

UNIVERSITY of HOUSTON
MANUAL OF ADMINISTRATIVE POLICIES AND PROCEDURES

SECTION: Human Resources
AREA: Employee Relations

Number: 02.04.06

SUBJECT: Reduction in Force

I. PURPOSE

This document outlines the steps to be followed in implementing a staff reduction plan, making Reduction In Force (RIF) decisions, and re-employing displaced employees. It also provides information for staff who are affected by a RIF regarding employment assistance and an appeal process.

When institutional or unit planning or budgeting needs dictate organizational review and change, all relevant University offices and directives shall be consulted for direction. When a review involves personnel reorganization, reclassification, and/or the possibility of reducing the work force, Human Resources must be consulted early in the planning process. All necessary actions shall be taken to ensure that decisions are made based upon careful analysis and that employees are treated fairly and offered opportunities for reassignment, assistance, and re-employment.

II. DEFINITIONS

A. Reduction In Force (RIF): The elimination of an occupied position or positions resulting from an administrative decision deemed appropriate under such situations as a lack of funds, a lack of sufficient work, reorganization, changes in technology or research needs, or other factors.

A suspension, dismissal, discharge, or discontinuance of temporary employment does not constitute a RIF.

B. Regular employee: A non-faculty, non-probationary university employee who is employed for at least 20 hours per week on a regular basis, excluding students employed in positions which require student status as a condition of employment. Referred to herein as "employee."

III. PROVISIONS FOR A RIF

All RIF decisions should include the following elements:

- A. Careful analysis to determine which areas, activities, programs, or organizations should be reduced.
- B. Identification of the jobs and functions that will need to be performed after the reductions.
- C. Evaluation of qualifications and abilities of present employees to perform the jobs remaining.
- D. Written notification to the employee(s) affected by the RIF as soon as feasible, but not less than 30 days prior to the effective date of the action.

- E. Reasonable opportunities for displaced employees to interview for other employment for which they are qualified.
- F. A placement and re-employment program provided by Human Resources.
- G. Opportunity for the displaced employee to appeal, if he/she believes that the reason for the reduction in force action is a form of unlawful discrimination or retaliation.

IV. RIF DETERMINATIONS

The following steps are to be followed and factors considered in the organizational review and development of a RIF plan:

- A. A clear statement of the rationale for eliminating or reducing programs and/or services must be developed. The statement must address the ultimate benefits to be achieved, such as reallocation of resources, effecting a budgetary reduction, or enhanced productivity.
- B. Unit functions and responsibilities must be carefully analyzed to determine which areas, activities, programs, organizations, or classifications should be reduced.
- C. The jobs and functions that will need to be performed after the reductions are identified.
- D. The qualifications and abilities of present employees to perform the jobs remaining should be evaluated. In evaluating present employees, a manager should consider the following employee characteristics:
 - 1. Effectiveness on the job, including past performance, records of achievement, and disciplinary history.
 - 2. Specialized training and skills necessary for a particular function, such as proficiency in use of equipment, licenses, or special certification.
 - 3. Length of time in service with the University.
 - 4. Amount of total work experience in the field, including applicable non-UH experience.
- E. The nature of the RIF and the employees affected must be determined. All documentation prepared in the evaluation process and an explanation of the recommendations will be sent to the dean of the college or director of the department for concurrence.
- F. In the case of an employee whose duties are divided between two or more departments, a RIF decision by one department will not obligate the other(s) to increase the appointment and funding to compensate for the reduction.

V. REVIEW, APPROVAL, AND NOTIFICATION PROCESS

- A. The dean of the college or the director of the department implementing such work force reduction must submit a written plan reflecting such work force reduction with the Associate Vice Chancellor (VC)/Associate Vice President (VP) for Human Resources. In order to facilitate such review, the administrative unit must include a document reflecting the racial, gender, age, and disability makeup of the administrative unit, including names and protected class status of the employees to be displaced, with the copy of the plan

furnished to the Associate VC/VP for Human Resources. (See Check List - Addendum A.)

