

OKLAHOMA STATE UNIVERSITY INSTITUTE OF TECHNOLOGY
POLICY & PROCEDURES LETTER

Layoff/Reduction in Work Force	3-040 FISCAL SERVICES July 2009
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PURPOSE AND SCOPE

- 1.01 In accordance with, and complementary to, the official University policies dealing with budget reduction(s) or other reasons, such as technological replacement and/or program discontinuance, these policies and procedures will be implemented if it becomes necessary to have a reduction in work force, commonly referred to as "layoff."
- 1.02 These policies and procedures are applicable to all employees of Oklahoma State University Institute of Technology who hold status appointment as full-time (100% FTE) or part-time (50% - 99% FTE), and such status appointments shall be subject to University Policy and Procedures. Employees include classified, administrative and professional, and faculty.

UNIVERSITY POLICY

- 2.01 Oklahoma State University Institute of Technology, when possible, strives to provide stable employment to its employees. However, there may be occasions which necessitate a reduction in the work force.
- 2.02 A reduction in work force shall be among the last options implemented by the division chair or unit leader. A reduction in work force can be instituted in cases of bona fide budget reduction, lack of work, lack of funds, program discontinuation, technological replacement, or any condition of serious financial distress that may be determined or declared at any time in the future. When such conditions exist, the respective division chair or unit leader, with the approval of the President, will announce or declare the implementation of this policy.
- 2.03 A layoff shall be initiated by division, unit, section, or any other such budgetary unit. The decision as to the extent of the reduction in work force within the affected budgetary unit shall be recommended by the appropriate division chair or unit leader (with review by the Affirmative Action officer) to the President.
- 2.04 When options are available as to which position(s) to select for reduction, the unit leader or division chair will select the position(s) where such reductions will have the least amount of negative impact upon the equal employment gains of the unit. The Affirmative Action officer shall review plans prior to such layoff action(s).

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- 2.05 Employee retention during periods of work force reduction will be based upon performance as well as length of time in service, commonly referred to as seniority. Performance and seniority are determined for the purpose of this policy as follows:
- A. A reduction in work force shall be made by function and/or by position within the affected budgetary unit.
 - B. The level of performance shall be determined by the three most recent written performance appraisals for the employee.
 - C. Seniority shall be determined as Oklahoma State University continuous service as opposed to unit or classification continuous service. The rules of continuous service shall be observed in determining the date of last hire for the purpose of seniority determination.
- 2.06 Employees who are scheduled for layoff shall not have "bumping rights" to positions in any other budgetary unit.
- 2.07 Employees who are scheduled for layoff do not have the right to enter formal grievance charges in regard to layoff action, except for reasons of alleged violation of these policies and procedures governing such reduction of work force, or for alleged acts of illegal discrimination. This provision supersedes normal grievance procedures adopted by Oklahoma State University Institute of Technology.
- 2.08 Reassignment of employees to comparable or similar vacant positions in unaffected areas:
- A. Whenever it is determined that a reduction of work force is necessary, the President, after consultation with the appropriate unit administrator, has the discretion and authority to place the affected employee(s) in vacant positions within the same unit without the affected employee(s) necessarily having to compete with others in the appropriate applicant pool.
 - B. This change in assignment for the employee will be accomplished by a REASSIGNMENT - TRANSFER (movement to another position in the same job classification or to another position in a different job classification assigned to the same pay grade), or by a REASSIGNMENT - DEMOTION (movement to another position in a different job classification assigned to a lower pay grade), or by a REASSIGNMENT - PROMOTION (movement to another position in a different job classification assigned to a higher pay grade). The transfer may be rescinded for the best interests of the receiving work unit. For purposes of this policy, individuals who are reassigned must meet the criteria of satisfactory performance. Normally, the unit will evaluate the individual's performance during the first year in the new position. If the individual's performance level is not satisfactory, the person will be placed on layoff status from the former unit and callback rights will be extended for one year from the date the person left their original position. After completion of one year of service for the reassigned

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unit, all layoff rights and obligations rest with the new unit. Employees who are reassigned do not have the right to enter formal grievance charges in regard to the rescission, except for reasons of alleged violation of this policy and procedures, or for alleged acts of illegal discrimination. This provision supersedes grievance procedures adopted by Oklahoma State University Institute of Technology.

