

**TEXAS SOUTHERN UNIVERSITY**  
**MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES**

**SECTION: Human Resources**  
**AREA: Employee Relations**

**NUMBER: 02.05.04**

<b>TITLE/SUBJECT: Reduction in Force</b>
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**I. PURPOSE AND SCOPE**

This policy outlines the procedures for a reduction in force (“RIF”) decisions, implementing a staff reduction plan, and re-employing displaced employees. This policy does not apply to graduate assistants, probationary employees, temporary employees, or student workers whose student status is a condition of employment. These employees may be dismissed at any time for any reason. The RIF policy for faculty due to discontinuance of a program or dismissal of faculty for educational reasons and for financial exigency is contained in the Faculty Manual. The Provost will determine faculty RIFs in other circumstances.

The purpose of an effective RIF policy is to retain the most productive employees in spite of adverse economic conditions, while ensuring compliance with laws pertaining to equal employment opportunities. A RIF termination should not be used as a substitute for terminating an employee for disciplinary reasons which should be addressed through the disciplinary process.

The University will make RIF decisions without regard to an employee’s race, color, sex, religion, genetic history, national origin, age, sexual orientation, veteran’s status, physical or mental disability where reasonable accommodation can be made.

**II. DEFINITIONS**

1. Reduction in force (RIF): The elimination of an occupied position or positions resulting from an administrative decision deemed appropriate under such situations as a lack of funds, a lack of sufficient work, reorganization, changes in technology or research needs, or other factors.

A suspension, dismissal, discharge, or discontinuance of temporary employment does not constitute a RIF.

2. Regular employee: A university employee who is employed for at least 20 hours per week on a regular basis for a period of at least 4-1/2 months, excluding students employed in positions which require student status as a condition for employment.

**III. PROVISIONS FOR A RIF**

1. When institutional or unit planning or budgeting needs dictate organizational review and change, all relevant university offices and directives shall be consulted for direction.

When a review involves personnel reorganization, reclassification, and/or the possibility of reducing the work force, the Office of Human Resources must be consulted early in the planning process. All necessary actions shall be taken to ensure that decisions are made based upon careful analysis, and that employees are treated fairly and offered opportunities for reassignment, assistance, and re-employment when applicable.

2. All RIF decisions should include the following elements:
  - 2.1. Careful analysis to determine which areas, activities, programs, or organizations should be reduced.
  - 2.2. Identification of the jobs and functions that will need to be performed after the reductions.
  - 2.3. Evaluation of qualifications and abilities of present employees to perform the jobs remaining.
  - 2.4. Written notification of the employee(s) affected by the RIF as soon as feasible, but not less than thirty (30) days prior to the effective date of the action.
  - 2.5. Opportunity for the displaced employee to appeal, if he/she believes that the reason for the reduction action is a form of discrimination or if the appropriate RIF procedures were not followed.

#### **IV. RIF DETERMINATIONS**

The following steps are to be followed and factors considered in the organizational review and development of a RIF plan:

1. A clear statement of the rationale for eliminating or reducing programs and/or services must be developed. The statement must address the ultimate benefits to be achieved, such as reallocation of resources, effecting a budgetary reduction, or enhanced productivity.
2. Unit functions and responsibilities must be carefully analyzed to determine which areas, activities, programs, organizations, or classifications should be reduced.
3. The jobs and functions that will need to be performed after the reductions are identified.
4. The qualifications and abilities of present employees to perform the jobs remaining should be evaluated. In evaluating present employees, a manager should consider the following employee characteristics:
  - 4.1. Effectiveness on the job, including past performance, records of achievement, and disciplinary history.
  - 4.2. Specialized training and skills necessary for a particular function, such as proficiency in use of equipment, licenses, or special certification.

- 4.3. Length of time in service with the university.
- 4.4. Amount of total work experience in the field, including applicable non-TSU experience.
5. The nature of the RIF and the employees affected must be determined. All documentation prepared in the evaluation process and an explanation of the recommendations will be sent to the dean of the college or director of the department for concurrence.
6. In the case of an employee whose duties are divided between two or more departments, a RIF decision by one department will not obligate the other(s) to increase the appointment and funding to compensate for the reduction.

