

Oklahoma State University Policy and Procedures

LAYOFF AND REDUCTION IN WORKFORCE FOR STAFF

**3-0711
ADMINISTRATION
& FINANCE
September 2010**

PURPOSE

1.01 In accordance with, and complementary to, the official University policies dealing with budget reduction(s) or other reasons such as technological replacement and/or program discontinuance, these policies and procedures will be implemented at such time(s) it becomes necessary to have a reduction in work force, commonly referred to as “layoff.”

SCOPE

2.01 These policies and procedures are applicable to all continuous regular staff personnel assigned to all agencies of the University, regardless of the source of funding for the position.

2.02 This procedure does not apply to a new employee during the initial orientation period (see policy 3-0706, Employment, Promotion and Transfer for Staff) or to periodic/temporary employees or student employees.

2.03 These policies and procedures are not applicable to members of the University faculty who are covered by separate procedures.

UNIVERSITY POLICY

3.01 It is the policy of the University to provide stable employment to staff personnel. However, there may be occasions which necessitate a reduction in the staff work force.

3.02 A reduction in work force resulting in staff member layoff(s) shall be among the last options implemented by the appropriate dean, director or department head. It may be instituted in cases of bona fide budget reduction, lack of work, lack of funds, program discontinuation, technological replacement, obsolete job qualification requirements, or any other condition of serious financial distress that may be determined or declared at any time in the future. When such conditions exist, the respective dean or director with the approval of their respective vice president will announce or declare the implementation of this policy.

3.03 A layoff shall be initiated by college, division, department, or other such unit. The decision as to the extent of the reduction in work force within the affected unit shall be recommended by the appropriate dean, director or department head (with prior review by University Human Resources and the Office of Affirmative Action) to the appropriate vice president and/or President.

3.04 When options are available as to which job(s) to select for reduction, the appropriate dean, director or department head will select the position(s) where such reductions will have the least amount of negative impact on the vital programs of that unit in addition to the least amount of negative impact upon the equal employment gains of the unit.

3.05 Staff retention during periods of work force reduction where the number of staff in the selected job(s) exceed the number of positions to be eliminated will be based upon performance as well as length of time in service, commonly referred to as seniority. Performance and seniority are determined for the purpose of this policy as follows:

- A. The level of performance shall be determined by the three most recent written performance reviews as provided in the Policy 3-0741, Performance Evaluation Program for Staff.
- B. Seniority shall be determined as University-wide continuous employment date.

3.06 Staff members who are scheduled for layoff shall not have “bumping rights” to positions in either the same or in lower classification(s) in any unit in which a staff position may happen to be filled by a staff member with lesser University seniority.

3.07 Staff members who are scheduled for layoff do not routinely have the right to enter formal grievance charges in regard to layoff action, except for reasons of alleged violation of these policies and procedures governing such reduction of work force, or for alleged acts of illegal discrimination. This provision supersedes normal grievance procedures adopted by the University.

3.08 Reassignment of staff members to comparable or similar vacant positions in unaffected areas:

- A. Whenever it is determined that a reduction in work force is necessary, the dean or vice president shall, after consultation with the appropriate unit administrator, have the discretion and authority to place the affected staff member(s) in vacant position(s) within the same college or division without the affected staff member(s) necessarily having to compete with others in the appropriate applicant pool.
- B. The department will evaluate the individual’s performance during the first year in the new position. If the individual’s performance level is not satisfactory, the person will be placed on layoff status from the former department and callback rights will be extended for one year from the date the person left their original position. After completion of one year of service for the reassigned unit, all layoff rights and obligations rest with the new department. Staff members who suffer a rescission of a reassignment do not routinely have the right to enter formal grievance charges in regard to that rescission except for reasons of alleged violation of this policy and procedures, or for alleged acts of illegal discrimination. This provision supersedes normal grievance procedures adopted by the University.
- C. In all cases of reassignment, the staff member must possess the minimum qualifications for the new position.

- D. In cases in which the affected staff member(s) are not reassigned to other positions within the same college or division, the persons will be placed on layoff status in accordance with the policies and procedures that deal with layoff and reduction in work force.
- E. These policies are designed to protect incumbent, staff members who are faced with layoff from always having to compete with outside applicants from the appropriate applicant pool, and it is not intended nor shall it be construed that these policies are designed to provide a “loophole” from vigorous affirmative action that is expected from the appropriate dean, director or department head. The deans and vice presidents shall continue to be held accountable for compliance with affirmative action standards within their jurisdiction.

