

Policies of the University of North Texas	Chapter 5
05.027 Reduction in Force	Human Resources

Policy Statement. The purpose of this policy is to establish a general policy and procedures for layoff or a reduction in percent effort and reinstatement or consideration for recall of regular staff employees.

Application of Policy.

All Staff.

Definitions.

None

Procedures and Responsibilities.

1. General Policy.

The University of North Texas endeavors to provide stable employment to all employees. Situations including, but not limited to, financial necessity, a lack of work, reorganization, or changes in needs or technologies, may require a reduction in the work force to assure the continued quality and efficiency of the University and the achievement of its mission. The University reserves the right to reassign its employees when such reassignment meets operational needs.

A reduction in force may take the form of elimination of jobs (layoff) or a reduction in percent effort.

The provisions of this policy may not be used to dismiss an employee for misconduct or lack of satisfactory performance.

Reduction decisions will be made without regard for the employee's race, color, sex, religion, national origin, age, physical or mental disability where reasonable accommodation can be made, veteran's status or any other unlawful reason.

2. Reduction in Force Procedures.

The appropriate senior administrative official (e.g., President or Vice President) will designate, within his/her area of responsibility, which departments or functions are subject to a reduction in force. The department head or other appropriate administrative official will determine the reductions in staff that will have the least detrimental effect on institutional operations and shall specify the reduction of personnel within each job

classification in the unit, department or division accordingly. The individual(s) making the determination shall prepare a written report that outlines the reasons supporting a reduction; the function(s) to be altered/eliminated; the essential functions and qualifications of the remaining position(s), if appropriate; the selection criteria for positions selected for reduction; and the functions affected by the reduction and how functions will be eliminated, combined or altered.

An administrative department is defined as a budgetary unit within the University. In the event of a reduction, the appropriate senior administrative official may elect to combine small offices or divide large departments to meet operational needs. Such realigned units will become the "administrative department" for the purposes of this policy.

Human Resources shall review reduction in force selection(s) prior to written notification to the employee(s).

3. Reduction Criteria.

The criteria to be used for selecting which position(s) and employee(s) will be reduced within a designated function shall include the following.

- 3.1. When considering a reduction in force, the need of the department for certain functions and an employee's specific skills, abilities and qualifications to fulfill those functions may be considered.
- 3.2. Subject to 3.1, seniority will be the determining criteria where employees are equally qualified. Staff members will be eliminated or their percent of time or salary reduced in the order of least seniority. Seniority is defined as the length of continuous service with the University since the most recent employment date. Such seniority (as defined above) among those employees in the affected classification in each administrative department, college or school establishes the order of the reduction. For individuals with equivalent seniority, performance evaluations that cover the three years before the date of the layoff will be considered. The period of time covered by a below standard performance evaluation will not be considered for purposes of seniority.

4. Notifications.

Regular staff members will receive written notification of the reduction from the administrative department head no later than a minimum of 30 days prior to the date of the actual reduction. The notice shall include the general reason for the reduction (e.g. financial necessity), the criteria used to select the position, and that there is an appeal procedure if the individual has reason to believe the action being taken is not in accordance with this policy (see section 7, Appeal Procedure.)

5. Employee Options.

A regular staff member who has received a notification of reduction may elect one of the following options:

- 5.1. Accept the reduced status as of the effective date.
- 5.2. Submit a notice of resignation from employment to be effective no later than the reduction date (resignation will waive eligibility for appeal rights under section 5 or recall rights under section 8 of this policy).
- 5.3. Request transfer or reassignment to another position.
- 5.4. Elect retirement if eligible (retirement waives eligibility for appeal rights under section 6 or recall rights under section 8 of this policy).

6. Appeal Procedure.

If an individual who has been notified of a reduction has reason to believe the action was not in accordance with this policy, he/she has ten (10) working days from the date of the reduction notification to appeal the decision under the procedures of the complaint process outlined in Policy 1.7.2, Grievance Policy.

7. Benefits Eligibility.

The following rules concerning benefits will apply to regular staff members who have been laid-off:

- 7.1. Payment for all accrued vacation leave and, if applicable, compensatory time (non-exempt employees only) will be made.
- 7.2. Sick leave balance at the time of layoff will be restored if the employee is rehired by the University (or any State agency) within twelve (12) months to a regular position.
- 7.3. If allowed by law and the conversion provisions of the insurance policy, the employee may continue coverage in the group health and dental insurance plans. The employee must pay the total monthly premium for the coverage.
- 7.4. Time spent in a layoff status will not count toward total State service, longevity, seniority or retirement.
- 7.5. Refund of parking or other fees that are normally prorated will be made upon request.

8. Right to Reinstatement.

- 8.1. If the eliminated position formerly filled by a laid-off individual or the position formerly filled by an individual who was subject of a reduction in percent effort is reestablished within a period of twelve (12) months from the date for reduction in force, the individual has the right to reinstatement within that position, barring circumstances occurring in the interim which would either render the individual unable to perform the essential functions of the position or which would have resulted in his/her termination from employment. Upon receiving approval of the reestablished position, the Department Head is responsible to notify the laid-off individual or individual who was subject to a reduction in percent effort of his/her right to reinstatement either in person or by certified mail. The individual shall notify the Department Head of his/her decision either to accept or not to accept reinstatement not later than the fifth working day after receipt of notification. If the individual indicates either verbally or in writing his/her decision not to accept reinstatement, the position may then be opened for other applicants. If the individual cannot be located and does not respond to the notice within two (2) weeks (10 working days), the department may consider other individuals for the position.
- 8.2. Reinstated employees will be paid at the current rate budgeted for the position at the time, but may be eligible to retain prior salary increases if funds are available and approved by the Vice Chancellor or the Chancellor.

9. Right to Consideration for Recall.

The Human Resources Department will maintain a list of the regular staff members who have been laid-off due to their positions having been eliminated. Regular employees will be eligible for consideration for recall for a period of six (6) months from the date they were laid-off.

- 9.1. Available positions (including temporary positions) will be announced to laid-off employees who qualify for such positions in the same classification from which they were laid-off. –Laid off employees may also be considered for vacancies in higher or lower job classifications if they qualify and wish to interview for such positions.
- 9.2. The University will notify the laid-off employee of a vacancy within their same classification either by telephone or by certified mail sent to the employee's last known address. The former employee shall respond in person or by certified mail indicating his/her interest in the vacancy not later than the fifth working day after receipt of the University notification. The former employee shall report for interviews as set by the University

unless other arrangements are made. The former employee is responsible for keeping the University informed of his/her current address. If the former employee cannot be located; does not respond to notice within two (2) weeks (10 working days), declines two (2) interviews for positions at the previous classification level held or declines the first two (2) job offers, the former employee's name will be removed from the recall list and any remaining layoff benefits and recall rights will be forfeited.

- 9.3. Recalled employees who qualify and are selected for positions will be paid at the current rate budgeted for the position at that time.
- 9.4. A department may request permission to waive the posting requirements if it plans to re-employ a former employee from the recall list.

Responsible Party: Department of Human Resources

References and Cross-references.

Texas Government Code, 651.006; 661.205

UNT Policy 05.042, Grievance Policy

Approved: 9/1/1993

Effective: 11/12/2012

Revised: 8/96; 1/97; 9/01; 1/03; 8/03; 11/2012

7/2011 format only