## **V. REVIEW, APPROVAL, AND NOTIFICATION PROCESS**

1. The dean of the college or the director of the department implementing such work force reduction must submit a written plan reflecting such work force reduction to the Associate Vice President of Human Resources and with the Office of General Counsel. In order to facilitate such review, the administrative unit must include a document reflecting the racial, gender, age, and disability makeup of the administrative unit, including names and protected class status of the employees to be displaced, with the copy of the plan furnished to the Associate Vice President of Human Resources. The RIF Checklist may be obtained from the Office of Human Resources.
2. The Associate Vice President of Human Resources (or designee) will review the written plan to determine that all work force reduction determinations are consistent with this document and that employees are treated in a fair and equitable manner. The Office of General Counsel will review each plan for adverse impact (i.e. to ensure that protected classes are not disproportionately affected by the RIF decision). Within five (5) working days of receipt, each will respond to the administrative unit submitting the plan with their approvals or recommendations for action. Corrective actions required may slow the layoff process.
3. Following approval, the confidential written plan describing the nature of the RIF required and the employee(s) affected must then be sent through administrative channels to Human Resources, the Office of General Counsel, and the responsible vice president. The responsible vice president will present the plan to the President or designee. Only at such time as the President (or designee) concurs with the recommendation may the college or department initiate the notification process.
4. The dean of the college or director of the department (or designee) shall schedule a personal meeting with the employee(s) affected not less than thirty (30) days prior to the effective date of the action. At that time, the employee(s) will be notified and provided with a letter of notification of their RIF. A copy of the notice of RIF will be forwarded promptly to the Associate Vice President of Human Resources.

5. An employee who has been notified of a RIF may be removed from the worksite, with pay, immediately upon receipt of the notice of the RIF,
6. Employees are not required to use accumulated vacation during the 30-day notification period. Accumulated vacation will be paid in lump sum following the effective date of layoff.

## **VI. PLACEMENT EFFORTS**

1. Human Resources will provide professional support and services to assist regular employees displaced as a result of reduction in work force.
2. Employees are encouraged to contact the Employment unit of Human Resources to discuss career options and opportunities for internal placement. The Employment Specialist will assist displaced employees by identifying appropriate job vacancies.
3. If an employee is offered other employment with the university in a position for which the employee is qualified and such offer is refused, the employee will be deemed to have resigned from employment.
4. Benefits information will be made available to all displaced employees. Such information will identify those benefits that cease upon termination, those benefits that can be continued at employee expense, and retirement options (if applicable).

## **VII. RE-EMPLOYMENT BENEFITS**

1. The names of employees displaced as a result of work force reduction will be placed on a re-employment list in order of their displacement and will remain on this list for a period of six months.
2. An employee who has been displaced as a result of a work force reduction will be offered the same position if it is re-established within six months of the RIF, provided that the employee was previously successful in performing the work and they have retained that ability.
3. When a vacancy occurs in a position within the same classification or any other classification that is determined by the Associate Vice President of Human Resources (or designee) to require equivalent job skills within the same or any other department, except as provided below, the names of the displaced workers will be referred to the dean, director, or college/division administrator for consideration.
4. An administrative unit may bypass employees on a re-employment list for any of the following reasons:
  - 4.1. Another employee has been or will be voluntarily or involuntarily demoted to that classification within the department.

- 4.2. The list includes employees in a classification who before the work force reduction did not work within the department in which they would be re-employed. The administrative unit may give first consideration to those employees on the re-employment list who were previously employed within their own department. Then consideration will be given to the remaining employees on the re-employment list for that classification.
- 4.3. The dean, director, or vice president in consultation with the Associate Vice President of Human Resources determines that on the basis of past performance, training, experience, or skills, the applicant is not qualified to fill the position.
5. An employee who is terminated because of RIF and who is re-employed by the university within 12 months shall have his/her sick leave balance restored. Also, regardless of the time lapse, upon re-employment, an employee will receive credit for prior state service in longevity calculations.

## **VIII. APPEAL PROCESS**

1. Any employee affected by a RIF decision may appeal on the basis outlined in this document. The appeal must be made in writing to the Associate Vice President of Human Resources within five (5) working days of receipt of the written notice of work force reduction. Failure to comply with this requirement will be deemed a waiver of the right to appeal.
2. The Associate Vice President of Human Resources will review all requests for appeal to determine that the appeal is timely and in compliance with this document. Requests that meet the criteria will be processed in accordance with the Formal Grievance Procedure detailed in MAPP 02.05.01.
3. The burden will be upon the appealing employee to show that the reason for the reduction action was not reasonably related to a legitimate RIF factor, but rather due to a reason impermissible under federal or state statutes or institutional policies. No other issues will be reviewed by the Associate Vice President of Human Resources (or designee).
4. If the appeal process is not completed by the employee's last scheduled day of work, the employee will be released on the effective date of the RIF. If the appeal results in a decision favorable to the employee, the employee will be reinstated with back wages, less the amount of any unemployment compensation received from the Texas Workforce Commission while the appeal is pending. In such case, the Texas Workforce Commission will be notified promptly in writing by Human Resources of the employee's reinstatement.

## **IX. REVIEW AND RESPONSIBILITY**

Responsible Party: Associate Vice President/CHRO

Review: Every three years, on or before September 1

**APPROVALS**

*Keisha L. Davis*

Responsible Party/Policy Owner

*Kenneth Huewitt*

Vice President

*A. H. [Signature]*

President

Effective Date 2/1/2018