of Program or Academic Unit (5.9); Grievance and Appeals (11.15).

Responsible for Implementation: Vice President for Finance and Administration

Contact for Revision: Director of Human Resources

Forms: None

Board Committee Assignment: Academic and Student Affairs