

### Requesting Layoffs

**Responsibilities of Department** – When there is a potential layoff situation, the Provost/VP/designee submits a written request for layoff of Administration and/or Staff employees to Human Resources (HR). The written request is to contain the reason(s) for the layoff, with sufficient details to justify the layoff, and, if known, a list of the affected position(s), including position number(s) and name(s) of incumbent(s), and the proposed layoff date(s).

**Responsibilities of HR** – HR will approve or disapprove such requests for layoff and advise the appropriate authorities within the university of the extent of layoffs necessary. HR identifies the following:

- The layoff unit for layoff purposes,
- The class or classes of positions from which layoffs are to be made,
- The number of positions in each class to be affected, and
- The layoff date(s).

### Designation of Layoff Unit

The layoff unit will be at the organizational level such as a campus, division, college, school, department, area, program or other level of organization, as HR, in consultation with the Provost/VP/designee, deems appropriate. In designating the makeup of the layoff unit, HR may consider the special qualifications and relevant experience required for specific positions and exclude such positions from the layoff unit. Staff positions designated as time-limited are excluded from the layoff unit.

### Determining Affected Employees

**Administration Employees** – Administration employees occupying affected positions will be notified of layoff as specified below.

**Staff Employees** – A regular status Staff employee will not be laid off if there are non-regular Staff employees in comparable positions in the same class in the layoff unit, as long as the employee meets the specific position qualifications. Those employees will be retained who, in the judgment of HR, in consultation with the Provost/VP/designee, will best contribute to the mission and purpose of the university, taking into account the employee's length of continuous satisfactory university service and other appropriate factors. Affected Staff employees are determined in the following order:

1. Within the layoff unit, if a non-regular Staff employee occupies a position in the affected class, he/she will be laid off before any Staff employee with regular status, as long as the regular status employee meets specific position qualifications.
2. If there are no applicable non-regular Staff employees, Staff employees within the layoff unit with regular status in the affected class will be ranked on a layoff list based on retention points derived from length of service and overall performance evaluation ratings (see Retention Points Calculation below).
3. After calculating retention points, notification of layoff shall be in order, beginning with the employee with the fewest points.

Rights extend only to employees who meet the specific qualifications and equivalent FTE of the applicable position(s), regardless of their placement on the layoff list. For example: Employees A and B occupy the only two positions in Class X in the layoff unit. The position filled by Employee A has been identified to be abolished. Employee A has more retention points than Employee B. However, Employee A does not meet the specific qualifications of Employee B's position. Since there is not another position in Class X in the layoff unit, Employee A would be notified of layoff.

**Retention Points Calculation**

When calculating retention points for regular status Staff employees to determine order of layoff and recall, the following criteria are applied:

- One point is granted for each month of continuous employment as Staff (formerly USPS) and includes service in the Career Service if employed in the State University System (SUS) on or before June 30, 1986.
- One point is granted for each month of employment when the employee was meeting performance standards (e.g., Satisfactory, Meets Performance Standards, Effective, Achieves), 1 ½ points are granted for each month of employment when the employee had an overall rating of Above Satisfactory or Commendable, and two points are granted for each month of employment when the employee had an overall rating at the exemplary level (e.g., Exemplary, Outstanding, Exceeds Performance Standards).
- Any period of leave for active military service in accordance with Chapter 115, F.S., counts as continuous employment and is considered at the same level of performance as when the employee was previously evaluated.
- Any period of employment prior to July 1, 1996 not covered by an evaluation is considered to be meeting performance standards. On or after July 1, 1996, any period of employment not covered by an evaluation is considered to be the same as the prior evaluation rating.
- Unless in violation of law, no retention points are granted for any month in which the employee was not on the payroll.
- Employees who work less than full time will have their retention points determined in proportion to the time worked.

When two or more employees have the same total retention points, preference for retention is as follows:

- The longest university employment in the class
- The longest State University System (SUS) service
- Veterans' preference, and
- As determined by the university President/designee

**Notifying Affected Employees of Layoff**

Employees are to be notified of layoff as soon as practicable.

