

REDUCTION IN FORCE/ LAYOFF POLICY

(Non-Faculty Positions)

Responsible Office: **University Human Resources**

I. POLICY STATEMENT

Auburn University may occasionally be required to eliminate non-faculty positions due to re-prioritization of work, elimination of work, reorganizations, fiscal constraints, changing business priorities, temporary funding restraints, or other operational needs. When such needs necessitate a reduction in force or layoff, the University is committed to a consistent, equitable and legally compliant process.

II. POLICY PRINCIPLES

Auburn University accomplishes its mission through the effective utilization of a knowledgeable, responsible and stable workforce. In times of business and/or financial necessity, the University must determine the priority for retaining academic and non-academic programs and services. The number and type of positions, the number of personnel, and the extent of funding commitment for the continuance of such programs and services are the sole responsibility and authority of the University and will be based on business necessity as determined by University administration.

A. Reduction In Force

A reduction in force (RIF) is defined as a separation from employment due to lack of or elimination of funds, lack of work, redesign or elimination of position(s) or reorganization, with no likelihood or expectation that the employee will be recalled because the position itself is eliminated.

ARIF may be necessary or appropriate when there is a redesign or elimination of work, redundancy in roles, or excess capacity within a work group or across work groups, such that it would be economically feasible and responsible to reduce the number of employees in a unit or department. The University business needs are top priority when it becomes necessary to initiate a reduction in force. Under no circumstances shall a reduction in force be used to address poor performance, misconduct, violation of university policy or other similar reason that can be addressed through the disciplinary process.

The decision to initiate a reduction in force is a culmination of the work of the unit/department, in consultation with University Human Resources. Any department anticipating a reduction in force must consult with University Employee Relations prior to any communication with affected employee(s). A reduction in force may not be implemented without written approval of the President or Executive Vice President.

When a reduction in force is anticipated, the unit/department will ascertain work and staffing needs and provide written justification to appropriate administrators. The criteria for determining employees affected by a reduction in force is based on the analysis of business needs and the new organizational structure.

1. Assessment and Position Selection

Following an analysis of the academic and business needs and determination of the new organizational

structure, the following steps should be used to identify the positions that will be eliminated by a reduction in force.

- a. The first step is an analysis of the job functions that the unit or department needs going forward and the positions that will be retained and eliminated. This step is based solely on the job functions of positions and the business needs of the unit or department.
- b. The second step is to evaluate the skills and qualifications of individual employees, but only when there are multiple incumbents in a position that has been selected for elimination. The Office of Human Resources will assist in the review process, evaluate performance criteria and provide seniority validations. In this multiple incumbent situation, one or more of the following factors may be considered in the assessment:
 - o *Skills and qualifications* - special skills may be considered, additional education, licensure and certification;
 - o *Performance* - a comparison of performance reviews, recognized exceptional performance, performance improvement plans, discipline, attendance (specifically done in collaboration with University Employee Relations);
 - o *Length of employment*- review Auburn University employment to the extent that employees are otherwise equal in skills, qualifications and performance. Seniority is based on the University hire date and prorated for periods of part-time employment.
- c. The Equal Opportunity, Affirmative Action Office and University Employee Relations will complete an adverse impact study.

2. Notice to Affected Employees

When a position is eliminated, the University will give the affected employee advanced written notification, during which time the affected employee will remain in active employment status. If administratively feasible, affected employee(s) will be given at least 30 days' notice of the effective date of the reduction in force, although extenuating circumstances may result in a shorter notice period. University Employee Relations will assist in preparing the written notice to the employee as well as confirm any final pay and/or benefit eligibility.

In some situations, it is in the best interests of the employee or the department that the notice period is a non- working notice period; this decision should be made in consultation with Human Resources. The employee should be informed, during notification, whether the notice period will be working or non-working (or some of both). For a non-working notice period, the employee shall be placed on paid administrative leave. The supervisor must provide the employee with written notification regarding the position elimination. The notice period begins the first day following the notification.

However, if there is a RIF or layoff that triggers additional notice requirements under federal or state law, the University will comply with all notice requirements as may be required by law.

3. Priority Applicant Status

Priority applicant status provides an eligible employee whose position has been eliminated the opportunity to work with a recruiter in human resources and to receive priority in being offered interviews within Auburn University. The priority applicant status will be in effect for six months from the date of the notification.

Employees are eligible for priority applicant status if they meet the following criteria:

- Performance evaluations for the immediately preceding 12 months reflect at least "meets expectations" job performance;
- No documented performance improvement plan or equivalent for the preceding 12 months; and
- No documented disciplinary action or equivalent for preceding 12 months.

Hiring Managers will receive resumes/profiles of priority applicants who apply for and meet the requirements of their open positions. They are encouraged to interview these candidates; however, priority applicant status does not guarantee an interview.