- B. The Associate VC/VP for Human Resources will review the written plan to determine that all work force reduction determinations are consistent with this document and that employees are treated in a fair and equitable manner.
- C. Following approval, the confidential written plan describing the nature of the RIF required and the employee(s) affected must then be sent through administrative channels to Human Resources, General Counsel and the responsible vice president. Only at such time as the vice president (or designee) concurs with the recommendation may the college or department initiate the notification process.
- D. The dean of the college or director of the department (or designee) shall schedule a personal meeting with the employee(s) affected not less than 30 days prior to the effective date of the action. At that time, the employee(s) will be notified and provided with a letter of notification of their RIF. Each letter of notification must include language describing transition assistance offered by Human Resources and the employee's right to file an appeal. The original notice of RIF will be forwarded promptly to the Associate VC/VP for Human Resources.
- E. An employee who has been notified of a RIF may be removed from the worksite, with pay, immediately upon receipt of the notice of the RIF, providing all the following conditions are met:
 - 1. There is reason to believe that the employee will cause damage to University property, including computer or business systems.
 - 2. The employee's supervisor is able to justify this danger in writing to the satisfaction of the Associate VC/VP for Human Resources.
 - 3. The employee is given a work assignment to be completed away from the worksite and this assignment is confirmed in writing.
- F. Employees are not required to use accumulated vacation during the 30-day notification period. Accumulated vacation will be paid in lump sum following the effective date of layoff.

VI. PLACEMENT EFFORTS

- A. Human Resources will provide professional support and services to assist regular employees displaced as a result of reduction in work force.
- B. Employees are encouraged to contact Human Resources to discuss career options and opportunities for internal placement. Employment representatives will assist displaced employees as needed.
- C. Displaced employees will be granted reasonable opportunities to interview for other employment for which they are qualified.
- D. If an employee is offered other employment with the University in a position for which the employee is qualified and such offer is refused, the employee will be deemed to have resigned from employment.

- E. Benefits information will be made available to all displaced employees. Such information will identify those benefits that cease upon termination, those benefits that can be continued at employee expense, and retirement options (if applicable).

VII. RE-EMPLOYMENT BENEFITS

- A. The names of employees displaced as a result of work force reduction will be placed on a re-employment list in order of their displacement and will remain on this list for a period of six months.
- B. An employee who has been displaced as a result of a work force reduction will be offered the same position if it is re-established within six months of the RIF, provided that the employee has retained the ability to perform the work.
- C. An administrative unit may bypass employees on a re-employment list for any of the following reasons:
 - 1. Another employee has been or will be voluntarily or involuntarily demoted to that classification within the department.
 - 2. The administrative unit may give first consideration to those employees on the re-employment list who were previously employed within their own department. Then consideration will be given to the remaining employees on the re-employment list for that classification.
 - 3. The dean, director, or vice president in consultation with the Associate VC/VP for Human Resources determines that on the basis of past performance, training, experience, or skills, the applicant is not qualified to fill the position.
- D. The Associate VC/VP for Human Resources will mail a notice of re-employment opportunity to the displaced employee at his or her last reported address as shown on the official University records via certified mail, return receipt requested. The displaced employee must respond to the notice in writing to the Associate VC/VP for Human Resources within 10 business days of the date on the notice or will be deemed to have forfeited all rights to re-employment. It is the obligation of the employee to ensure that the University address records are correct.
- E. An employee who is terminated because of RIF and who is re-employed by the University within 12 months shall have his/her sick leave balance restored. Also, regardless of the time lapse, upon re-employment, an employee will receive credit for prior state service in longevity calculations.

VIII. APPEAL PROCESS

Any employee affected by a RIF decision and who contends that the RIF is based on unlawful discrimination or retaliation may file a complaint with the Office of Equal Opportunity Services (EOS) under the Anti-Discrimination Policy, [SAM 01.D.07](#). The complaint form must be filed with EOS within 10 business days of receipt of the written notice of work force reduction. Filing a complaint with EOS under the Anti-Discrimination Policy is the only appellate process available to an employee contesting a RIF decision.

“Discrimination” is treating members of Protected Class less favorably because of their membership in that class or having a policy or practice that has a disproportionately adverse impact on the Protected Class members.

A “Protected Class” is a class of persons who are protected under applicable federal, state or local laws against discrimination.

“Retaliation” is an adverse employment action taken against an employee because the employee complained about alleged unlawful conduct or because the employee participated in an investigation of alleged unlawful conduct.

The policy of the University of Houston System and its components is to ensure equal opportunity in all its educational programs and activities, and all terms and conditions of employment without regard to age, race, color, disability, religion, national origin, veteran’s status, genetic information, or sex (including pregnancy), except where such a distinction is required by law. Additionally, UH System prohibits discrimination in all aspects of employment and educational programs on the basis of sexual orientation, gender identity, or gender expression. For the UH System’s Official Non-Discrimination Statement, see [SAM.01.D.05 – Equal Opportunity and Non-Discrimination Statement](#).

