

*June 2019*

## **I. Summary**

This local procedure in conjunction with Personnel Policy for Staff Members (PPSM)-60: Layoff and Reduction in Time from Professional & Support Staff Career Positions is to provide managers and employees information on how to determine when layoffs are appropriate, the evaluation process for layoffs and alternatives to layoffs on the campus.

## **II. Related Policies and References**

- A. [PPSM-20](#): Recruitment and Promotion
- B. [PPSM-60](#): Layoff and Reduction in Time from PSS Career Positions
- C. [PPSM-70](#): Complaint Resolution
- D. C-STOP Campus Guidelines
- E. List of Layoff Units
- G. Proof of Service Form
- H. Reduction in Time or Layoff Proposal Form - PSS
- I. Severance Calculation Guide

## **III. Definitions**

- A. Active Position – an active position is defined as: 1) a position which has been vacated and is currently unfilled, but which the unit intends to fill; or 2) a position that has been newly created and has not yet been filled, but which the unit intends to fill.
- B. C-STOP (Campus Special Transfer Opportunity Program) is a campus program that allows organizational units to facilitate the placement of employees identified or confirmed for layoff into a vacant position, which is outside the eligible employee’s organizational unit. Details may be viewed on the HR website.
- C. Documented Performance is an assessment of documented performance that is based on the two most recent performance evaluations, counseling memos and disciplinary records contained in the personnel file. In the absence of a performance evaluation, performance is presumed to be satisfactory.
- D. Layoff occurs when there is a lack of funds, lack of work or reorganization. Layoffs are not intended to be used in lieu of progressive discipline. Unless otherwise specified, the term “layoff” refers to indefinite layoff as well as reduction in time. Only non-probationary career employees are subject to layoff and eligible for the associated rights under PPSM 60.
- E. Layoff Unit is an established unit or department.
- F. Skills, Knowledge and Abilities (SKAs) are SKAs that are essential to the continued operation of the layoff unit. Critical sources of information for identifying SKAs may include, but are not limited to: position descriptions, employment histories, training records, applications for employment.

## **IV. Procedures**

### **A. Evaluation for Layoff**

The impact of changes on the organization, such as lack of funding, lack of work, or reorganization, should be reviewed and analyzed to determine which essential functions will continue to be performed by the layoff unit, as well as which functions and positions will be eliminated:

1. Review the necessity for existing limited appointment and causal restricted positions within the layoff unit.
2. Identify functions or services to be continued and/or eliminated in the layoff unit.
3. Determine the number and level of positions required to perform those functions or services.
4. Define and document any special skills, knowledge and abilities required to perform the functions of all positions, regardless of funding source.
5. Consult with Human Resources to determine if position descriptions and classifications need to be reviewed.
6. Identify position(s) to be eliminated or reduced within the layoff unit.

#### **B. Determine the order of layoff**

An evaluation of the relevant skills, knowledge and abilities, documented performance and length of service (seniority) of employees in the same classification and at the same salary grade (in the event a classification may be assigned to different salary grades) should be conducted in order to determine the order of layoff. This evaluation should be summarized on the Reduction in Time or Layoff Proposal form for PSS.

1. Skills, Knowledge and Abilities (SKAs)

Review and document, which employees possess the SKAs required to perform ongoing functions of the department, and which are not possessed by the employee(s) identified for layoff. A justification should be prepared and submitted for review together with written records, such as position descriptions, employment history, training and education for the designated employee as well as less senior employee(s) being retained. When multiple employees who may be affected by layoff have similar SKAs, documented performance should be reviewed and carefully evaluated.

2. Documented Performance

A justification should be prepared including, at a minimum, documentation of the two most recent performance evaluations and any disciplinary records contained in the personnel file for the designated employee as well as less senior employee(s) being retained. In the absence of a performance evaluation or other written record relating to performance for an evaluation period, satisfactory performance will be presumed.

3. Seniority

When multiple employees have similar skills, knowledge and abilities, and documented performance is equal, seniority shall be the determining factor. An employee with greater seniority may submit a request, in writing, to waive seniority in order to be designated for layoff.

All three criteria – skills, performance and seniority – are considered together. Ultimately, it is up to department management in consultation with Employee and Labor Relations (ELR) to decide, consistent with UC policy, operational needs, and campus practices, how to weight the different factors.

### **C. Explore Alternatives to Layoff**

Employees must be provided with opportunities for reassignment or transfer prior to indefinite layoff or indefinite reduction in time when reassignment or transfer opportunities arise and are operationally feasible.

In consultation with ELR, an employee designated for indefinite layoff may be reassigned to an active career position within the layoff unit within the same salary grade, or range maximum, provided the employee is qualified to perform the duties of that position. If such a vacancy exists for which the employee does not qualify, the reasons for non-selection should be documented and submitted to ELR for review and approval prior to taking the layoff action.

If a position is filled by demotion or lateral transfer because of reorganization or reassignment of functions among positions within the same organization unit no recruitment is required (refer to Local Procedure 20: Recruitment and Promotion, Exemptions to Recruitment)

The organizational unit may also facilitate placement of employees designated for layoff into vacant positions elsewhere on campus through the C-STOP program.

### **D. Prepare the Reduction in Time or Layoff Proposal packet, which includes:**

1. Reduction in Time or Layoff Proposal form for PSS, and any required attachments (link to be included when available).
2. Appropriate draft notification letter using the templates provided on the HR website under Forms & Documents. The notification letter should include the reason for the layoff or reduction in time, the effective date of the layoff, benefit continuation and unemployment insurance processes, and the severance pay amount due to the employee.
3. Proof of service form.

### **E. Submit the Reduction in Time or Layoff Proposal packet for review**

The packet is submitted through the organizational unit to ELR for review. ELR coordinates review with Equal Employment & Affirmative Action (EEAA). After the proposal has been reviewed and any necessary consultation has occurred, ELR informs the department that notice can be provided to the affected employee.

### **F. Notify affected employee(s):**

After confirmation is received from ELR, the department notifies the employee, providing at least 30 calendar days' advance written notice whenever feasible (a Proof of Service form is required). If such notice is not provided, the employee shall receive pay in lieu of the required notice.

## **V. Responsibilities**

### **A. Department/Layoff Unit**

1. Determine need for layoff/reduction in time.
2. Prepare and submit materials for review to organizational unit.
3. Inform employee, in writing, of layoff/reduction in time.
4. Provide final copies of action to ELR.
5. Contact the International Students and Scholars Office (ISSO) for guidance as soon as possible if an affected employee is a visa holder. This will allow ISSO the time and ability to provide assistance and guidance with any legal requirements due to layoff or reduction in time of a visa holder.

**B. Organizational Unit**

1. Each organizational unit may establish its own internal routing/approval procedures.
2. Review and forward the Reduction in Time or Layoff Proposal package to ELR.

**C. Employee and Labor Relations**

1. Review layoff proposals for compliance with relevant University policies.
2. Coordinate review by EEAA.
3. Provide timely feedback to organizational unit and layoff unit.