

Texas Woman's University University Regulation and Procedure

Regulation and Procedure Name: Reduction In Force (RIF) Non-Faculty Employees

Regulation and Procedure Number: URP: 05.660

Policy Owner: Finance and Administration

POLICY STATEMENT

The purpose of this policy is to identify general procedures for the possible elimination of regular full or part-time jobs.

Texas Woman's University strives to provide stable employment for all employees. However situations including, but not limited to, a lack of funds, lack of work, reorganization, or changes in research needs or technologies, may require a reduction in the work force to ensure the continued quality and efficiency of the University.

A reduction in force layoff will be designated as such by an authorized official of the University, and a layoff not so designated in writing is not a reduction in force layoff.

Modifications in or the elimination of jobs due to changes in funding for grants or contracts, including but not limited to research funds, are not to be treated as reductions in force subject to this policy. The provisions of this policy may not be used when an employee is released as an at-will termination and may not be used to dismiss an employee if the only reason is misconduct or lack of satisfactory performance.

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

APPLICABILITY

This policy is applicable to TWU Staff.

DEFINITIONS

None

REGULATION AND PROCEDURE

I. Analysis/Review

- A. Texas Woman's University executive/administrative officers will determine when a formal reduction in force is needed. When such a determination has been made, the following steps will be taken to implement the decision.
- B. Analysis will be made to determine which areas, activities, programs, or departments are affected by reductions. The executive/administrative officers may find it necessary to reduce the number of employees at TWU due to budgetary constraints or to meet shifting operational needs. When restructurings (department mergers, layoffs, recalls, and/or transfers) are implemented, functions are prioritized based on the effect that reduction or elimination will have on the mission and goals of TWU. The executive/administrative officers will identify specific departments and position titles to be downsized, consolidated, or deleted.
- C. 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 will be considered.
- D. If there is more than one person in the same position title within the affected department, the determination of who will be laid off will be based on two criteria -- job performance and years of service at TWU. Each of the above referenced criteria should be independently quantified on the basis of a numerical score. The score assigned to each criterion will be consistent and not allowed to deviate from these policy guidelines. An evaluation of each employee within the affected department will be prepared using the Department Checklist. The decision as to which employees are to be laid off within a particular affected department and position title should be based on the total combined score of the two criteria. The employee with the lowest total score will be designated for layoff. Conversely, the laid off employee with the highest total score should be recalled if budgetary conditions permit within four (4) months from the last physical day worked.
- E. After the reduction in force analysis and employee selections have been determined, and before any actions are taken, the Office of Human Resources will conduct an adverse impact analysis based on TWU's Affirmative Action Plan ("AAP"). If there will be a significant negative effect, the Office of Human Resources will discuss with the executive/administrative officers alternative approaches to ensure future progress of the AAP goals.

- F. Under Texas Government Code an individual entitled to a veteran's and/or a former foster child's employment preference in hiring is also entitled to a preference in retaining employment if a reduction in force occurs. However, this preference applies only to the extent that a reduction in force involves other employees of a similar type or classification.

II. Notice

- A. An employee designated for layoff pursuant to this procedure must be given written notice not less than (30) thirty calendar days prior to the date of the actual layoff. However, federal law may require additional notice when there are employment actions resulting in position eliminations that have the potential of affecting an aggregate of 50 or more employees across the total employment area (Denton/Dallas area or Houston area) within a (90) day period. Under these circumstances the Worker Adjustment and Retraining Notification Act ("WARN") requires a (60) day notification. The Older Worker Benefits and Protection Act ("OWBPA") requires a (45) day notification period for group layoff situations where more than one employee is 40 years old or older.
- B. The layoff notice will include the general reason for the reduction (e.g. financial necessity, etc.), and the criteria used to select the employee or position to be included in the reduction in force. If an employee believes that the decision was not made in accordance with this policy, they have the right to appeal the decision within ten days of receipt of the notification with the Office of Human Resources.
- C. An employee designated for a reduction in force layoff will be given reasonable time off to interview for other positions prior to the date of layoff. Such employee may apply and be considered for any vacant TWU positions for which they may qualify. If positions are available within six months from the date of the RIF, and the employee is interested and deemed qualified by the OHR, the employee must be interviewed. The selection decision will be the sole responsibility of the hiring manager/supervisor.
- D. A leave of absence will not be granted in lieu of a reduction in force.

