

**THE UNIVERSITY OF TEXAS OF THE PERMIAN BASIN  
OFFICE OF HUMAN RESOURCES  
POLICY AND PROCEDURES MEMORANDUM**

**REDUCTION IN FORCE**

**DATED:** February 01, 2006

**1. PURPOSE**

The purpose of this policy is to provide for implementation of a reduction in force that effect classified employees of The University of Texas of the Permian Basin.

**2. POLICY**

It is the policy of The University of Texas of the Permian Basin to implement a reduction in force when necessary due to financial exigency or a bona fide reorganization. With the approval of the President, or the appropriate Vice President will determine when it is necessary to approve a reduction tin the work force due to a financial exigency or a bona fide reorganization.

**2.1. Planning Requirements for Reduction in Force**

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

The goal of the planning process will 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 unit.

The head of the affected administrative unit will determine which functions or positions should be combined or eliminated. In making that decision, existing business conditions, as well as future needs of the administrative unit and the University, may be considered.

**2.2 Documentation to Support a Reduction in Force**

The decision to undertake a reduction in force will be based on a report prepared for the appropriate Vice President. The report will include information that is sufficient to document the need for the reduction in force, the positions that will be affected, and an analysis that supports which employees will be terminated as a result of the reduction. The Office of Human Resources will review the report to ensure compliance with this policy.

**2.3 Approval of Reduction in Force and Notification of Employees**

When the appropriate Vice President and the President have approved the reduction in force, employees who are to be terminated will be notified in writing, with as much advance notice as feasible.

**2.4 Access to Grievance Procedure for Terminated Employees**

Employees who are terminated due to a reduction in force may appeal the decision through the grievance procedure. The employee must file the grievance in writing with the head of the affected administrative unit within ten working days of receiving notice of termination. The reasons for appealing 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 of employees who were retained shows that the selection of the employee was arbitrary and without reason, or that the termination decision was made for reasons that are unlawful under state or federal laws or constitution. (See Policy and Procedures: "Grievance Policy and Procedures")

## **2.5 Eligibility for Rehire**

Employees who were terminated due to a reduction in force may take advantage of preferential procedures for rehire for a period of six months following termination.

## **2.6 Non-Discrimination in Termination and Reemployment**

All termination and reemployment decisions pursuant to this policy will be made without regard to race, color, national origin, religion, sex, age, veteran status, or disability of the employee.

# **3. PROCEDURES**

## **3.1 Preparation of Report**

The contents of a report requesting a reduction in force will include supporting documentation and contain the following:

- factual information that shows the existence of a financial exigency or that a proposed reorganization will result in a more cost effective or efficient administrative unit;
- a description of the functions or services supplied by the administrative unit 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;
- identification of those jobs or positions that will be affected; and,
- utilization of the criteria in Section 3.2 to identify those employees who are to be terminated and an explanation of how and why each person was selected for termination.

## **3.2 Terminations of Employees Due to Reduction in Force**

Where a financial exigency or bona fide reorganization results in the need to terminate employees, the head of the administrative unit seeking the reduction will be responsible for determining which employees will be terminated. The criteria to be used for selecting which employees will be terminated will include, but are not limited to:

- employee qualifications for the jobs remaining after the reduction;

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,
- status as a regular, full-time employee will be given preference unless it is in the best interest of The University of Texas System to employ part-time, temporary, or hourly employees for the available positions.

## **3.3 Notice of Termination Due to Reduction in Force**

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 will be at least sixty days in advance of the proposed date of termination, or the end of the fiscal year if sixty days notice is not possible.

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

## **3.4 Reemployment Procedures**

Reemployment procedures for employees terminated due to a reduction in force will include the following:

A list of the names of employees terminated because of a reduction in force will be retained in The University of Texas of the Permian Basin Office of Human Resources. The names of the former employees will remain on the list for a period of six months after the date of termination unless the employee does not meet requirements detailed in this policy.

As jobs become available at The University of Texas of the Permian Basin Office of Human Resources within the same job classification or in classifications requiring similar skills and training, reasonable effort will be made to reemploy qualified former employees on the reemployment list for six months after termination. At the time of termination the Office of Human Resources will provide information to the employee on accessing employment information on The University of Texas of the Permian Basin's website. It is the responsibility of the former employee to apply for any position for which he or she qualifies.

Special consideration for reemployment will be given to employees terminated due to a reduction in force. If the employee is qualified for the vacancy, a hiring department that has a vacant position may consider that employee without recruiting for the position and/or interviewing other candidates who may qualify for the vacancy. The employee in the lay-off status would be interviewed for the job, and if a decision is made to select that individual, an offer could be extended.

A reasonable period of time, not to exceed ten working days, will be provided to allow each former employee who is notified to apply for reemployment. Former employees who are notified and fail to respond within ten working days or who reject the reemployment opportunity will be removed from the reemployment list. The ten working-day application period may be extended for good cause.

An employee will have his or her sick leave balance restored if reemployed by The University of Texas of the Permian Basin or other State agency within twelve months of termination due to reduction in force.

#### **4. AUTHORITY**

- *Texas Government Code*, § 651.006

#### **5. APPLICATION**

This policy applies to The University of Texas of the Permian Basin.