

**UCOP Administrative Procedure 60 – LAYOFF AND REDUCTION IN TIME FROM PROFESSIONAL
AND SUPPORT STAFF CAREER POSITIONS**

- I. POLICY REFERENCES**
- UC-PPSM 12, Non-Discrimination in Employment
 - UC-PPSM 14, Affirmative Action
 - UC-PPSM 20, Recruitment
 - UC-PPSM 21, Appointment
 - UC-PPSM 60, Layoff and Reduction in Time from Professional and Support Staff Career Positions
 - UCOP Online Employee Database (EDB) System Manual – (LOAB – Leave of Absence Bundle)
 - UC Benefits Checklists (Indefinite Layoff, Temporary Layoff)

II. SCOPE

The purpose of this procedure is assist departments in administering the layoff process for employees covered by the Personnel Policies for Staff Members (PPSM).

The content below is general in nature and is not intended as a substitute for the layoff provisions contained in UC-PPSM 60 - Layoff and Reduction in Time from Professional and Support Staff Career Positions or other applicable University policies. Applicable personnel policies must be carefully consulted prior to the initiation of layoff procedures. Unless specifically referenced, the term "layoff" refers to indefinite layoff as well as reduction in time.

III. OVERVIEW

A layoff is the involuntary separation of a career, non-probationary employee from employment or a reduction in the appointment percentage due to a lack of funds, lack of work, or reorganization. Layoffs are administered by defined layoff units, job classifications, and salary grades. Criteria for consideration when determining order of layoff must include relevant skills, knowledge and abilities, documented performance and length of service. The terms, conditions, and employee rights during and after layoff are governed by applicable University policy.

To minimize the effects of indefinite layoff and indefinite reductions in time, regular status employees will be given opportunities for reassignment or transfer prior to indefinite reduction in time when reassignment or transfer opportunities arise and are operationally feasible.

Only non-probationary, career employees are subject to layoff and the rights associated with layoff as provided for by University policy. In the event a probationary, limited, or per-diem employee is identified for layoff, the employee may be released from his/her appointment.

University policy provides the framework for an employee's rights during and after layoff. For specific rights and notice periods, a department should review University policy and contact UCOP Human Resources for guidance and clarification.

IV. RESPONSIBILITY

The Executive Director, UCOP Local Human Resources is responsible for designating departments or other

organizational units to be considered layoff units for the purpose of implementing UC-PPSM 60.

The Division or Department Head has the authority to layoff or reduce the time of a career employee for a temporary or indefinite period when layoffs or reductions in time are necessary due to lack of funds or lack of work, including lack of work due to reorganization. Layoffs are not to be used in lieu of administering progressive discipline. Layoff or reductions in time actions must be reviewed by UCOP Human Resources prior to implementation.

A. Departmental Layoff Proposal – Business Plan

Each affected Division or Department Head assesses the impact of changes such as lack of funding, lack of work, or the effects of reorganization. The department should analyze and determine which essential functions need to be performed by the department, as well as which functions and positions will be eliminated.

Once it is determined there is a need for a layoff, the department must prepare a Business Plan. The Business Plan shall include information to support a business need and the reason for the layoff and must justify, based on performance, disciplinary records, skills, knowledge and abilities and seniority, why a specific employee is being laid off in lieu of other employees in the same job classification, salary grade and layoff unit. Requirements for a Business Plan are:

1. **Reason for Layoff:** The business plan shall include information to support a business need and the reason for the layoff. The reasons for layoff are due to lack of funds, lack of work or reorganization. For example, the Business Plan should explain:
 - Why funding was lost - e.g., grant not renewed, funding exhausted - identify funds affected, and, if applicable, whether work has been reassigned.
 - The reasons for a reorganization - e.g, changes dictate that work be performed in a different way or technology eliminates the need for certain tasks to be performed.
 - Why there is a lack of work - e.g, a project phase ended or a project is completed.

It is recognized that there may be more than one reason for the layoff.

