



Handbook of Operating Procedures

Section: 7.7.4
Originally Approved: 05/15/1995
Last Amended: 06/03/2011
Last Reviewed: 06/03/2011
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REDUCTION IN FORCE

A. Purpose

The purpose of this policy is to provide guidelines and procedures for implementing a reduction in force that affects classified employees of The University of Texas-Pan American.

B. Persons Affected

This policy applies to all classified employees of the University.¹

C. Policy

The policy of The University of Texas-Pan American is to implement a reduction in force when necessary because of financial exigency or a duly-approved reorganization. With the approval of the President, the appropriate Divisional Head shall decide when it is necessary to reduce the classified work force because of a financial exigency or a duly-approved reorganization. The decision shall be based on a report prepared at the direction of the President or the appropriate Divisional Head.

D. Definitions

1. *Divisional Head.* The individual who is responsible for handling the administrative decisions for the department/administrative unit assigned such as hiring employees, determining salary rates, and length of employment.
2. *Classified Employee.* An employee appointed to a position under one of the official titles in the UTPA Institutional Pay Plan for Classified Employees.

E. Responsibilities

Not applicable.

F. Procedures

1. Development of Report

¹ The guidelines and procedures governing reductions in force for faculty during situations of academic program or position abandonment are found in *Handbook of Operating Procedures* Section [6.9.1](#) (Academic Program or Position Abandonment).



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- a. The Reduction in Force report, to include supporting documentation approved by the President, shall:
 - i. contain factual information that shows the existence or imminence of a financial exigency, or a proposed reorganization that will result in a more cost-effective or efficient administrative unit, or a proposed reorganization that will better serve the mission of the University;
 - ii. describe the functions or services to 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;
 - iii. explain why alternatives to a reduction in force are less desirable or not feasible;
 - iv. identify the specific jobs or positions to be affected;
 - v. utilize the criteria in subsection F.3 to identify individual employees who are to be terminated and explain how and why each of the employees was selected for termination.

2. Planning Requirements

- a. Before a reduction in force is proposed, alternatives that may eliminate its need or limit its scope shall be considered. Such alternatives must include, but not be limited to, job sharing, temporary leaves of absence without pay, attrition, pay freezes or pay cuts and demotions.
- b. The goal shall be to identify functions and positions that can be altered or eliminated with the least effect on the work force of, and services provided by, the affected administrative unit.
- c. The head of the affected administrative unit, in consultation with the respective Divisional Head, shall decide which functions or positions should be combined or eliminated. In making that decision, the head may consider existing business conditions as well as future needs of the administrative unit and the University.

3. Terminations

If a financial exigency or reorganization results in the need to terminate employees, the head of each administrative unit seeking the reduction shall decide, in consultation with



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the Divisional Head, which employees, if any, will be designated for termination. The criteria to be used for selecting the employees to be terminated shall include but not be limited to:

- a. employee qualifications for the jobs remaining after the reduction;
- b. employee work performance, as evidenced by written evaluations or other documentation.

In conducting this process, the head of the affected administrative unit shall give preference in retention to regular, full-time employees unless it is in the best interest of the University to employ part-time, temporary, or hourly employees for the available positions. In cases where two or more employees are determined to be equally qualified, preference shall be given to employees under *Texas Government Code* Chapters 657 and 672 related to veteran's and former foster children employment preferences. Seniority shall be the next determining criterion.

4. Notice

- a. Employees selected for termination shall be provided as much advance written notice as possible by the department head. To the extent possible, notice of impending termination shall be given to an employee at least sixty (60) calendar days before the employee's proposed date of termination.
- b. The written notice of termination shall explain the reasons for the reduction in force and explain why the employee's position is being eliminated and/or why the particular employee has been selected for termination.

5. Grievance Procedures

- a. Except as provided in Subsection F.5.e., an employee who has received written notice that he or she will be terminated because of a reduction in force may grieve that decision to the head of the affected administrative unit within ten (10) working days after receiving the notice of termination. The reasons for grieving shall be limited to claims that a financial exigency does not exist, that the reorganization was not duly approved, that a comparison of the employee's qualifications and performance with those of employees who were retained shows that the termination of the employee was arbitrary and without reason, or that the termination decision was made for reasons that are unlawful under state or federal law and/or the U.S. or Texas constitutions.



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- b. 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.
 - c. The head of the administrative unit shall respond to the grievance in writing within ten (10) working days after receiving it.
 - d. If the employee is not satisfied with this response, the employee may, within five (5) working days after receiving the response, appeal in writing to the appropriate Divisional Head or administrative equivalent for the employee's department, stating why the response is incorrect. The Divisional Head or administrative equivalent shall review the grievance and the response and issue a written decision to the employee by mail postmarked within thirty (30) days after the Divisional Head or administrative equivalent received the employees appeal. The written decision of the Divisional Head or administrative equivalent shall be final.
 - e. Employees entitled to an employment preference under *Texas Government Code* Chapters 657 and 672 related to veteran's and former foster children employment preferences may grieve the decision in writing directly to the President for consideration and decision. Within fifteen (15) working days following receipt of the grievance, the President shall respond to the grievance in writing. This decision is final.
6. Reemployment

Reemployment procedures for employees terminated pursuant to a reduction in force shall include the following:

- a. Human Resources shall keep a reemployment list of employees terminated because of a reduction in force. The names of these former employees shall remain on the reemployment list for a minimum of one (1) year after their respective date(s) of termination unless deleted pursuant to subsection F.6.c of this policy.
- b. As jobs become available at the University, the Human Resources Recruitment and Staffing Office shall make reasonable efforts to notify qualified former employees on the reemployment list. A notice of open positions for which the former employee may be qualified shall be sent to his or her last known email address registered with Human Resources. It shall be the responsibility of the former employee to apply for any position for which he or she feels qualified.



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- c. Former employees on the reemployment list who are notified of these open positions shall apply for those positions by the deadline set for receiving of applications. Former employees who are notified and fail to apply by the deadline, or who reject a reemployment opportunity offered to them, shall be removed from the reemployment list.
- d. Any former employee terminated from the University due to a reduction in force will have his or her sick leave balance restored if he or she is reemployed by the State within twelve (12) months after the end of the month in which the employee separated from the University.

7. Nondiscrimination in Termination and Reemployment

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

G. Review

The Divisional Head for this policy is the Vice President for Business Affairs. This policy shall be reviewed every five years, or sooner if necessary, by the following Stakeholders:

1. Assistant Vice President/Director of Human Resources – Senior Reviewer
2. Chief of Staff
3. Staff Senate Chair