- C. In all cases of reassignment, the incumbent employee should be judged well suited for the position according to the unit administrator and possess the minimum qualifications for the new position, or have acceptable compensatory qualifications as determined by the Office of Human Resources.
 - D. In cases in which the affected employee(s) are not reassigned to other positions within the same unit, the persons will be placed on layoff status in accordance with the policies and procedures that deal with layoff and reduction in work force.
 - E. These policies are designed to protect incumbent employees who are faced with layoff from always having to compete with outside applicants from the appropriate applicant pool, and it is not intended nor shall it be construed that these policies are designed to provide a "loop hole" from vigorous affirmative action that is expected from the President, unit leader or division chair.
- 2.09 Persons who suffer layoff for any reason shall have the right for "callback" in the inverse order of the layoffs within the budgetary unit within the position in which the layoff(s) came. All persons called back to work shall not lose previously accrued seniority nor any benefit previously earned by such seniority. Classification, unit and Oklahoma State University Institute of Technology seniority shall again begin to accrue on the first day of employment after the callback.
- 2.10 At the time of layoff, all earned but unused annual leave and/or compensatory leave will be paid in full prior to, or at the beginning date, of the layoff if financially feasible. In every case, such leave must be paid in full prior to separation of employment as outlined in Section 2.12 if such separation becomes necessary. Regardless of the date of payment for the unused leave, the date of layoff will be the next day following the last day worked by the affected staff member.
- 2.11 Persons on layoff status who are not called back to work within the next 12 months after the last day of work prior to the layoff may be separated from employment without prejudice. Persons separated will be eligible for new employment with Oklahoma State University Institute of Technology, but such new employment will be under the same conditions as for all new employees.

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PROCEDURES

- 3.01 At any time a reduction in work force becomes necessary, the appropriate Vice President, unit leader or division chair of the affected budgetary unit shall develop the plan for layoff for review by the Office of Human Resources and approval of the President.
- 3.02 The appropriate Vice President, unit leader or division chair shall review possible alternative solutions to the condition of serious financial distress prior to taking layoff action.
- 3.03 The appropriate Vice President, unit leader or division chair shall consider pertinent factors prior to making the decision as to which function and/or positions are to be affected, plus a determination as to how many persons are to be laid off within each of the categories listed above.
- 3.04 The appropriate Vice President, unit leader or division chair shall develop a listing of employees within the affected positions. In the affected position(s), employees will be grouped according to the three most recent evaluations of performance. Within each level of performance, individuals will be listed according to Oklahoma State University Institute of Technology seniority as determined by personnel records maintained in the Office of Human Resources. Layoff(s) will be accomplished within each affected budgetary unit by position, removing from the Oklahoma State University Institute of Technology payroll the least senior person(s) within the lowest performance level; repeating the procedure until the number of persons to be laid off equals the number of persons to be removed from the payroll.
- 3.05 In small units, where preparation of such a listing is not practical, the Vice President, unit leader or division chair should use administrative judgment in accomplishing the layoff.
- 3.06 All persons affected by layoff action shall be notified in writing as early as possible. A copy of the layoff notice shall be transmitted to the Office of Human Resources.
- 3.07 The written layoff notice shall contain the following information:
 - A. The effective date of the layoff.
 - B. A statement advising the incumbent of eligibility to apply for unemployment compensation at the Office of Oklahoma Employment Security Commission.
 - C. The right of the laid-off incumbent for callback in accordance with Section 2.11 and Section 2.12 stated above.
 - D. The right of the laid-off incumbent to continue to maintain eligible insurance coverage for as long as the layoff exists (not to exceed 12 months), subject, however, to the continued payment of insurance premiums by the laid-off incumbent.

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- E. The date that all callback rights will expire.
- 3.08 The appropriate Vice President, unit leader or division chair shall request the Human Resources Office to prepare a REQUEST FOR LEAVE OF ABSENCE form placing the incumbent on leave of absence without pay due to a reduction in work force. This leave of absence without pay shall continue for the period in which the incumbent is laid off, not to exceed 12 months after the date of layoff. In the case that separation becomes necessary for any reason, the Vice President, unit leader or division chair shall prepare a SEPARATION NOTICE form effecting separation of employment due to layoff.
- 3.09 When a vacancy occurs in a budgetary unit that has experienced a reduction of work force and there are still incumbents in layoff status, an offer of callback employment by the Human Resources Office will be made first to the laid-off member(s) within that unit who hold the same position. Callbacks shall be in inverse order of the layoffs (last person laid off will be first person called back, etc). If the first eligible person on the callback list is unavailable or does not choose to return to work, the offer will be made to the next available person on the list and repeated as necessary until all persons on the list have had the opportunity to fill the vacant position.
- 3.10 Vacancies not filled through callback procedures will be listed with the Office of Human Resources. Human Resources will give first priority for referral to those persons with similar positions that have experienced layoff from other budgetary units.
- 3.11 If no suitable applicant is available from the pool of layoffs, normal recruitment and referral procedures will be followed.
- 3.12 A person on layoff status may be unavailable or refuse one offer of callback reinstatement to a position in the classification in which the person holds layoff status without penalty. However, should such a person be unavailable or refuse reinstatement for a second time to a position in which the person holds layoff status, the person will be removed from layoff status by separation at the time of the second unavailability or refusal to return.

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