

University Policy 200.35
WORKFORCE REDUCTION/LAYOFF

Responsible Administrator: Office of the President

Responsible Office: Office of Human Resources

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Policy Statement

It is the policy of Claflin University to maintain a workforce of highly qualified, competent, and dedicated workers to preserve the University's excellence as an educational institution. However, situations such as reduction in funds, lack of work, or reorganization may require a reduction in workforce.

Should the University experience the need to reduce its operating budget or restructure its workforce, it may be necessary to implement a workforce reduction/layoff plan. Such a plan would consider the University's financial viability as well as matters of accreditation and institutional integrity.

A reduction in workforce does not apply to restricted positions that are funded for a specified period and are terminated due to the expiration of a grant.

Statement of Purpose

This policy establishes guidelines to ensure that Claflin University administers a workforce reduction/layoff in a consistent, fair, and uniform manner.

Applicability

This policy is applicable to all administrators, faculty, staff, and hourly employees.

DEFINITIONS

General Personnel Terms

- 1. Employee Position Description** - Document used to determine the appropriate classification and pay grade based on the duties and responsibilities, and the knowledge, skills, and abilities (KSAs) necessary to meet the job requirements.
- 2. Minimally Qualified** - Employees who are determined to possess the necessary knowledge, skills, abilities (KSAs) and other bona fide job requirements as outlined in the Employee Position Description.
- 3. Position Titles** - A category of full and part-time positions.

4. **Promotion** - The appointment of an employee to a position with a substantially higher level of duties and responsibilities and a salary grade that is higher than the position currently held by the employee.
5. **Restricted Position** - A position funded 10% or more from non-continuous or non-recurring funding sources, such as grants, donations, contracts, capital outlay projects, or higher education auxiliary enterprise revenues.
6. **Seniority** - Total continuous salaried/full-time service, computed from the last employment or reemployment date, including approved leaves without pay and periods of medical disability.
7. **Substantially the Same Work** - Indicators to determine if work is substantially the same/similar. Examples include positions in the same work unit; positions with the same work title; positions at the same reporting level in the organizational structure; and (based on the Employee Position Description) positions with similar job duties, knowledge, skills, and abilities (KSAs), and other job requirements.
8. **Vacant Position** - A position that is fully funded but not filled.
9. **Work Unit** - A designation to define the scope of a departmental area.

Personnel Measures Related to Workforce Reduction/Layoff

10. **Demotion in Lieu of Layoff** - The movement of an employee in one position into a different position with a lower salary grade and lower level of responsibility.
11. **Former Position** - Position held by the employee prior to being placed on layoff or being placed into another position.
12. **Furlough** - Temporary layoff from which employees are expected to be recalled when the University reopens after having remained totally closed or partially closed for an indefinite period due to a public health emergency or other appropriate reasons.
13. **Lateral Transfer** - The assignment of an employee from one position to another in the same **pay grade** in the same or different division.
14. **Layoff** - Separation from employment for reasons which may include, but are not limited to, budgetary constraints, operational needs, or restructuring.
15. **Layoff or Transfer/Reassignment Notice** - Written notification to an employee at least two weeks before the date of layoff or reassignment.
16. **Placement** - The assignment of an employee to a different position to accommodate the needs of the University.
17. **Position Elimination** - Discontinuing a position due to University needs based on funding or organizational changes.
18. **Preferential Employment Rights:**
 - Prior to layoff** - The right of an employee who is scheduled to be placed on layoff to obtain a vacant position for which he or she is *minimally qualified* without competition from employees outside of the University or hourly employees. The position must be in the same or lower salary grade as the employee's current position.
 - While on Layoff** - The right of an employee who is on layoff to obtain a vacant position for which he or she is *minimally qualified* without competition from employees outside of the University or hourly employees.
19. **Pre-Layoff Leave** - Paid leave that allows the University to continue an employee's compensation for a maximum of two weeks (up to 80 hours) prior to the effective date of layoff (during the layoff notice period). This period

is intended to provide time for the employee who will be placed on layoff to seek employment with other employers. At the University's discretion, the time may be granted consecutively or intermittently.