III. Recall

- A. An employee who has been laid off under the provision of this policy will be offered the same or similar position if it is re-established within four (4)

months from the last physical day worked, provided the employee has retained the ability to perform the work and is in good standing with TWU.

- B. An employee who has been laid off under the provisions of this policy, and who does not respond to the Office of Human Resources within seven (7) calendar days after receiving a notice regarding either a recall to work or an opportunity to interview for an open position will forfeit all further recall opportunities. If the former employee cannot be reached by telephone, notice will be mailed to her/his last known address. The former employee has the obligation to notify the immediate supervisor and the Office of Human Resources of any changes in address or telephone number during the four (4) month potential recall period.
- C. A department may request permission to waive the posting requirements if it plans to re-employ a former employee from the recall list.
- D. Recalled employees who qualify and are selected for positions will be paid at the current rate budgeted for the position at that time.
- E. An employee who refuses to accept a comparable position may forfeit certain rights to unemployment compensation benefits as determined by the Texas Workforce Commission.

IV. Reduction in Force/Agreement and Release

Employees who are leaving employment with the university because of a reduction in force will be offered the opportunity to receive payment of amounts based on their length of continuous service* in exchange for a release of any and all claims, demands, and causes of action, or lawsuits, which could be brought regarding concerns arising from their employment or the circumstances of leaving employment at the university. Upon executed Agreement & Release and based on the termination date, the final FY paycheck will include the below severance payouts:

- A. Less than 1 year of service: 1 month compensation
- B. 1 year to less than 10 years of service: 2 months compensation
- C. 10 years to less than 20 years of service: 3 months compensation
- D. 20 years plus of service: 4 months compensation

* Continuous service is based on last start date.

V. Effect of Reduction in Force of Benefits

A. The following rules (subject to changes in state rules and regulations) concerning benefits will apply to benefits eligible staff members who have been laid off:

1. TWU will comply with all state rules and regulations related to in the Texas State Payment Entitlements upon Separation from Employment Schedule.
2. Payment for all eligible accrued vacation leave and accrued overtime (non-exempt employee only) will be made.
3. The affected employee is eligible to continue health insurance coverage through COBRA if they were a current participant in the Group Health Insurance Plan.
4. Some state insurance plans contain conversion provisions to obtain private policies. If a plan the employee is currently enrolled in contains a conversion provision the employee will be notified of their rights by the carrier.
5. Sick leave balance, if not donated to the sick leave pool at the time of layoff will be restored if the employee is rehired by TWU (or any State agency) within twelve (12) months to a regular benefits eligible position.
6. Time spent in a layoff status will not count toward total State service, longevity, seniority or retirement.

B. TWU will not oppose any claims for unemployment insurance benefits for an employee covered under this policy if the individual indicates they were laid off. However final determination of eligibility is made by the Texas Workforce Commission.

C. A Guide for Exiting Employees that covers other benefits eligibility areas will be provided to employees who are laid off.

VI. Approvals

Prior to requesting authorization for a reduction in force employment separation, the agreement of the Chief Human Resources Officer, the appropriate Vice President and the Vice President of Finance and Administration must be obtained.

REVIEW

This policy will remain in effect and published until it is reviewed, updated, or archived. This policy is to be reviewed once every six years. Interim review may be required as a result of updates to federal and state law or regulations, Board of Regents policies, or internal processes or procedures.

REFERENCES

None

FORMS AND TOOLS

[A Guide for Exiting Employees](#)

[Reduction in Force Departmental Checklist](#)

<p>Publication Date:</p> <p>Next Review:</p>
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