Reduction in Force Policy

10.1 Reduction in Force of Classified Staff

When financial conditions and prudent management so require, a reduction in force of classified staff may become necessary to respond quickly to a financial exigency or to implement a reorganization to avoid future insolvency, improve efficiency and/or effectiveness, or otherwise respond to necessary change in programmatic requirements. This policy is not applicable to faculty positions which are covered by Section III, Chapter 4 or to non-classified A/P staff who serve at the pleasure of the President.

10.1.1 A University-wide reduction in force may be initiated upon approval of the President of a recommendation by the Senior Executive Vice President which details the nature and extent of the institutional financial exigency. Upon declaration of a University-wide financial exigency by the President, each Vice President shall direct preparation of required documentation describing the proposed response to the financial exigency by any affected units supervised by that Vice President for approval of the President before implementation of any reduction of force.

10.1.2 A reduction in force of a lesser scale arising from financial exigency or the need for implementation of an internal reorganization affecting a division, department, or program may be initiated upon approval of the President of a recommendation by the appropriate Vice President of the division, department, or program so affected and upon preparation of required documentation describing the reasons for and impact of any proposed actions.

10.2 Planning Requirements

As an essential element to the preparation of the documentation required before any proposed reduction in force is considered, the following planning must occur:

10.2.1 A determination of alternatives that may eliminate the need or limit the scope of a reduction in force shall be made. Such alternatives include, but are not limited to, use of job sharing, temporary leaves of absence without pay, attrition, pay reductions through demotions to positions of lesser responsibilities, or reassignment to part time service;
10.2.2 Review of the business functions of the affected unit and the budgeted positions that perform those functions to identify those functions and positions that are essential to the continued provision of current and future services required by the University, and those that can be altered, combined, or eliminated with least effect on the existing work force, and the provision of necessary services by the unit.

10.3 Required Documentation

To document the conduct of appropriate planning and to facilitate timely administrative review and approval of the findings and recommendations arising thereof, a report shall be prepared by each affected unit that contains the following:

10.3.1 Factual information that establishes the existence of a financial exigency if less than University-wide, or that a proposed reorganization will result in a more cost-effective or efficient administrative unit or respond to required programmatic changes;

10.3.2 A description of the functions or services provided by the administrative unit affected by the proposed reduction in force;

10.3.3 A discussion of the alternatives considered to any proposed reduction in force, including whether any alternatives were implemented to lessen the proposed actions or an explanation as to why any alternatives considered were not feasible;

10.3.4 Identification of the services, functions, or positions that will be affected by the proposed reduction in force, and a description of how those positions, functions, or services will be combined, altered, or eliminated and the rationale for the proposed combination, alteration, or elimination;

10.3.5 Identification of each employee proposed for termination under the reduction in force and selected in accordance with the criteria in 10.4 below.

10.4 Terminations

When financial exigency or reorganization results in the need to terminate employees, the head of the administrative unit proposing the reduction shall be responsible for recommending which employees be terminated. The criteria to be used for making the selections should include:

10.4.1 Regular, full-time employees (having completed the initial probationary period) will be given preference for retention over part time, temporary, or hourly employees unless it has been determined to be in the best interest of The University of Texas at El Paso to employ part-time, temporary, or hourly employees for the remaining available positions.

10.4.2 Evaluation of the qualifications and past work performance of the current employees as evidenced by written evaluations or other documentation to determine those best suited to meet the job requirements remaining after the reduction;
10.4.3 University seniority will be the determining criteria in those cases where employees are judged to be equally qualified.

10.5 Notice Requirement

When a proposed reduction in force has been reviewed and approved by the appropriate Vice President, the employees who are to be terminated shall be provided with as much advance written notice as possible.

10.5.1 To the extent possible, notice shall be provided sixty (60) days in advance of the proposed date of termination.

10.5.2 The written notice of termination shall include an explanation of the reasons for the reduction in force or reorganization.

10.6 Grievance Procedures

10.6.1 An employee who is to be terminated may grieve that decision to the head of the affected administrative unit within ten (10) working days of receiving notice of termination. The reasons for grieving 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.

10.6.2 The grievance shall be in writing and shall state the facts that support the employee's allegations. The employee shall have the burden of proof with respect to the allegations.

10.6.3 The head of the administrative unit shall respond to the grievance within ten (10) days of its receipt.

10.6.4 If the employee is not satisfied with the response, he or she may, within five (5) working days of response, appeal in writing to the appropriate Vice President stating why the appealed response is incorrect. The Vice President shall review the grievance and response and provide a written decision to the employee by mail within thirty (30) days of receipt of the appeal. The decision of the Vice President shall be final.

10.7 Re-employment

Special consideration for re-employment will be given to employees terminated due to a reduction in force. As jobs become available at the University within the same job classification, or in classifications requiring similar skills and training, reasonable effort shall be made to notify and re-employ qualified former employees terminated pursuant to a reduction in force. Re-employment shall include the following:
10.7.1 The Office of Human Resource Services shall keep a list of names of employees terminated because of a reduction in force for a period of six (6) months.

10.7.2 When a department has a vacant position, employees laid off within the previous six (6) months as the result of a reduction in force and who are qualified for the position may be interviewed and an offer made for re-employment without further compliance with University requirements for recruitment advertising and additional interviewing for the position.

10.7.3 A notice of the availability of a position for which the former employee meets the minimum qualifications shall be sent to his or her last known address by registered or certified mail for six (6) months following termination pursuant to a reduction in force. It shall be the responsibility of the former employee to notify the Office of Human Resource Services of their intent to accept or decline the opportunity to be considered for any position of which they are so advised.

10.7.4 A reasonable period of time, not to exceed ten (10) working days from the post-marked date of the notification letter shall be provided to allow the former employee to apply for the available position or reject the re-employment opportunity. Former employees who are notified and fail to respond within ten (10) working days from the post-marked date of the notification letter, or reject an offer of re-employment may be removed from the re-employment list.

10.7.4 Any former employee will have his or her sick leave balance restored if re-employed by The University of Texas at El Paso within twelve (12) months of the initial lay-off.