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 force, commonly referred to as "layoff."

1.02 These policies and procedures are applicable to all faculty of OSU Institute of Technology who hold status appointment as full-time (.75-1.0 FTE) or part-time (.50-.74 FTE), and such status appointments shall be subject to OSUIT Policy and Procedures.

1.03 These policies are not applicable to new faculty during the initial probationary period, to adjunct faculty, or to part-time faculty with a less than .50 FTE.

UNIVERSITY POLICY

2.01 OSUIT, when possible, strives to provide stable employment to its employees. However, there may be occasions which necessitate a reduction in the force.

2.02 A reduction in force shall be among the last options implemented by the Vice President of Academic Affairs or Dean. A reduction in force can be instituted in cases of bona fide budget reduction, lack of work, lack of funds, program discontinuation, reduction in enrollment, technological replacement, obsolete job qualification requirements, or any condition of serious financial distress that may be determined or declared at any time in the future. When such conditions exist, the Vice President of Academic Affairs or Dean, with the approval of the President, will announce or declare the implementation of this policy.

2.03 A layoff shall be initiated by a unit, section, or any other such budgetary unit. The decision as to the extent of the reduction in force within the affected budgetary unit shall be recommended by the VP of Academic Affairs or Dean (with review by the Director of Human Resources) to the President.

2.04 When options are available as to which position(s) to select for reduction, the Vice President, Dean, or unit leader will select the position(s) where such reductions will have the least amount of negative impact upon the equal employment gains of the unit.
2.05 Need and function within the department shall take precedence and shall be the primary factors considered in the determination of faculty position(s) to be retained. Subsequently, those faculty members who are deemed to have the most relevant credentials in accordance to a specific program will be retained in preference to other faculty members. Faculty retention during periods of force reduction will also be based upon performance as well as length of time in service, commonly referred to as seniority. The order of consideration in the selection of faculty to be retained versus faculty to be laid off shall be:

1. need and function of the position
2. relevant qualifications/credentials
3. performance
4. seniority

The level of performance shall be determined by the three most recent written performance appraisals for the employee, and seniority shall be determined as OSU system 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.

In the event all other factors are considered to be equal and a choice must be made concerning the elimination of the position of one of two or more faculty members holding the same rank and teaching the same discipline, the faculty member with the greater seniority and most appropriate qualifications/credentials will be retained.

2.06 Faculty who are scheduled for layoff shall not have "bumping rights" to positions in any other budgetary unit.

2.07 Faculty 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 in force, or for alleged acts of illegal discrimination. This provision supersedes normal grievance procedures adopted by OSUIT.

2.08 Faculty may be reassigned to comparable or similar vacant faculty positions in unaffected areas.

A. Whenever it is determined that a reduction in 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 faculty positions within the same or different unit without the affected employee(s) necessarily having to compete with others in the appropriate applicant pool.

B. In all cases of reassignment, the incumbent faculty should be deemed well-suited for the position according to the Dean and possess the minimum qualifications for the new position, or have acceptable compensatory qualifications as determined by the Office of Human Resources.
C. The receiving unit is only obligated to pay an incumbent in layoff status within the current listed hiring range, and not to exceed the budgeted amount for the open position.

D. In cases in which the affected employee(s) are not reassigned to other faculty positions within the same unit, the person(s) will be placed on layoff status in accordance with the policies and procedures that deal with layoff and reduction in force.

E. These policies are designed to protect incumbent faculty 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 loophole from vigorous affirmative action that is expected from the President, Vice President, Dean or unit leader.

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 or any benefit previously earned by such seniority.

2.10 At the time of layoff, all earned but unused annual leave and/or compensatory leave will be paid in full as soon as feasible following the date of separation. The date of the 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 OSUIT, but such new employment will be under the same conditions as for all new employees.

PROCEDURES

3.01 At any time a reduction in force becomes necessary, the appropriate Vice President, Dean or unit leader 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 Vice President of Academic Affairs or Dean shall review possible alternative solutions to the condition of serious financial distress prior to taking layoff action. In the event of changes in the qualifications for the position, the plan shall include details regarding the change and steps taken in order for the individuals to meet the new qualifications.

3.03 The Vice President of Academic Affairs or Dean 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 Vice President of Academic Affairs or Dean shall develop a list of employees within the affected positions. The list includes credentials, the three most recent performance review ratings, continuous employment date, age and ethnicity.

3.05 In small units (typically 3 or less in a particular discipline or program), where preparation of such a listing is not practical, the Vice President of Academic Affairs or Dean (with review by the Director of Human Resources) 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. Every effort will be made to give as much notice as is practical in light of the financial distress to each affected faculty member in advance of the effective date of the layoff. Yet, the legislative appropriation process and subsequent analysis may allow little time for formal notice to the employees who are to be laid off. 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 2.09 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, and

E. the date that all callback rights will expire.

3.08 The Vice President of Academic Affairs or Dean 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 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 of Academic Affairs or Dean 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 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 to begin the normal recruitment process.

3.11 A person on layoff status who refuses an offer of callback reinstatement to a position in the classification in which the person holds layoff status will be removed from layoff status by separation at the time of refusal to return to work.