

Human Resources Classified Staff Policy and Procedures

Policy # 405.0

Effective: 09/88

Revised: 04/08

Section: Human Resources

Subject: Layoff/Reduction in Force

Deleted: . Date: 10/07

POLICY

Elimination or reduction of funding or work, reorganization or other changing business needs may result in the elimination of one or more Regular Classified Staff positions through a layoff/reduction in force. Management has the sole right to determine staffing and operational needs without regard to the source of funding. Application of this layoff policy may result in the elimination of a position or the reduction in work to less than .50 FTE (loss of benefits-eligibility) within either (1) a department or (2) departmental program(s).

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An employee selected for layoff will have his/her employment terminated from the University upon the layoff/termination effective date. A nonprobationary Regular Classified Staff employee whose performance is at least satisfactory is eligible for recall rights and other layoff privileges for up to twelve (12) months following the layoff/termination effective date.

Deleted: may occur within a job classification assigned (1) to a department or (2) to a specific functional portion of a department (departmental program) when a lack of work results from elimination or reduction of need, reassignment or reallocation of work, or lack of funding to support such work, regardless of the source of funding.

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DEFINITIONS

A DEPARTMENT is a function or the several functions/programs and activities which are assigned to a principal who reports to a president, vice president, vice provost, dean, or assistant/associate vice-president. Such principals typically hold the position of dean, director, or department head.

A DEPARTMENTAL PROGRAM is a specific functional portion of a department which is assigned to a principal who is immediately and directly responsible for that departmental function. Such principals typically hold the position of supervisor, manager, associate/assistant director.

NONPROBATIONARY is the status of a Regular Classified Staff employee who has completed all applicable probationary periods.

PROBATIONARY is the status of a Regular Classified Staff employee who has not completed the initial six (6) month probation period OR a Regular Classified Staff employee who has not completed the three (3) month probation period immediately following a promotion or transfer.

PERFORMANCE is determined by an employee's current performance appraisal (within the last twelve (12) months and for the current position). In a case where there is no current performance appraisal, the employee's performance is considered satisfactory. However, the employee's performance is considered unsatisfactory if disciplinary action (written warning,

disciplinary probation, or disciplinary suspension) was issued (1) after the current performance appraisal, or (2) within the past twelve (12) months when there is no current performance appraisal.

DETERMINING AFFECTED EMPLOYEES

Determination of layoff will be based on each job classification within the department or departmental program(s) affected by the reduction. While the general order of selection for layoff is outlined below, managers will develop an operational plan that assures operational integrity and retention of qualified employees who can satisfactorily perform the remaining work. In order to accomplish those outcomes, employees who might otherwise be retained may be selected for layoff.

- Initial Probation** – A Regular Classified Staff employee who has not completed the initial probationary period shall have his/her employment terminated and will be ineligible for recall rights or other layoff privileges. Refer to Classified Staff Policy #201.0 for information regarding used sick time.
- Transfer/Promotion Probation** – A Regular Classified Staff employee who has not completed the transfer/promotion probationary period is selected for layoff and is ineligible for recall rights but has all other layoff privileges if performance is at least satisfactory.
- Performance** – A nonprobationary Regular Classified Staff employee initially is selected for layoff based on current performance; those with the lowest performance are the first to be laid off. A nonprobationary Regular Classified Staff employee selected for layoff is eligible for recall rights and other layoff privileges if performance is at least satisfactory.
- University Service** – In cases where two or more nonprobationary Regular Classified Staff employees have equivalent performance, those with the least continuous University service will be selected for layoff and are eligible for recall rights and other layoff privileges if performance is at least satisfactory.

Departments will maintain records on the application of this policy in accordance with University records retention schedules.

LAYOFF NOTIFICATION

CLASSIFIED STAFF – INITIAL PROBATIONARY – The employee will be informed of the elimination or reduction of the position either orally or in writing. A probationary employee may be terminated during the initial probation period at any time, although it is a courtesy to provide advance notice whenever feasible. The departmental business office generates an online University termination report on the layoff/termination effective date.

CLASSIFIED STAFF – NONPROBATIONARY AND TRANSFER/PROMOTION PROBATIONARY – An employee will receive a written layoff notification in a Layoff Notification Memo or Layoff FTE Reduction (Below .50 FTE) Notification Memo, as appropriate. The employee will receive at least a thirty (30) calendar day notice whenever

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First, Regular Staff employees

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Deleted: departmental program(s) specified for reduction in force shall be terminated. They have no recall rights.

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If the termination of

Deleted: employees does not satisfy the reduction in force needs, nonprobationary Regular Staff employees in the job classification(s) identified within the department or departmental program(s) specified for a reduction in force shall be

Deleted: initially based on the overall rating of their most recent written

Deleted: appraisal. In situations in which overall ratings on performance appraisals are equivalent, selection for layoff shall be based on the employee's length of continuous University service, those with the least such service being laid off first.

Deleted: <#>Notwithstanding performance appraisal and length of service criteria, an employee who cannot satisfactorily perform the remaining work will be selected for layoff. ¶

RECALL RIGHTS/REEMPLOYMENT RIGHTS

Nonprobationary Regular Staff employees shall retain recall rights to the position in the job classification and within the department or departmental program from which they were laid off for a period of 12 months from date of layoff. ¶

Human Resources shall assist an employee scheduled for layoff or who goes on layoff status in exploring other employment opportunities at the University for which she or he appears qualified. Such individuals must complete an up-to-date job application form in order for Human Resources to provide this assistance. ¶

Provision of such assistance is not intended to and does not create a right to reemployment. The Associate Vic (... [1])

feasible. Notice includes (1) the reason for the layoff, (2) the layoff/termination effective date, (3) the employee's current performance to document eligibility for layoff privileges, and (4) reference to this policy. Managers and supervisors are encouraged to develop transition plans for affected employees and identify appropriate University resources and support. A copy of the layoff notification memo must be provided to Human Resources Employee Records. The affected business office generates an online University termination report on the layoff/termination effective date.

The employee will be paid for accumulated vacation hours in a lump sum, not to exceed the amount earned in one year, in accordance with Classified Staff Policy #200.0. When business needs dictate, the employee may be required to use some or all accumulated vacation prior to the layoff/termination effective date. Paid vacation and sick time accruals do not continue and cannot be used after the layoff/termination effective date.

RECALL AND REEMPLOYMENT

A nonprobationary Regular Classified Staff employee with at least satisfactory performance is eligible for recall rights for up to twelve (12) months following the layoff/termination effective date. Should the position become available, an individual with recall rights must be rehired, without recruitment, to the same position in the same job classification and within the same department or departmental program as the layoff occurred. Rehire through a recall is contingent upon successful completion of pre-employment screening (see Classified Staff Policy #103.1). Recall offers are initiated by a written notice from an authorized hiring department representative to the former employee's last address on record. Recall offer notices should list a date by which the former employee must contact the department in order to secure the position through recall.

An affected employee's recall rights will cease immediately upon the earliest of (1) securing a benefits-eligible University position, (2) securing University student employment, (3) unsuccessful completion of pre-employment screening for the recall position, (4) non-response to a recall notice or refusal of a recall position, or (5) at the end of twelve (12) months following the layoff/termination effective date.

An employee notified of layoff may seek other University employment opportunities for promotion/transfer or reemployment. A promotion/transfer probationary period will apply if Regular Classified Staff employment is secured prior to the layoff/termination effective date. After separation, an employee rehired into any Regular Classified Staff position will serve a new initial probationary period, and Classified Staff Policies #200.0 and #201.0 related to paid vacation and sick time accruals for rehires apply.

LAYOFF PRIVILEGES

Regular Classified Staff employees (non-probationary and transfer/promotion probationary), whose performance is at least satisfactory, are provided layoff privileges for up to twelve (12) months following their layoff/termination effective date.

1. Career Advising Services

Human Resources Employee and Career Advising offers career and reemployment coaching; use of these services does not create a right to reemployment.

2. Qualified Tuition Reduction Program

If employed at least five (5) consecutive years prior to the layoff/termination effective date, the former employee, spouse, and dependent children are eligible for the Qualified Tuition Reduction Program as an affiliated participant (See Classified Staff Policy #217.0).

3. Additional Layoff Privileges

- Other privileges may continue in accordance with policies of sponsoring departments (CatCard discounts, University email account, recreation membership, etc.).
- Temporary University employment (ineligible for University benefits) may be accepted without jeopardizing layoff privileges.
- May compete for University employment openings as an internal candidate.