- 20. Recall** - The placement of an employee into a position that is in the employee's pre-layoff position title and salary grade when the employee has:
- Been placed on layoff;
 - Accepted a placement option with a reduced salary; and
 - Been demoted in lieu of layoff.
- 21. Relocation** - Requirement of an employee to work at a location that is not on the main campus.

Personnel Terms Related to Medical Benefits

22. Expanded Family and Medical Leave (COVID-19, expires December 31, 2020) - Employees who have been employed for at least 30 days prior to their leave request, may receive up to 12 weeks of partially paid leave to care for his or her child whose school or place of care is closed (or childcare provider is unavailable) due to COVID-19.

23. The Family and Medical Leave Act (FMLA, see University Policy 200.12) - The FMLA provides up to 12 weeks of protected leave during any 12 consecutive months for an eligible employee's serious health condition, to care for an immediate family member with a serious health condition, or for the birth or adoption of a child. The FMLA also provides military caregiver leave and military exigency leave for eligible employees.

24. Short-Term Disability Income - An income benefit provided in the event an employee becomes disabled due to a non-work-related injury or illness for longer than 31 days. The benefit is payable for up to 22 weeks, and employees are eligible for 60% of their pre-disability earnings (not to exceed \$1,153.85 per week) if they qualify as disabled under this plan.

25. Workers' Compensation - Benefits provided to employees who suffer work related injuries or illnesses (see University Policy #200.23).

PROCEDURES

These procedures provide governance for the administration of the Workforce Reduction/Layoff policy and ensure fair and equitable treatment of employees in the event a financial hardship or reorganization occurs and implementation is required.

1. A reduction in workforce may occur due to one or more of the following reasons:
 - Budget constraints;
 - Shortage of work;
 - Elimination of academic programs or departments;
 - Reorganization; and/or
 - Outsourcing/Privatization or other operational reasons.

2. The primary criteria used to determine and evaluate workforce reduction include:
 - The University's need to deliver quality services;
 - The relative skills, knowledge, or expertise of employees;
 - Employee seniority;
 - Compliance with applicable accreditation criteria; and
 - Other appropriate criteria.

However, regarding seniority, the University may retain an employee in the same salary grade with less years of service than another employee. In this case, the employee with less years of service may be able to perform available work at a higher level than the employee who has more years of service.

3. In accordance with these guidelines, the University shall develop a workforce/layoff plan that ensures fair and equal treatment. The following considerations will guide the implementation of this plan:
 - Identify duplication of effort within the same work unit on the campus and determine if duplication is warranted to any degree or should be eliminated (see "Substantially the Same Work," below);
 - Define other functions for layoff or reassignment (see "Reassignment," below);
 - Specify position titles and duties for layoff or reassignments;
 - Consider demotion in lieu of layoff;
 - Consider furlough in lieu of layoff;
 - Review all critical and grant vacant positions to identify positions that can be used as placement options during layoff; and
 - Determine the number of positions for layoff or reassignment to include identifying employees who will be affected.

a. Substantially the Same Work

Employees will be identified within the same work unit and salary grade who are performing substantially the same work. The process will be administered in a manner consistent with University needs according to the criteria and layoff sequence as listed below:

- Hourly employee(s) performing the same work;
- The least senior through the most senior full-time restricted employee (if the position is anticipated to be funded for longer than 12 months); and
- The least senior through the most senior full-time salaried employee.

b. Reassignment

- An employee may be reassigned to another position regardless of being designated in layoff status.
- The employee shall receive written notice about the basis of the reassignment.

- Involuntary employee movements are not meant to circumvent the recruitment process and should only be used to accommodate the needs of the University.
- The employee may choose not to accept the involuntary reassignment and as a result, be laid off.
- If the employee accepts the involuntary reassignment, the employee's rate of pay and applicable benefits will not decrease if the movement is within the same salary grade; however, the rate of pay may be adjusted if the reassignment is a downward movement (demotion).

OTHER PERSONNEL CONSIDERATIONS

Furlough

An emergency furlough/layoff (temporary layoff from which employees are expected to be recalled) may be declared if the University remains totally closed or partially closed for an indefinite period due to a public health emergency or other disaster.