3.09 Persons who suffer layoff for any reason shall have the right for “callback” in the inverse order of the layoffs within the unit within the classification in which the layoff(s) came. All persons called back to work shall not suffer loss of previously accrued seniority nor loss of any benefit previously earned by such seniority.

3.10 At the time of layoff, all earned but unused annual leave and/or compensatory leave will be paid in full prior to, the beginning date of the layoff. The date of layoff will be the next day following the last day worked by the affected staff member.

3.11 Persons on layoff status who are not called back to work within the next twelve (12) months after the last day of work prior to the layoff may be terminated from employment without prejudice. Persons suffering such termination will be eligible for new employment with the University, but such new employment will be under the same conditions as for all new staff members, including the successful completion of a new 90 day orientation period immediately after the date of new employment where required.

PROCEDURES

4.01 At any time a reduction in work force becomes necessary, the appropriate dean, director or department head of the affected unit shall develop the plan for layoff for review by University Human Resources and Director of Affirmative Action and approval of the President or the appropriate vice president.

4.02 The plan shall include all the possible alternative solutions to the condition of serious financial distress prior to taking layoff action including all pertinent factors as to what functions and/or job(s) are to be affected and the number of persons to be laid off. In the event of changes in the qualifications for the position, the plan shall include details regarding the change and steps taken in order for the individuals to meet the new qualifications.

4.03 The appropriate dean, director or department head shall include a listing of staff members (regardless of potential layoff status) within the affected unit including the three most recent performance review ratings, continuous employment date, age and ethnicity.

4.04 Layoff(s) will be accomplished within each affected unit by job, removing from the University payroll the least senior person(s) within the lowest performance level; repeating the procedure until the number of persons to be laid off equals the number of persons to be removed from the payroll.

4.05 All persons affected by layoff action shall be notified in writing as early as possible, 30-60 days. However, it is noted that in the case of funding by a grant or contract, shorter notice may be appropriate. A copy of the layoff notice shall be transmitted to University Human Resources.

4.06 The written layoff notice shall contain the following information:

- A. The effective date of the layoff.
- B. A statement advising the incumbent of eligibility to apply for unemployment compensation at the Office of Oklahoma Employment Security Commission.
- C. The right of the laid off incumbent for callback in accordance with Section 2.11 and Section 2.12 stated above.
- D. The right of the laid off incumbent to continue to maintain eligible insurance coverages for as long as the layoff exists (not to exceed 12 months), subject however to the continued payment of insurance premiums by the laid off incumbent. If the employee wishes to cancel coverage, the cancellation must be done within 30 days of the last day of work or the employee will be responsible for the cost of coverage until cancellation at the next annual enrollment period.
- E. The date that all callback rights will expire.

4.07 The appropriate dean, director or department head shall place the incumbent on a layoff leave of absence without pay due to a reduction in work force. This leave of absence without pay shall continue for the period in which the incumbent is laid off, not to exceed 12 months after the date of layoff. In the case that termination becomes necessary for any reason or at the end of the one year layoff period, the dean, director or department head shall cause to be prepared a separation effecting termination of employment due to layoff.

4.08 When a vacancy occurs in a unit which has experienced a reduction in work force and there are still incumbents in layoff status, an offer of callback employment will be made first to the laid off member(s), within that unit who hold the same job. Callbacks shall be in inverse order of the layoffs (last person laid off will be first person called back, etc.). If the first eligible person on the callback list is unavailable or does not choose to return to work, the offer will be made to the next available person on the list and repeated as necessary until all persons on that list have had the opportunity to fill the vacant position. Second priority will be those other persons currently on layoff status within the budgetary unit who meet the qualifications for the position, but do not hold that job classification. Callback of second priority persons shall also be in inverse order of the layoff.

4.09 Vacancies not filled through callback procedures will be listed with University Human Resources.

4.10 A person on layoff status who refuses an offer of callback reinstatement to a position in the classification in which the person holds layoff status will be removed from layoff status by separation at the time of refusal to return to work.

5.01 Oklahoma State University reserves the right to change this Policy and Procedure or any portion thereof at any time.

5.02 This policy replaces 3-0711 Layoff and Reduction in Work Force for Classified Staff and 3-0731 Layoff and Reduction in Work Force for A&P Staff.

Approved:
October 1984

Revised:
September 2010