Where circumstances permit, Staff employees and out-of-unit Administration employees should be given notice of layoff 30 calendar days prior to the proposed effective date. If there are circumstances which do not permit such notice, exceptions to the length of notice may be made, however Staff employees must be given at least 14 calendar days' notice (or two weeks' pay at the employee's regular hourly rate of pay or a combination of notice and pay), or other notice in accordance with applicable collective bargaining agreement provisions.

Certain Administration classes are covered by the United Faculty of Florida (UFF) Collective Bargaining Agreement (in-unit). Refer to that agreement for a list of these classes and for specific information on the notification rights of in-unit Administration employees.

Along with the departmental representative, an HR representative meets with the affected employee(s) to provide written notice of layoff, advise of employment rights and the placement/recall process, and refer employee(s) to HR Benefits for information on continuation of benefits upon layoff.

Notices of layoff not delivered in person must be sent by certified mail, return receipt requested. HR also provides a copy of layoff notices for in-unit employees to the appropriate union in accordance with collective bargaining agreement provisions.

### **Placement of Affected Employees**

HR will make reasonable efforts to locate appropriate alternate or equivalent employment opportunities within the university for employees identified for layoff. If an employee who has been notified of layoff refuses placement in a position, except a Staff position designated as time-limited, he/she forfeits further placement rights. Upon placement of an employee in lieu of layoff, salary is determined on a case-by-case basis.

**Administration Employees** – An Administration employee who has been notified in writing of layoff may submit a written request to HR to determine if appropriate alternate or equivalent employment for the employee exists at the university. If such vacant Administration position(s) exists and the employee qualifies, HR will make reasonable efforts to assist the employee with placement. Otherwise, the employee will be laid off.

**Staff Employees** – Positions at the university in applicable classes which are vacant at the time HR notifies an employee in writing of layoff will not be advertised or filled until placement or layoff occurs. Exceptions may be requested by the appropriate Provost/VP/designee for consideration by HR. Other exceptions may be made by HR on a case-by-case basis.

For a Staff employee with regular status who has been notified in writing of layoff, he/she has seven calendar days after receiving the notice of layoff to submit a written request to HR for:

- A change in assignment to a position in a class within the same salary band as the employee's current class, or
- If a change in assignment is not available and/or the employee's preference, a demotion in lieu of layoff to a position in a class in which the employee held regular status or to a position in a class in which the employee has not held regular status if the employee previously held regular status in a higher or equal level class (based on salary band) in the career family.

HR will assist the employee in locating a suitable position prior to the anticipated date of layoff. Appointment to a position in lieu of layoff is conditioned on the employee meeting the specific qualifications for the position and having an overall history of meeting performance standards, or in accordance with applicable collective bargaining agreement provisions.

Staff employees without regular status do not have rights under this procedure. However, HR will inform such employees of the university's recruitment and selection practices and assist them in determining their eligibility for available jobs.

### **Recall Rights of Affected Employees**

**Administration Employees** – An out-of-unit Administration employee who is laid off has recall rights for one year following the effective date of layoff. The employee will be offered reemployment in the layoff unit from which he/she was laid off to a position with the same or similar duties for which he/she meets the position qualifications and relevant experience. Reemployment is to take effect not later than 30 calendar days following the date the offer is made. An individual who refuses an offer of reemployment forfeits any further recall rights.

Refer to the UFF Collective Bargaining Agreement for specific information on the recall rights for in-unit Administration employees.

**Staff Employees** – A Staff employee with regular status who is laid off has one year from the effective date of layoff to be recalled to a position in the same class and layoff unit from which he/she was laid off. During the one-year period, if a position is established or one becomes vacant in the class and in the layoff unit from which the employee was laid off, HR will make a reemployment offer to the individual with the highest number of retention points laid off from that class and layoff unit, as long as the position qualifications are met. As other applicable positions become available, offers will be made to individuals in rank order of retention points. Reemployment is to take effect not later than 30 calendar days following the date the offer is made. Reemployment is with regular status as Staff. An individual who refuses an offer of reemployment forfeits any further recall rights.