4. Benefits for Employees Affected by a Reduction in Force

Employees affected by a RIF are eligible for all benefits received by regularly terminated employees. In addition, employees who have been separated by reduction in force may continue to pay the employee portion of health benefits for the first six months of COBRA coverage, with the University subsidizing the remainder of the applicable COBRA rate. Beginning with the seventh month, regular COBRA rates will be assessed. Employees affected by a **RIF** will have all annual leave, up to the university allotted amount as carryover, disbursed at termination (following regular payroll procedures).

5. Refill of Eliminated Position

Position(s) eliminated during a RIF may not be refilled for at least 24 months following the RIF except in unusual situations where funding is unexpectedly restored.

B. Layoff Status

A Layoff is the temporary removal of a regular staff employee from work for a period not exceeding six months. A layoff can be temporary or seasonal and occurs when, in the judgment of the University, a temporary reduction in the workforce or of a particular kind of work is necessary within a particular unit. Layoffs can also occur with a **temporary** reduction in funding, where reinstatement of funding is customary. There is no break in continuity of University service during a layoff.

The decision to initiate a layoff is a culmination of the work of the unit/department, in consultation with University Human Resources. Any department anticipating a layoff must consult with University Employee Relations prior to any communication with affected employee(s). A layoff may not be implemented without written approval of the President or Executive Vice President.

1. Assessment and Position Selection

Within each job classification in each recognized Auburn University division or unit, layoffs will be initiated considering University seniority (date of last continuous full-time employment) beginning with the least senior date.

a) Where affected employees have the same University seniority, unit seniority (date of last continuous full-time employment in the unit) will be the guiding factor.

b) Employees affected by layoff because of their seniority who, on the effective layoff date, may be on authorized Sick Leave or Leave Without Pay, will not be reassigned elsewhere nor placed on layoff status until their Sick Leave or Leave Without Pay period has been completed.

2. Notice to Affected Employees

Any pending layoff notification will be provided in writing to affected employees as much in advance as possible before the effective date, with two weeks being the minimum notification period, if administratively feasible.

3. Benefits for Employees in Layoff Status

- a. Benefits in effect prior to layoff may be continued during the layoff period provided the employee arranges with University Payroll for prepayment of the employee portion of the premiums.
- b. Accrued unused sick and annual leave balances for affected employees will be "frozen" effective with the layoff. If recalled from layoff, these unused balances will be reinstated. If an employee is terminated from employment, the employee will be paid unused annual leave in accordance with normal terminal leave pay practices.
- c. Long-term disability: No benefits can be claimed nor will any be paid during the layoff period. However, when recalled during the layoff period, the employee will not be required to satisfy the one-year waiting period.
- d. State Teacher's Retirement Plan: Contributions cannot be withdrawn until employees either resign or terminate from employment. If recalled during the layoff period, contributions will automatically be resumed if otherwise eligible.

4. Recall from Layoff

- a. Employees in layoff status, including those who volunteer for layoff, will be recalled by University seniority date on the principle of "last out, first in." They will be recalled to their regular permanent position.
- b. The salary level for a recalled employee will be the same as prior to layoff, unless there has been a general pay change for that classification in the interim.
- c. After six calendar months in layoff status, the employee will be terminated from employment, unless the university has sufficient evidence to support funding reinstatement.

III. EFFECTIVE DATE

August 2019

IV. APPLICABILITY

This policy applies to all non-faculty employees of Auburn University. This policy is not applicable to employees employed through Temporary Employment Services (TES), student workers, or employees employed in a limited term appointment.

V. POLICY MANAGEMENT

Responsible Office: University Human Resources

Responsible Executive: Associate Vice President, Human Resources

Responsible Officer: Executive Director, Campus Relations

VI. DEFINITIONS

- A Reduction in Force (RIF) - A separation from employment due to lack of or elimination of funds, lack of work, redesign or elimination of position(s) or reorganization, with no likelihood or expectation that the employee will be recalled because the position itself is eliminated.
- B. Layoff - The temporary removal of a regular staff employee from work for a period not exceeding 6 months. A layoff can be temporary or seasonal and occurs when, in the judgment of the University, a temporary reduction in the workforce or of a particular kind of work is necessary within a particular unit. Layoffs can also occur with a **temporary** reduction in funding, where reinstatement of funding is customary (such as in government shut down).
- C. Non-faculty employees - employees of Auburn University that are classified as staff or administrative- professional.
- D. Reorganizations - a change or restructuring of departmental operations typically based on changing priorities within the department or organization.
- E. Elimination of program(s) - defined as a program within the department that no longer is needed to operate based on current purpose or priority of the department.
- F. Seniority date - Calculation of an employee's length of service at Auburn University.

VII. POLICY PROCEDURES

The Employee Relations unit of Human Resources will provide guidance and coordinate discussions with appropriate departments at Auburn University in the execution and communication of layoff activities. Refer to Supervisor Guide to Layoff/Reduction in Force and Layoff/Reduction in Force Procedures.

VIII. SANCTIONS

Violations of this policy and associated procedures will be addressed through the appropriate disciplinary actions.

IX. EXCLUSIONS

No exceptions to this policy

X. INTERPRETATION

Associate Vice President, Human Resources