

## **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 ("TWU" or "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 may take the form of elimination of jobs, reduction in percent effort, or reduction in salary.

A reduction in force ("RIF") will be designated by an authorized official of the University, and must be in writing to be considered a reduction in force.

The provisions of this regulation are not to be used to dismiss an employee if the sole cause for dismissal is either misconduct or lack of satisfactory performance. The provisions of this policy may not be used when an employee is released as an at-will termination.

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.

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

1. "Reduction in force" means the elimination of a University position, the reduction in percent effort associated with a particular University position, or the reduction in salary associated with a particular University position.
2. "Staff" means each classified, administrative, and professional employee who is appointed to work at least 20 hours each week for a period of four and one-half months, excluding students employed in positions for which student status is required as a condition of employment and those employees holding teaching or research positions classified as faculty.

## REGULATION AND PROCEDURE

### I. Analysis and Review

- A. Texas Woman's University executive and 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 and 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, 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 and administrative officers will identify specific departments and position titles to be downsized, consolidated, or deleted.
  1. 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.
  2. The department will complete the RIF Checklist and forward to the Office of Human Resources for review.
- C. If there is more than one person in the same position title within the affected department, the determination of who will be subject to a reduction in force will be based on the following two (2) criteria:
  1. Job performance; and
  2. Years of service at TWU.
  3. Each of the above referenced criteria should be independently quantified on the basis of a numerical score. . An evaluation of each

employee within the affected department will be prepared in accordance with the Office of Human Resources recommended scoring criteria. The decision as to which employees are to be subject to the reduction in force within a particular affected department and position title should be based on the total combined score of the two (2) criteria.

4. Under Texas Government Code, an individual entitled to a veteran's 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.

D. After the reduction in force analysis and employee selections have been determined and documented, and before any actions are taken, the Office of Human Resources will conduct an adverse impact review and communicate any significant effects with the executive and administrative officers for alternative approaches.

E. The completed RIF Checklist and supporting documentation must be forwarded to the Office of General Counsel for legal review in advance of issuing the notice.

## II. Notice

A. An employee designated for a reduction in force pursuant to this procedure must be given written notice not less than thirty (30) calendar days prior to the date of the actual reduction. 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 fifty (50) or more employees across the total employment area (Denton and Dallas area or Houston area) within a ninety (90) day period. Under these circumstances the Worker Adjustment and Retraining Notification Act ("WARN") requires a sixty (60) day notification. The Older Worker Benefits and Protection Act ("OWBPA") requires a forty-five (45) day notification period for group reduction in force situations where more than one (1) employee is forty (40) years old or older.

B. The reduction in force notice will include the basis for the reduction (e.g. financial necessity, etc.) and the criteria used to select the employee if more than one employee is in the same position. The reduction in force notice will also include an explanation of the business justification for the position that was selected to be included in the reduction in force.

C. An employee designated for a reduction in force will be given reasonable time off to interview for other positions prior to the date of the reduction.

Such employee may apply and be considered for any vacant TWU positions for which they may qualify. If positions are available within six (6) months from the date of the reduction in force, and the employee is interested and deemed qualified by the hiring department, the employee must be interviewed. The selection decision will be the sole responsibility of the hiring manager or supervisor.

D. A leave of absence will not be granted in lieu of a reduction in force.

### III. Recall

- A. An employee who is subject to a reduction in force 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 subject to a reduction in force 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 emailed to their last known email address. The former employee has the obligation to notify the immediate supervisor and the Office of Human Resources of any changes in their email address, mailing 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

- A. 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. Continuous service is based on last start date with the University.

B. Upon execution of the Reduction in Force Agreement and Release and based on the termination date, the final Fiscal Year paycheck will include the below severance payouts:

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

V. Effect of Reduction in Force on Employee 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 subject to a reduction in force:

1. TWU will comply with all state rules and regulations related to benefits 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 the Consolidated Omnibus Budget Reconciliation Act ("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 the reduction will be restored if the employee is rehired by TWU (or any Texas state agency) within twelve (12) months to a regular benefits eligible position.
6. Time spent in a reduction in force status will not count toward total Texas 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

subject to a reduction in force. 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 subject to a reduction in force.

#### VI. Approvals

Prior to finalizing a reduction in force employment separation, the appropriate Vice President or Division Head, along with the Office of Human Resources and the Office of General Counsel must be consulted.

### 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

None

**Publication Date: 07/02/2021**

**Revised: 05/05/2022**