

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 4	General Personnel Policies	Effective:	November 2000
Section 4.5	Employment Administration	Revised:	December 2001
Policy 4.5.7	Reduction in Force	Responsibility:	Vice President for Human Resources

REDUCTION IN FORCE

Policy

It is the policy of the Health Science Center to implement a reduction in force when necessary because of financial exigency or a bona fide reorganization. The appropriate Dean or Vice President, with the approval of the President, shall decide when it is necessary to reduce the workforce. The decision shall be based on a report prepared at the discretion of the appropriate Dean or Vice President. Employees who are funded by grants, contracts, and other non-state appropriations are subject to termination upon the earliest of the following:

1. the expiration of the source of funds; or,
2. in the event of cancellation of the project, program, or activity which has created the position.

Employees in this category are not subject to, or covered by, any other portion of the institutional policy on reduction in force. The procedures that apply are described below.

Applicability

This policy applies to all administrative and professional (A&P) and classified employees of the Health Science Center.

Report

The report shall include supporting documentation and shall contain the following:

1. factual information that shows the existence of a financial exigency or that a proposed reorganization will result in a more cost effective or efficient department;
2. a description of the functions or services supplied by the department that will be affected by the proposed reduction in force, how those functions or services will be combined, altered, or eliminated, and the rationale for the combination, alteration, or elimination;
3. an explanation of why no alternatives to a reduction in force are feasible;

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4. identification of those jobs or positions that will be affected; and,
 5. utilization of the criteria below to identify those employees who are to be terminated and an explanation of how and why each person was selected for termination.
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Planning Requirements

Before a reduction in force is proposed, alternatives that may eliminate its need or limit its scope shall be considered. Such alternatives include, but are not limited to, job sharing, temporary leaves of absence without pay, attrition, pay freezes or pay cuts, and demotions.

The goal shall be to identify those functions and positions that can be altered or eliminated with the least effect on the work force and necessary services of the department.

The Chair or Director of the affected department shall decide which functions or positions should be combined or eliminated. In making that decision, existing business conditions, as well as, future needs of the department and the Health Science Center may be considered.

Terminations

Where a financial exigency or bona fide reorganization results in the need to terminate employees, the Chair or Director of the department seeking the reduction shall be responsible for deciding which employees will be terminated. The criteria to be used for selecting which of the affected employees will be terminated shall include, but are not limited to:

1. employee qualifications for the jobs remaining after the reduction;
 2. employee work performance as evidenced by written evaluations or other documentation (seniority will be the determining criteria in those cases where employees are equally qualified); and,
 3. status as a regular, full-time employee (such an employee will be given preference unless it is in the best interest of the Health Science Center to employ part-time, temporary, or hourly employees for the available positions).
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Notice

Employees who are to be terminated shall be provided with as much advance written notice as possible in order to avoid personal hardship. To the extent possible, notice shall be at least sixty (60) days in advance of the proposed date of termination.

The written notice of termination shall include an explanation of the reasons for the reduction in force, an explanation of why an employee's position is to be eliminated, or why a particular employee has been selected for termination.

**Grievance
Procedures**

1. An employee who is to be terminated may grieve that decision to the Chair or Director of the affected department within ten (10) working days of receiving notice of termination. The reasons for grieving shall be limited to claims that a financial exigency does not exist; that the reorganization was not bona fide; that a comparison of the employee's qualifications and performance with those employees who were retained shows that the selection of the employee was arbitrary and without reason; that the termination decision was made for reasons that are unlawful under state and/or federal laws or constitution.
2. The grievance shall be in writing and shall state the facts that support the employee's allegations. The employee shall have the burden of proof with respect to the allegations.
3. The Chair or Director of the department shall respond to the grievance within ten (10) working days of its receipt.
4. If the employee is not satisfied with the response, he or she may within five (5) working days of response appeal in writing to the appropriated Dean or Vice President, with a copy to the President, stating why the appealed response is incorrect. The Dean or Vice President shall review the grievance and response and make a decision with the concurrence of the President within thirty (30) days of receipt of the appeal. The decision shall be final. It will be in writing and shall be mailed to the employee.

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Re-employment

1. Human Resources shall keep a list of the names of employees terminated because of a reduction in force. The names of former employees shall remain on the list for a period of two (2) years after the date of termination unless deleted pursuant to item 3 below.
2. As jobs become available at the Health Science Center within the same job classification or in classifications requiring similar skills and training, reasonable effort will be made to notify and re-employ qualified former employees on the re-employment list. A notice of open positions for which the former employee may be qualified shall be sent to his or her last known address by registered or certified mail. It shall be the responsibility of the former employee to apply for any position for which he or she feels qualified.
3. A reasonable period of time, not to exceed ten (10) working days, shall be provided to allow each former employee who is notified to apply for re-employment. Former employees who are notified and fail to respond within ten (10) working days or reject a re-employment opportunity will be removed from the re-employment list. The ten (10) working day application period may be extended for good cause.
4. Any former employee will have his or her sick leave balance restored if re-employed by the Health Science Center within twelve (12) months of the initial lay-off.

Nondiscrimination

All termination and re-employment decisions pursuant to this policy shall be made without regard to race, color, religion, sex, national origin, age, sexual orientation, disability, or veteran status.
