



Subject:	Reduction in Force
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512.1 Purpose

To outline a policy regarding reduction in force of regular staff employees of the Office of the UTech Commissioner.

512.2 Approval

UTech Board of Trustees approval: June 15, 2010. Revised: June 8, 2016; September 13, 2017.

512.3 References

UCAT Policy 401, Equal Opportunity, Diversity, and Nondiscrimination
UCAT Policy 504, Staff Employee Grievances
UCAT Policy 505, Discrimination and Sexual Harassment Complaints
UCAT Policy 511, Employment Practices
UCAT Policy 513, Employee Leaves of Absence

512.4 Definitions

- 4.1 **Preceding 12-month Period:** The 12-month period immediately preceding the date of a reduction in force action.
- 4.2 **Reduction in Force:** The elimination of positions or reduction in FTE (full-time equivalency) due to lack of work, lack of funds, budget constraints, work unit reorganization, or other business reasons.
- 4.3 **Seniority:** Status attained by total length of service as a benefits-eligible employee in the Office of the UTech Commissioner, as defined in UTech Policy 513, not length of service within the position or length of service within the work unit.
- 4.4 **Work Unit:** A position or group of positions performing an identifiable service such as curriculum, student information services, business services, etc. The UTech Commissioner shall designate work units and may add or delete work units as necessary.

512.5 Reductions in Force

- 5.1 When an executive officer (UTech Policy 511.3.7) determines that a reduction in force is necessary, a written request for the reduction shall be submitted to the UTech Commissioner.
 - 5.1.1 Prior to requesting approval from the Commissioner, the executive officer shall identify the position(s) or job title(s) to be eliminated within the work unit.
 - 5.1.2 The naming of position(s) or job title(s) that are to be eliminated during a reduction in force is an executive officer's decision and cannot be grieved.



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5.1.3 If a work unit is going through reorganization, this policy does not require an elimination or reduction in total FTE positions (full-time equivalency) in the work unit. The fact that a work unit is in need of a substantially different job position, with different skill sets, to complete its work is sufficient to invoke this policy.

5.2 After consultation with the UTech Board of Trustees Chair and/or Vice Chair, the Commissioner shall approve or deny the request.

5.2.1 After notification of approval from the Commissioner, the executive officer shall provide written notice of the reduction in force action to each affected employee, delivered personally to the employee, sent by email, or mailed to his or her last known address.

512.6 Separation Criteria during a Reduction in Force

Once the positions to be eliminated have been identified, the executive officer shall then identify employees working within the positions in the same job classifications, and apply the following criteria to determine which employee(s) shall be separated from employment:

6.1 If there are any employees in the position(s) or job title(s) selected by the work unit who are temporary staff, they shall be released prior to any other employees.

6.2 Regular employees in the position(s) or job title(s) selected by the work unit who are in their probationary period (Policy 511.8) shall be released after all temporary staff employees in the position or job title selected have been released.

6.3 After all temporary staff and probationary period staff in the position(s) or job title(s) selected by the work unit have been released, or if there were no such employees, permanent staff employees in the position(s) or job title(s) selected who have received a written performance evaluation within the preceding 12 months which documents performance substantially lower than the other employees in the position or job title selected, or who have received a written corrective or disciplinary action within the preceding 12 months, shall be released before the other permanent staff employees in the position(s) or job title(s) selected.

6.4 After applying the criteria in 6.1, 6.2, and 6.3, seniority shall govern the selection of the permanent staff employees to be terminated only in those circumstances where there are two or more employees performing identical functions which require an identical set of skills in a position to be eliminated.

512.7 Reinstatement

A regular employee who is separated from employment due to a reduction in force, and who thereafter is rehired to UTech within 180 calendar days shall:

7.1 Be reinstated with his or her original date of hire without loss of benefit entitlement; and



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7.2 Shall not be required to serve a new six-month probationary period.

512.8 Unused Leave

When an employee is separated due to a reduction in force, the employee's unused vacation leave and overtime or compensatory time will be paid out to him/her up to the limit in other policies at the time of separation.

- 8.1 An employee separated due to a reduction in force will not be paid out accrued sick leave or any other leave not specifically identified in 512.8 above.
- 8.2 When an employee is affected due to a reduction in force and is subsequently re-hired, he or she will not accrue sick leave, vacation leave or any other leave during the period between separation and re-hire.

512.9 Notice and Severance Pay

- 9.1 A regular staff employee who is affected by a reduction in force shall be given written notice of the reduction in force at least four business weeks prior to the effective date of the reduction in force.
- 9.2 An employee shall continue as a paid employee of UTech for 30 days from the date of notice, whether or not he or she is required to report to work.

512.10 Reestablishment of a Position that was the Subject of a Reduction in Force

- 10.1 Reestablishment of a permanent staff position that has been subject to a reduction in force action within the last 12 months shall require prior approval of the UTech Commissioner.
- 10.2 When a position that has been eliminated due to a reduction in force action is reestablished within 12 months of the initial reduction in force separation date, the employee affected by the reduction in force who was in good standing (no written warning) at the time of separation shall be given preferential consideration for re-hiring into the position.

512.11 Grievance Rights

- 11.1 A permanent staff employee has the right to the grievance process described in UTech Policy 504, Staff Employee Grievances, but only if he or she believes that the procedures pertaining to this policy have been violated.
- 11.2 An employee who is separated while he or she is in an "at-will" employment status (UTech Policy 511.3.8) is not entitled to the grievance process under UTech Policy 504.



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- 11.3** An employee who is in an “at-will” employment status may file a complaint under UTech Policy 401 if he or she believes that he or she has been discriminated against on the basis of race, color, religion, national origin, sex, age, sexual orientation, status as a disabled individual, or status as a disabled veteran.