Reduction to Part-Time

To achieve the required savings, or to respond to necessary workload changes, the University may reduce a full-time position to part-time status (minimum of 30 hours per week). If the employee remains in the part-time position, he/she is eligible for recall rights to a full-time position for one year. If an eligible employee declines to remain, he or she will be separated.

Retirement

Any employee impacted by layoff may elect to retire.

LAYOFF

The University's process for layoff is as follows:

1. Employees impacted by a layoff will be given advance written notification at least two weeks and preferably as much as thirty (30) days before the date of layoff.
2. Information related to benefits and the layoff will be discussed.
3. The University reserves the right to rescind a layoff notice and/or postpone the layoff date. However, once the employee has been officially notified of the intended layoff date, the University may not make the layoff date any earlier.

Pre-Layoff Leave and Assistance

The University may provide the following assistance to employees facing layoff:

- Offer to provide a reference to prospective employers with written consent from the employee;
- Recommend that employees verify, in accordance with South Carolina law, their eligibility for unemployment benefits with the South Carolina Department of Employment and Workforce; and
- Grant pre-layoff leave on an intermittent/consecutive basis to employees who will be impacted by layoff unless business needs of the University

preclude approval (must be scheduled and approved with the supervisor before it is used).

RECALL RIGHTS (PLACEMENT OPPORTUNITIES AFTER LAYOFF)

A. Duration of Recall Rights

Recall rights are in effect for 12 consecutive months from the effective date of layoff, placement in a position that resulted in a reduction in salary, or demotion in lieu of layoff. However, recall rights cease if:

- The employee is employed in a position that is in the same or higher salary grade as the former position and the employee's salary meets or exceeds the pre-layoff salary;
- The employee resigns;
- The employee is terminated; or
- The employee retires.

B. Seniority

Employees are normally recalled to positions in order of seniority. When two or more employees have recall rights to a position, the position may be awarded to the most senior, *minimally qualified* employee. However, based upon the University needs, the employee with the highest degree of knowledge, skills, and abilities to perform the assignment may be recalled, irrespective of the length of service.

C. Recall of Employees on Leave With Pay or Without Pay for Illness or Disability

Employees on leave of absence with pay or without pay for illness or disability must be afforded recall provided by this policy. For employees in this status, the University will hold positions identified as recall options for the period that an employee is eligible for Family and Medical Leave.

D. Probationary Employee

An employee who was placed on layoff during his or her probationary period and who obtains placement through recall to another position will resume and complete the probationary period upon entry into the new position.

E. Service Credit for Leave

Time spent on layoff, up to a maximum of 12 months will count in determining vacation leave accumulation rate upon an employee's return to work.

ADDITIONAL PERSONNEL CIRCUMSTANCES

Placement of Employees on Leave With Pay or Leave Without Pay for Illness or Disability

Eligible employees identified for layoff while on leave with pay or leave without pay for illness or disability must be afforded placement options provided by this policy. For employees in this status, the University must hold positions identified as

placement options for the period that an employee is eligible for Family and Medical Leave.

Military Leave Without Pay

Employees on Military Leave Without Pay generally are eligible for placement or recall rights. Employees on Military Leave Without Pay retain their employment rights for five years as stated in the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Layoff benefits will be made available to eligible employees on Military Leave Without Pay upon return if their positions were eliminated during their absence and no other placement option is available upon their return.

Workers' Compensation

Employees receiving Workers' Compensation benefits may receive notice of layoff. The layoff effective date will be the date designated by the University regardless of their Workers' Compensation status.

NOTE: The University will be responsible for contacting the Office of Workers' Compensation at least two weeks prior to the employee's effective date of layoff to ensure that the Workers' Compensation benefits and the layoff are coordinated accurately.

UNIVERSITY SERVICES

During a time of workforce reduction, every reasonable effort will be made to maintain the critical needs and services of the University. Therefore, the University may require all available faculty and staff to provide essential services as appropriate.

RELATED POLICIES

200.09 - Sick Leave

200.10 - Vacation Leave

200.11 - Grant Funded Sick Leave - Vacation Leave

200.12 - Family and Medical Leave

200.17 - Equal Employment Opportunity (EEO) Policy

200.20 - Separation of Employment

200.23 - Worker's Compensation