2. **Layoff Justification:** To determine the order of layoff, the business plan must include an evaluation of the relevant skills, knowledge and abilities, documented performance and length of service of the employees potentially impacted by the layoff and why a specific employee is being laid off in lieu of other employees in the same job classification, salary grade and layoff unit. This evaluation will be summarized in the “Layoff Evaluation Form”, (Appendix A). The criteria used in the evaluation includes the following:
 - a. **Skills, Knowledge and Abilities (SKA)** - Review and document any circumstances where any of the employees in the classification and layoff unit possess SKA’s that are required to perform the ongoing functions of the department and that are not possessed by the employee(s) identified for layoff. Critical sources of information regarding skills, knowledge and abilities are the Employee Requisition Form used to hire the employees, the job description associated with the employee’s position and resumes for each employee;
 - b. **Performance Appraisals** – For each employee in the classification and layoff unit, review and document the performance appraisal ratings from the previous two evaluation periods immediately preceding the date of the Business Plan. Satisfactory performance will be presumed in the absence of a performance evaluation;

- c. **Disciplinary Records** – Review and document any disciplinary records for the two-year period preceding the date of the Business Plan. Disciplinary records include letters of warning, letters of suspension, letters of warning in lieu of suspension, and final letters of warning; and,
- d. **Seniority** - The Department requests seniority points from UCOP Local Human Resources for the classification and layoff unit where a layoff is being contemplated. The seniority points will provide the department with a seniority list of employees in the targeted classification.

Using the information obtained from evaluating the SKA's, performance appraisals, disciplinary records, and seniority of the employees in the target classification, the department will determine which employees are best equipped to effectively perform the critical functions of the department and identify for layoff the employees whose SKA's, documented performance, and/or disciplinary records are least consistent with effective performance of those functions.

When multiple employees have the same SKA's, and are performing equally, the employees with greater levels of seniority will have priority for retention. In the event employees are equal in seniority, the employee with the most recent date of appointment (in the current position) will be laid off first. An employee may choose to waive seniority in order to be designated for layoff.

In the event that all of the positions in a classification (including a single position classification) are identified for layoff, the evaluation of the relevant skills, knowledge and abilities, documented performance and length of service is not required. In lieu of the required evaluation, the department needs to state that all the positions in the classification are being eliminated (or there is only one incumbent in the classification) and to identify the employees to be laid off.

For each Business Plan the department must be prepared to submit copies of:

- the departmental unit's organization charts which show the departmental structure before and after the layoff;
- performance appraisals;
- disciplinary records;
- job descriptions; and,
- resumes for each employee in the same job classification, salary grade and layoff unit.

B. Human Resources - Review of Layoff Proposal and Seniority Points

1. Review of Layoff Proposal

UCOP Human Resources will review all departmental layoff proposals for conformance with UCPPSM 60. This review will include consideration of the business rationale for the layoff pursuant to UC PPSM 60, limited and temporary appointments, current vacant positions, and of University Policies and practices governing equal opportunity and non-discrimination.

2. Calculation of Seniority Points

UCOP Human Resources will calculate seniority points based on the full-time equivalent service of the affected employees. One point shall be assigned for each month on pay status at 100% through the proposed date of layoff. A proportionate percent of a point will be assigned for each month on pay status less than 100% time. Employment prior to a break in service shall not be counted when calculating seniority points.

V. NOTICE OF LAYOFF OR REDUCTION IN TIME

The department head will provide an employee at least 30 calendar days' written notice prior to the effective date of an indefinite layoff or indefinite reduction in time, whenever feasible. If less than 30 calendar days notice is given, the employee will receive pay in lieu of notice for each additional day the employee would have been on pay status had the employee been given 30 calendar days' notice.

VI. RIGHTS TO SEVERENCE OR RECALL AND PREFERENCE FOR REEMPLOYMENT

UCOP employees covered by this administrative procedure will be offered the option to elect severance pay or recall and preference for reemployment. An employee must elect either severance or recall and preferential rehire rights within fourteen (14) calendar days of receiving a notice of layoff. In the event an employee does not make an election within fourteen (14) calendar days, the employee shall receive severance pay.

A. Severance

A regular status employee who has been laid off or whose time has been reduced indefinitely may elect severance pay. An employee electing severance is eligible for one (1) week (five working days) of salary for each full year of service from the most recent break in service, up to a maximum of 16 weeks.

Employees who have been reduced in time indefinitely will receive severance pay in proportion to his/her reduction in time layoff.

An employee who receives severance pay and who returns to work in a career position with the University at the same or higher salary and at the same percentage of time as the position from which laid off, will repay the University any portion of severance pay received that is in excess of the time the employee was on layoff status.

B. Recall and Preferential Reemployment

A regular status employee who has been laid off or whose time has been reduced indefinitely may elect recall and preferential rehire rights in lieu of severance pay. An employee notified of layoff will have 14 days to elect recall and preferential rehire rights in lieu of severance. In the event an employee does not elect recall and preferential rehire rights the employee will be paid severance in accordance with section VI.A Severance.

Recall: An employee who has been laid off or whose time has been reduced indefinitely may be recalled into any active vacant career position for which he employee is qualified when the position is in the same classification, the same salary grade, and the same department at the same or lesser percentage of time as the position held at the time of layoff.

Prior to advertising or posting a career vacancy, the department in consultation with UCOP Local Human Resources should ensure that no employee has recall rights to the vacant position.

Preference: An employee who has been laid off or whose time has been reduced indefinitely may receive preferential consideration for any active vacant career position when the position is at the same campus, at the same or lower salary grade and at the same or lesser percentage of time, provided the employee is qualified to perform the duties and responsibilities assigned to the position.

Hiring departments may take an employee's relevant skills, knowledge, and abilities, documented performance, and length of service into consideration when recalling an employee or providing preferential consideration to an employee. An employee electing recall and preferential rehire rights will receive:

- Three (3) years of recall rights; and,
- Less than five (5) years of service: One (1) year of preferential rehire rights
- Five (5) years but less than ten (10) years of service: Two (2) years of preferential rehire rights
- Ten (10) or more years of service: Three (3) years of preferential rehire rights

The UCOP Local Human Resource Office maintains and administers the preferential rehire list. An employee on layoff status must apply for preference to UCOP Local Human Resources for each position of interest as soon as possible, and no later than the filing deadline to invoke preferential rehire rights.

VII. TRIAL EMPLOYMENT

- A. Employees who are re-employed on the basis of recall or preference for reemployment may, upon prior written notice, serve a trial employment period of six (6) months.
- B. Time spent on leave with or without pay is not qualifying service for completion of the trial employment period.
- C. During the period of trial employment, at least one performance evaluation will be issued to the affected employee.
- D. At any time during the trial employment period, either the employee or the supervisor may request a return to layoff status for the employee. An employee who is returned to the preferential rehire list at management's discretion will be given written notice of the effective date of such action.
- E. Upon return to layoff status, the remaining period of time that an employee is eligible for recall and preference for reemployment will be that amount of time remaining at commencement of trial employment.

VIII. NON-SELECTION FOR RECALL AND PREFERENCE TO A VACANT POSITION

When selecting an employee to be recalled or preferentially rehired for a vacant position, the employee's relevant skills, knowledge, and abilities, documented performance, and length of service may be taken into consideration. If the employee is not selected for the position, the reasons for non-selection shall be provided, in writing, by the department manager to UCOP Local Human Resources.

IX. BENEFITS

An employee on layoff status should be encouraged to visit UCOP Benefit Services as early as possible in the layoff process to obtain a summary of applicable benefits, determine which benefits can be continued or converted, and obtain premium costs.

Instructions:**Name** Enter the names of all employees in the classification being considered for layoff**PE** Enter the employee's performance evaluations ratings from the two previous performance evaluation periods preceding the Business Plan. In the event an employee did not receive a performance evaluation, the rating will be considered satisfactory. Performance evaluation rating Codes: Unsatisfactory Performance – UP (1); Improvement Needed – IN (2); Meets Expectations – ME (3); Above Expectations – AE (4); Exceptional Performance – EP (5).**SKAs** Indicate with a yes/no whether the employee identified for layoff possess the relevant SKAs relevant to other positions in the same layoff unit, classification and salary grade. Critical sources of information to review in determining relevant skills, knowledge and abilities are the Employee Requisition Forms used to hire the employees, the job description associated with the employee's role and resumes for each employee.**Discipline** Enter documented disciplinary actions for the two year period preceding the Business Plan. Disciplinary Rating codes: Warning – WRN; Suspension – SPN; Warning in lieu of Suspension – WILS; Final Letter of Warning – FLW; Demotion – DEM**Seniority** Enter the employee's months of University service**Evaluation** Provide a justification of the reasons why the identified employee is being laid in lieu of other employee is the classification and layoff unit based on an evaluation of the employee performance, disciplinary records, skills, knowledge and abilities and seniority.**Example** – A Department has five Analyst Vs. Due to budget reductions, the department determines that it is necessary to layoff one position in the Analyst V classification. In this situation, all five analysts are performing the same job functions. The following illustrates how the decision was made to identify the employee subject to layoff.

Name	PE		SKA's	Discipline	Seniority	Evaluation	Layoff
	1st Yr	2nd Yr					
Employee A	ME (3)	AE (4)	Yes	N/A	24 months	Employee A received an above expectations rating in the most recent performance evaluation period and is being retained due to their higher level of performance.	
Employee B	ME (3)	ME (3)	Yes	N/A	120 months		
Employee C	ME (3)	ME (3)	Yes	N/A	70 months		
Employee D	ME (3)	ME (3)	Yes	N/A	65 months	Employee D has less seniority than Employee B, C and E and therefore has been identified for layoff.	X
Employee E	ME (3)	ME (3)	Yes	N/A	70 months		