

<b>Policies of the University of North Texas Health Science Center</b>	<b>Chapter 05 Human Resources</b>
<b>05.410 Reduction in Force</b>	

Policy Statement.

It is the policy of the health science center to assure the continued quality and efficiency of the health science center and its departments during circumstances including, but not limited to a lack of work, financial exigencies, reorganization, loss of grant funds, cancellation of projects, or changes in needs or technologies. The President or his designee shall determine whether a reduction in the work force is necessary in the furtherance of this policy.

**Guidance:** A reduction in force shall take into consideration factors such as available resources, operational requirements, financial exigencies and business necessities. The criticality of specific functions/services with respect to the ability to accomplish the mission of the center is also a consideration. The reduction may take the form of elimination of jobs, reduction in full-time equivalency (FTE), or reduction in salary. The health science center reserves the right to reassign its employees when such reassignment meets operational needs.

The provisions of this policy may not be used to dismiss an employee for misconduct or lack of satisfactory performance. Layoff decisions will be made without regard for the employee's race, color, sex, religion, national origin, age, non-job-related physical or mental disability or veteran's status or any other unlawful reason.

Application of Policy.

Non-Faculty Staff

Definitions.

1. For purposes of this policy, an “administrative department” is defined as a separate budgetary unit which may be a department that is funded by either appropriated or non-appropriated funds, a grant funded by non-appropriated funds, or a contract/project funded by non-appropriated funds. In the event of a layoff, the appropriate senior administrative official may elect to combine small budgetary units or divide large budgetary units to allow more equity in the process. Such realigned units will become the "administrative department". Human Resource Services shall review Reduction in Force selection(s) prior to written notification to the employee(s).

Procedures and Responsibilities.

Procedure / Duty

1. When a reduction in force becomes necessary, the President will authorize the overall amount of the reduction and approve the functions designated for elimination or modification. The appropriate senior administrative official (Dean, Vice President

Responsible Party

President/Sr.  
Administrative  
Official/Department  
Head

or President) will designate, within his/her area of responsibility, which “administrative department(s)” is subject to a reduction in force. The department head or other appropriate administrative official will determine the reductions in staff which will have the least detrimental effect on institutional operations and shall specify the layoff of personnel accordingly. The individual 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; and the selection criteria for positions selected for reduction; the functions affected by the reduction and how functions will be eliminated, combined or altered.

2. **Layoff Criteria:** The criteria to be used for selecting which position(s), within a designated “administrative department”, will be eliminated shall include:
  - a.) When a reduction creates or elevates an operational requirement, an employee’s unique operational qualifications or skills for the position(s) after reduction will be considered.
  - b.) Employees within the designated “administrative department” will be eliminated in the order of least seniority. Seniority will be the determining criteria in cases where employees are equally qualified. In determining seniority, time covered by a below standard evaluation during the proceeding three years will not be considered.
3. **Notifications:** Regular staff members will receive written notification of layoff not later than 30 days prior to the date of the actual layoff. The notice shall include the general reason for the reduction (e.g. financial exigencies) and the criteria used to select the position.
4. **Employee Options:** A regular staff member who has received a notification of layoff may elect one of the following options:
  - a.) Accept the layoff status as of the effective date.
  - b.) Submit a notice of resignation from employment to be effective no later than the layoff date (resignation will

Department  
Head/Human Resource  
Services

Staff Member

waive eligibility for appeal rights under section 6 or recall rights under section 8 of this policy).

c.) Request transfer or reassignment to a vacant position.

d.) Elect retirement if eligible (retirement waives eligibility for appeal rights under section 6 or recall rights under section 8 of this policy).

5. **Appeal Procedure:** An employee who receives a termination notice due to a reduction in force may file a complaint challenging the decision. The complaint must be filed, with the Human Resource Services department, within 10 working days of receiving the layoff notice. The complaint shall be limited to claims that the criteria/reasons for termination do not exist; are not accurate; or are unlawful under state or federal law. The complaint must be in writing and provide facts to support the allegation. The burden of proof rests with the employee. The complaint will be forwarded to the administrative official who selected the position/employee for reduction. The administrative official has 3 working days from the date of receipt to review the facts and issue a decision in writing. If a complaint is not satisfactorily resolved, the complainant may present his or her complaint to such subsequent level of management as described in the Complaint Procedure (See Policy 05.904) until resolved or until it is presented to the appropriate Vice President for final consideration and action. The decision will be mailed to the employee. A layoff under this policy will not be delayed during the appeal process. Should the decision support the appellant, he/she will be reinstated without a break in service.

Staff  
Member/Administrative  
Official/Human  
Resource Services

6. **Benefits Eligibility:** The following rules concerning benefits will apply to regular staff members who have been laid off:

Human Resource  
Services

a.) Payment for all accrued vacation leave will be made.

b.) The former employee's sick leave balance at the time of layoff will be restored if he/she is rehired, in a regular position, by the health science center (or any State agency) within twelve (12) months. <sup>1</sup>

c.) If allowed by law and the conversion provisions of the center's insurance policy, the employee may continue

coverage in the group insurance plans. The employee must pay the total monthly premium for the coverage.

d.) Time spent in a layoff status will not count toward total State service longevity, seniority or retirement.

e.) Refund of parking or other fees that are normally prorated will be made upon request.

7. **Recall:** Human Resource Services will maintain a list of former regular staff members of the health science center terminated under a reduction in force. Former regular employees will be eligible for recall for a period of six (6) months from the date they were laid off.

Human Resource  
Services/Administrative  
Official

a.) 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 classifications if they qualify and wish to interview for such positions.

b.) The health science center will notify the former employee of the vacancy either by telephone or by certified mail sent to the employee's last known address. The former employee is responsible for applying for any position for which he/she feels qualified. The former employee shall respond, in person or by certified mail, indicating the employee's interest in the vacancy not later than the fifth working day after receipt of the health science center notification. The former employee shall report for interviews as set by the health science center unless other arrangements are made. The former employee is responsible for keeping the health science center informed of his/her current address. If a 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.

c.) Recalled employees who are selected in positions for which they qualify will be paid at the rate budgeted for the position at that time.

d.) A department may request permission to waive the posting requirements if they plan to re-employ a former employee from the recall list.

8. **Reinstatement:** If the position formerly filled by a laid-off individual is reestablished within a period of twelve (12) months from the date they were laid off, the individual has the right of reinstatement within that position, barring circumstances in the interim which would either render the individual unable to perform the essential functions of the position or which would have resulted in their termination from employment. Upon receiving approval to reestablish the position, the Department Head is responsible to notify the laid off individual of his/her right to reinstatement either in person or by certified mail. The laid-off 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 laid-off individual indicates either verbally or in writing his/her decision not to accept reinstatement or does not respond within the five working days following receipt of notification, the position may be opened for other applicants.

Department  
Head/Administrative  
Official

Reinstated employees will be paid at the salary rate budgeted for the position at the time of reinstatement, but may be eligible to retain prior salary increases if funds are available and approved by the appropriate administrative official.

References and Cross-references.

<sup>1</sup> Texas Government Code, § 661  
Policy 05.904

Forms and Tools

None

Approved: 9/01/2006

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Revised: