

## Handbook of Operating Procedures

### REDUCTION IN FORCE

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#### 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 Rio Grande Valley (UTRGV).

#### B. Persons Affected

This policy applies to all classified employees, except for employees in job for which student status is a requirement.

#### C. Definitions

1. Classified Staff Employee - Staff employees who are not appointed as faculty members or as administrative or professional employees.
2. Head of an administrative unit - The Executive Director, Director or administrative equivalent who oversees a UTRGV department or unit.

#### D. Policy

It is the policy of UTRGV to implement a reduction in force as deemed necessary to accomplish economies in budgets, to operate a more efficient administrative unit or to reorganize in a manner that better serves the mission of UTRGV. All employment decisions made under this policy shall be made without regard to race, color, religion, age, national origin, disability, citizenship, veteran status, gender, sexual orientation, gender identity, or gender expression.

#### E. Procedure

##### 1. *Planning Considerations:*

Before a reduction in force is proposed, the head of the administrative unit considering the reduction in force should evaluate the existing business and human resource conditions and needs as well as anticipated future conditions and needs. The head of the administrative unit should also consider alternatives to a reduction in force that may eliminate its need or limit its scope. Such alternatives include, but are not limited to, job sharing, voluntary work reduction, attrition, pay freezes or pay cuts and demotions.

##### 2. *Criteria for Affected Positions and Employees:*

If the head of the administrative unit decides to propose a reduction in force, the head shall be responsible for proposing positions to be eliminated and employees to be dismissed. The criteria used to develop the proposal may include but are not limited to:

- a. the importance of each position to the continued operation of the work unit;
- b. Employee qualifications for the positions remaining after the reduction;
- c. Employee work performance as evidenced by written evaluations or other documentation. Seniority will be the determining criteria in those cases where employees are judged to be equally qualified and when veteran's status is not a factor;
- d. the veteran status of the employee, as required by state or federal laws;
- e. the former foster child status of the employee, as required by state law; and
- f. Status as a full-time employee will be given preference unless it is in the best interest of the University to employ part-time, temporary or hourly employees for the available positions.

3. *Development of Report:*

The head of the administrative unit proposing a reduction in force will prepare a report that includes:

- a. A statement of the purpose of the reduction in force along with supporting facts, i.e., information that shows the existence or imminence of a financial exigency, that a reorganization will result in a more cost-effective or efficient administrative unit, or that the mission of UTRGV will be better served;
- b. A description of the functions or services supplied by the administrative unit that will 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, alternation, or elimination;
- c. Identification of jobs or positions that will be affected; and
- d. A statement that explains how the criteria in section E.2 were used to identify employees to be dismissed and an explanation of how and why each person was selected for dismissal.

The Office of Human Resources will review the report to ensure its sufficiency and compliance with this policy.

4. *Approval of Reduction in Force and Notification of Employees:*

- a. When the appropriate Vice President and the President have approved the reduction in force, employees who are terminated will be notified in writing. The written notice of dismissal shall include an explanation of the reasons for the reduction in force, an explanation of why an employee's position is to be eliminated, or why a particular employee has been selected for dismissal.

- b. To the extent possible, notice should be provided at least 60 calendar days in advance of the proposed date of dismissal, or the end of the fiscal year if 60-day notice is not possible.

5. *Grievance Procedures:*

- a. An employee receiving notice of being adversely affected by a reduction in force or reorganization, including termination, may grieve the decision by submitting a written grievance within ten (10) working days of receiving written notice of termination. The reasons for grieving shall be limited to claims that the rationale for the reduction in force was not bona fide; that a comparison of the employee's qualifications and performance to those of similarly situated employees retained shows that the selection of the employee was arbitrary and without reason; or that the termination decision was made for reasons that are unlawful under state or federal laws. The written grievance shall state the facts that support the employee's allegations.
- b. Grievances shall be submitted to the head of the administrative unit unless the grievance includes a claim for entitlement to the veteran or former foster child employment preference in accordance with *Texas Government Code*, Chapter 657 and *Texas Government Code*, Chapter 672, in which case the grievant may submit the written grievance to the President for consideration and decision.
- c. Grievances submitted to the head of the administrative unit will be considered and responded to by the administrative unit head in writing within ten (10) working days after receipt.
- 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 will consider and respond in writing within thirty (30) working days after the receipt of the grievance. This decision is final.

6. *Rehire Procedures:*

- a. The Office of Human Resources shall keep a list of the names of employees dismissed because of a reduction in force. The names of the former employees shall remain on the list for a period of six months after the date of dismissal.
- b. At the time of dismissal, the Office of Human Resources will provide information to the employee on how to access any available employment opportunities on UTRGV's website. It is the responsibility of the former employee to apply for any position for which he or she qualifies.
- c. Priority consideration for reemployment may be given to employees terminated due to a reduction in force that are maintained on the list. If an affected employee has applied for a vacancy and is qualified for the position, a hiring department that has

the vacant position may consider that employee without interviewing other candidates who may qualify for the vacancy.

- d. An employee will have his or her sick leave balance restored if reemployed by UTRGV or another State agency within 12 months of termination due to a reduction in force.

**F. Relevant Federal and/or State Statute(s), Board of Regents' Rule(s), UTS Policy(ies), and/or Coordinating Board Rule(s)**

Texas Government Code Section 651.006, General Provisions: Reductions in Force

Texas Government Code Section 658.003, Voluntary Work Reduction Program

Texas Government Code Section 657.002, Veteran's Employment Preferences

Texas Government Code Section 657.007, Preference Applicable to Reduction in Workforce

Texas Government Code Section 672.002, Employment Preference

The University of Texas System Board of Regents' *Rules and Regulations* Rule 31003, Abandonment of Academic Positions or Programs

**G. Dates Reviewed or Amended**

July 11, 2022 - Reviewed and amended (non-substantive: updated responsible executive).