No layoff privileges are intended to create an employment relationship or right to reemployment. An affected employee's layoff privileges will cease immediately upon the earliest of (1) securing a benefits-eligible University position, (2) securing University student employment, (3) non-response to a recall notice or refusal of a recall position, or (4) at the end of twelve (12) months following the layoff/termination effective date. These privileges may be modified or revoked at any time by the Associate Vice President for Human Resources.

INSURANCE COVERAGE AND RETIREMENT

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), an affected employee may continue any or all existing group medical, dental, and vision insurance coverage and health care flexible spending account election after layoff/termination. Life insurance conversion options are also available.

Retirement service credits do not accrue after the layoff/termination effective date. An employee who has left University service may contact the retirement plan (Arizona State Retirement System or Public Safety Personnel Retirement System) for information regarding account access/maintenance options.

RESOURCES

For Managers and Supervisors

- [Human Resources Consulting Services](#) or [Arizona Health Sciences Center Human Resources](#) are available to consult on staffing decisions and application of this policy.
- [A Manager's Guide for Having Nonrenewal & Layoff Discussions](#) is available to prepare for meeting with the affected employee.
- The Layoff Notification Memo and the Layoff FTE Reduction (Below .50 FTE) Notification Memo are available to notify employees identified for layoff.
- The Initial Probation Termination Memo is also available to develop a written termination notice to an initial probationary employee.

For Employees

- [Human Resources Employee and Career Advising](#) offers career and reemployment coaching to affected employees.
- [Employee Assistance Counseling/Consultation](#) provided by UA Life & Work Connections offers free, voluntary and confidential services to affected employees prior to the layoff/termination effective date.

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Nonprobationary Regular Staff employees shall retain recall rights to the position in the job classification and within the department or departmental program from which they were laid off for a period of 12 months from date of layoff.

Human Resources shall assist an employee scheduled for layoff or who goes on layoff status in exploring other employment opportunities at the University for which she or he appears qualified. Such individuals must complete an up-to-date job application form in order for Human Resources to provide this assistance.

Provision of such assistance is not intended to and does not create a right to reemployment. The Associate Vice President for Human Resources may, at his or her discretion, designate that certain vacancies be filled only by qualified internal candidates and/or those on layoff status.

If, while on layoff status, an employee accepts another University Regular Classified Staff position, he or she may thereby relinquish all recall rights and no longer remain on layoff status.

OTHER PRIVILEGES

Nonprobationary Regular Staff employees who are on layoff status shall retain the following rights for a period of 12 months from date of layoff:

- eligible to withdraw ASRS retirement contributions

- eligible for the Qualified Tuition Reduction Program for employee and dependents if the employee had been employed at least five (5) years at the University immediately prior the effective date of the layoff and he or she received a satisfactory or better performance evaluation

- other privileges may continue in accordance with policies of sponsoring departments (CatCard discounts, University email account, recreation membership, etc.)

INSURANCE BENEFITS

Under the federal law known as COBRA (the Consolidated Omnibus Budget Reconciliation Act), employees are eligible to continue their group medical, dental, and vision insurance coverage. Life Insurance conversion options are also available.

SICK AND VACATION LEAVE

A laid-off employee does not accrue vacation or sick leave and does not earn retirement service credits during the layoff period. Sick leave benefits may not be used during the layoff period.

ALL accrued vacation must be taken prior to the layoff effective date or it will be forfeited by the employee, except that the University may require employees to continue working up to the date of layoff, and pay them for their accrued vacation in lump sum at the time the layoff is effective. If an employee obtains a University benefits-eligible position while on layoff status, the employee's former vacation accrual rate and sick leave balance will be reinstated.

DEPARTMENT RESPONSIBILITIES

Determines the necessity of a reduction in force within a department or departmental program within her or his college, division, or department, and identifies the individual employees and classifications to be affected.

Determines effective date of layoff.

Reviews and coordinates impending layoffs with Human Resources.

Prepares written notification to affected employees as far in advance of layoff date as possible stating (1) reason for layoff, (2) effective date, and (3) referring the individual to Human Resources for assistance.

Provides a copy of the original layoff letter to Human Resources

If the employee has not obtained another position at the University upon the layoff effective date, complete a *Termination Report Form* and forwards to Human Resources.