

University of Houston Clear Lake

MEMORANDUM OF ADMINISTRATIVE POLICY

SECTION: Human Resources
AREA: General

Number: MAP 02.A.06

SUBJECT: Reduction in Force of Regular Staff Employees

MAP 02.A.06

I. PURPOSE

- 1.1. The purpose of this document is to prescribe a policy to ensure that reduction in force decisions are made only after careful analysis and that employees who are affected are treated fairly and with dignity.
- 1.2. This policy applies to decisions made by administrative and faculty supervisors affecting all non-faculty regular employees in all units of the University of Houston - Clear Lake, regardless of source of funds.

II. DEFINITIONS

- 2.1 A regular employee is one who is employed for at least 20 hours per week on a regular basis for the period of at least 4-1/2 months, excluding students employed in positions which require student status as a condition of employment. The comparable policy for faculty can be found in Board of Regents Policy [21.07](#) on Faculty Dismissal and in related policies in faculty manuals of each university.
- 2.2 A Reduction in Force (RIF) is 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.
- 2.3 Layoff means the involuntary termination of a staff employee because of an approved reduction in force. A layoff is considered a no-fault dismissal.

III. POLICY

- 3.1. The University of Houston - Clear Lake endeavors to provide stable employment. Certain situations, such as funding, reorganization, or changes in work priorities may require a reduction in work force to assure the continued quality and efficiency of the university. It is the policy of the University of Houston - Clear Lake to ensure that all reduction in force decisions are made based upon careful analysis and that employees are offered opportunities for reassignment, assistance, and re-employment.

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- 3.2. Nothing in this policy shall be used as the basis for illegal discrimination or retaliation against any individual or group.

IV. REDUCTION IN FORCE DETERMINATION

- 4.1. Reduction in Force (“RIF”) is the elimination of an occupied position or positions resulting from an administrative decision appropriate under such situations as a lack of funds, a lack of sufficient work, reorganization, changes in technology or research needs, or other factors that require some manner of reduction in the university’s investment in non-faculty personnel.
- 4.2. A suspension, dismissal, or discontinuance of temporary employment does not constitute a reduction in force.
- 4.3. While broad discretion is conferred upon the administrative units of the University of Houston - Clear Lake to determine RIF necessity, all RIF decisions must include these steps:
 - 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 present employees as to their qualifications and abilities to perform the jobs remaining, as determined in Section 3.3 below.
 - d. Presentation of the comprehensive RIF plans through proper channels, including the university’s AVP for Human Resources and President. Such plans must include a clear statement of the rationale for eliminating or reducing programs and/or services; the ultimate benefits to be achieved, such as reallocation of resources, budget reduction, or enhanced productivity; a summary of the racial, gender, age, and disability composition of the administrative unit, including names and protected class status of employees to be displaced.
 - e. A determination that policy has been observed and that the proposed RIF does not constitute adverse impact on protected classes.
 - f. Signature approval of comprehensive RIF plans by the AVP for Human Resources and General Counsel, before written notice is given to affected employees.
- 4.4. In evaluating present employees as required by Section 3.3.c, managers required to make RIF decisions may consider an employee’s:

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- a. Effectiveness on the job, including past performance, records of achievement, and disciplinary history;
 - b. Special skills which are necessary for a particular function;
 - c. Length of time in service within the University of Houston - Clear Lake; and
 - d. Amount of experience in the field.
- 4.5 An employee who is affected by a reduction in force should be given written notice as soon as practical, but not less than 30 days prior to the effective date of the action.
- 4.6 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 department(s) to increase funding to compensate for the reduction.
- 4.7 The decision to lay off an employee is effective upon delivery of the written notice of reduction in force to the affected employee. Any appeal requested by the employee does not affect the effective date of the RIF decision.
- 4.8 An employee who has been notified of reduction in force may be removed from the worksite, with pay, immediately upon receipt of the notice of reduction in force, with the approval of human resources.
- 4.9 Any employee removed from the worksite, regardless of the circumstances, will be given, in writing, a work assignment to be completed away from the worksite.

V. REPLACEMENT EFFORTS, RECALL, AND BENEFITS

- 5.1 The university will grant reasonable time away from the worksite with pay to employees to be laid off solely for the purpose of enabling such employee to interview for other employment.
- 5.2 If an employee is offered other employment within the University of Houston - Clear Lake in a comparable position for which the employee is qualified, and such offer is refused, the employee will be deemed to have waived all rights under this policy.
- 5.3 An employee who has been dismissed under the provisions of this administrative memorandum will be offered the same position if it is re-established within six months of the reduction in force, provided the employee has retained the ability to perform the work.

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- 5.4 An employee who has been dismissed under the provisions of this administrative memorandum who does not respond within ten calendar days of the date on the written notice regarding either a recall to work or an opportunity to interview for an open position forfeits all further recall rights. Notice of recall will be mailed to the employee's last reported address as shown on official personnel records. It is the obligation of the employee to ensure that such records are correct.
- 5.5 An employee who is dismissed due to reduction in force and who is re-employed by the University of Houston - Clear Lake within twelve months of reduction in force shall have his or her sick leave balance restored.
- 5.6 A non-probationary employee who is dismissed under the provisions of this administrative memorandum who returns to employment at the same university following an interruption of service is subject to the probationary provisions outlined in System Administrative Memorandum (SAM) [02.A.18](#), unless the employee is reinstated in the same position within less than six months after the reduction in force.

VI. APPEAL RIGHTS

- 6.1 Any employee affected by a RIF decision may appeal it. The employee may not challenge the nature of the reduction measures taken when the university presents evidence that a reduction is necessary. The purpose of the appeal is to give the employee an opportunity to show that the true reason for the reduction in force is not due to a factor listed in Section 3.1, but rather based on a reason impermissible under laws, constitutions, or regulations of the United States, the State of Texas, or the University of Houston - Clear Lake.
- 6.2 A person desiring to appeal a RIF decision must present an appeal in writing to the university EEO Officer, or designee, within five working days of receipt of the written notice of reduction in force. Failure to comply with this requirement will be deemed a waiver of the right to appeal. Filing an appeal with EOS under the Anti-Discrimination Policy is the only appellate process available to an employee contesting a RIF decision.
- 6.3 The university EEO Officer, or designee, will review all requests for appeal to determine that the appeal is timely and covered by the criteria documented in this administrative memorandum.

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VII. REVIEW AND RESPONSIBILITY

Responsible Party: Associate Vice President Human Resources

Review: Every five years

VIII. APPROVAL

/Mark Denney/

Vice President for Administration and Finance

/Richard Walker/

President

Effective Date: 4/20/2023

IX. REVISION LOG

Revision Number	Approval Date	Description Change
1	03/27/2023	Remove Section 2.2; Expand definition of RIF; Consolidate 3.1 and 3.3 and remove 3.2; Remove Section 4.3 (d-e); Change 7.1 - 7.3 to remove HR and replace with EEO; Remove 8.0-8.9 Hearing Procedures – will follow hearing procedures outlined by EE Officer

REFERENCES

- Board of Regents Policy [21.07](#)
- System Administrative Memorandum (SAM) [02.A.18](#)