IX. REVIEW AND RESPONSIBILITY

Responsible Party: Senior Associate Vice President for Finance

Review: Every five years on or before March 1

X. APPROVAL

Jim McShan
Senior Vice President for Administration and Finance

Renu Khator
President

Date of President’s Approval: _____ February 8, 2019

XI. REFERENCES

- [System Administrative Memorandum \(SAM\) 01.D.07](#)
- [System Administrative Memorandum \(SAM\) 02.A.06](#)

REVISION LOG

Revision Number	Approved Date	Description of Changes
1	06/08/1994; 08/19/1994	Initial version (Originally formatted as a Policy and a Procedure)

Revision Number	Approved Date	Description of Changes
2	04/03/2000	Applied revised MAPP template to meet current documentation standards. Combined Policy and Procedure into one document. Where necessary, information from SAM 02.A.06 was removed from this document. Added definition for a "regular employee" to Section II. Added Section XI, References and Index Terms. Added Addendum A, RIF Checklist (2 parts)
3	06/09/2009	Applied revised MAPP template. Removed Section VII.C on re-employment benefits and Section VIII.B was changed to refer directly to the formal grievance procedures. General information was updated to reflect the current organizational structure of Human Resources. Changed responsible party to AVP for Finance; review period was changed from every three years on or before September 1 st to every three years on or before March 1 st . Removed Index Terms
4	12/05/2012	Applied revised MAPP template and added new Revision Log. Changed Affirmative Action to Equal Employment Opportunity throughout text to reflect current organizational structure. Redefined "regular employee" in Section II to emphasize non-faculty positions of at least 20 hours a week, excluding student status. Removed information concerning specific plan review in Section V.B. Added General Counsel to the administrative channels in Section V.C. Removed the reason to bypass RIF employees that did not work in the administrative unit looking for personnel in Section VII.C.2. Redlined Section VIII, Appeal Process. Added SAM 01.D.07 to Section XI, References. Provided minor redlines to RIF Checklist (Addendum A)
5	09/25/2015	Changed Executive Director, Human Resources to Assistant Vice Chancellor/Vice President for Human Resources throughout text. No additional redlines required per the Subject Matter Expert (SME)
6	08/08/2016	Provided updated GENDA and non-discrimination information in Section VIII per U.S. Department of Education's Office for Civil Rights request. Updated titles and links throughout text
7	02/08/2019	Updated links and titles as applicable. Changed review period from every three years to every five years on or before March 1. No additional redlines were indicated by the Subject Matter Experts (SMEs)

Addendum A**RIF Check List Page 1 of 2**

Contents	Summary	Details
Statement of rationale for the elimination or reduction of programs/services	The statement must address the ultimate benefits to be achieved, such as reallocation of resources, affecting a budgetary reduction, or enhanced productivity.	<ol style="list-style-type: none"> 1. Include a brief history of the program/service. 2. Explain what situation/ occurrence has determined the need for the reduction. 3. Specify what will become of the responsibilities after the RIF.
Approvals	At the close of your statement of rationale, there should be the necessary signature lines.	Approvals of: <ol style="list-style-type: none"> 1. Associate VC/VP of Human Resources 2. Responsible vice president 3. President
Unit functions and responsibilities	Careful analysis must be done to determine which areas, activities, programs, organizations, or classifications should be reduced.	Spreadsheet including information of all employees in the department being considered for RIF: <ol style="list-style-type: none"> 1. Names 2. Titles 3. Job grade 4. Salary 5. Gender 6. Race 7. Date of Birth 8. Disabilities 9. Date of UH hire 10. Date of Dept hire
Notification of RIF	Sample memo to be sent to all RIFed employees.	Complete memorandum including: <ol style="list-style-type: none"> 1. Date of RIF 2. Details behind the reason for RIF 3. What's to happen with the remaining duties 4. HR Dept commitment 5. Appeal info
Organizational Chart(s)	Complete Departmental Organizational Chart(s)	Prepare an organizational chart for <i>before</i> and <i>after</i> the RIF.
Job Description(s)	Complete Job Descriptions	Include a copy of the current job descriptions as well as the job descriptions for any new or created positions as a result of the RIF.

Addendum A (Page 2)**Check List - Page 2 of 2****Additional considerations for RIFs of Partial Employees from One Area**

Contents	Summary	Details
Past job performance, Records of achievement, and Disciplinary history	Prepare a matrix of past performance evaluations on ALL employees in the area being considered for the RIF.	Include evaluation scores on all employees in the job class affected by the RIF and also include the employee's disciplinary and/or awards history.
Specialized training	Add to matrix additional training including proficiency in use of equipment, licenses, or special certifications.	This information may be obtained from the employee's personnel file (departmental and/or HR).
Length of service with UH	Add to matrix all service with the University.	Insure the accuracy of this information by noting non-benefits service separate from benefits service.
Amount of total work experience in the field	Add to matrix actual work experience, including experience in the field and applicable non-UH experience.	This information can be obtained from the employee's departmental and/or HR file (application).