

R843, Guidelines for Reduction in Force¹

R843-1 Purpose: To provide guidelines for Utah System of Higher Education (“USHE”) institutions in the development of institutional policies when there is a reduction in force, including termination or recall, of staff members. Each institution shall adopt or amend policies and procedures to comply with this policy.²

R843-2 References

- 2.1** Utah Code § 53B-7-107, Higher Education Strategic Reinvestment
- 2.2** Utah Code § 53B-2-106, Duties and Responsibilities of the President of an Institution of Higher Education
- 2.3** Board Policy R845, Guidelines for Payment in Lieu of Notice Policy

R843-3 Definitions

3.1 “Staff Member” means an exempt or non-exempt employee in a non-faculty position who receives compensation for work or services from funds controlled by the institution, regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked. There are two categories of staff members:

3.1.1 “Regular Staff Member” means an employee whose employment is defined by the institution as being of a continuous nature, initially funded for a non-temporary period, who has successfully completed the probationary period. An institution may exclude certain executive personnel as regular staff members as defined by institutional policy. Normally, a regular staff member is one assigned to work 75% or more (or such lesser percent as set by institutional policy) in a position expected to last more than 12 months (or such lesser period as set by institutional policy).

3.1.2 “Part-Time, Temporary, or Probationary Staff Member” means a part-time employee who is assigned to work less than full-time; a temporary staff member is an employee in a position considered temporary or expected to be of short duration, as defined by institutional policy; and a probationary staff member is a newly hired employee in a regular position but still in the probationary period. Normally, a part-time staff member is one assigned to work less than 75% (or such lesser percent as set by institutional policy) and

¹ Adopted January 9, 1987; amended March 27, 2015; and May 15, 2025.

² Technical edits November 1, 2024.

a temporary position is not expected to be available after 12 months (or such lesser period as set by institutional policy).

3.2 “Reduction in Force” means the elimination of employment positions required by circumstances that may include but are not limited to inadequate funds, budget constraints, grant expiration, change of workload, lack of work, departmental reorganization, or other business reasons.

R843-4 Guidelines

4.1 Reductions in Force: Staff members may be terminated as a result of a reduction in force, subject to the guidelines in this policy. Graduate student fellowships and student employees are not subject to this policy.

4.2 Identification of Staff Members to Be Terminated: An institutional operating unit will identify the employment positions that are being eliminated due to a reduction in force. If there is more than one employee in the identified eliminated position, institutional policy shall specify the basis upon which the employees who will be terminated are selected. Generally, the reasons will include, but are not limited to, an employee’s performance and/or seniority.

4.3 Priority for Termination: Part-time staff members who do not receive benefits, temporary, or probationary staff members will be terminated before regular staff members. Institutional policy may provide additional details regarding the priority of employee termination.

4.4 Notification: Institutional policy shall require that a staff member affected by a reduction in force is notified in writing by electronic or written notice.

4.5 Placing Employees in Other Positions: If a reduction in force is required, the institution will, if practicable, provide to an affected regular staff member another suitable institutional position for which the staff member is qualified. Institutional policy shall define organizational units within the institution and shall specify whether regular staff members in layoff status “bump” other regular staff members with less seniority in the same or other organizational units.

4.6 Recall: Institutional policy shall include a recall procedure where a regular staff member may be re-hired if the position from which the regular staff member was terminated becomes available within six months (or such other longer period as specified by institutional policy) and the position occurs within the organizational unit from which the regular staff member was released. Recall is not required for part-time, temporary, or probationary staff members.

4.7 Benefits: Benefitted staff members who are terminated due to a reduction in force, and who are rehired by the institution within six months (or other longer period specified by

institutional policy), shall be reinstated without loss of their benefits based on longevity of employment. The staff member's previous service date shall be used in determining time-related rights concerning seniority, vacation, accrued sick leave, medical/hospital coverage, etc. This requirement does not apply to benefits that are not within the institution's control.

4.8 Payment in Lieu of Notice: Eligibility for payment in lieu of notice upon termination for reduction in force shall be determined in accordance with institutional policy in compliance with the guidelines in Board Policy R845, *Guidelines for Payment in Lieu of Notice Policy*.

4.9 Reinvestment Plans: Reductions in force at USHE degree-granting institutions related to strategic reinvestments plans under Utah Code section 53B-7-107(8) are not required to comply with this policy.