

USM Bylaws, Policies and Procedures of the Board of Regents

USM HR Policy Review Sheet

Policy Number: VII – 1.30

New Policy Title: Policy on Layoff for Nonexempt Staff Employees

Old Policy Title: Policy on Layoff for Classified and Unclassified Personnel

1. Policy Application: Nonexempt Staff Exempt Staff Faculty Contingent Staff
 All Other: _____

2. Proposed Revisions

Terminology outdated

Re-Formatting

Title Change

Obsolete provisions deleted: Section on Unclassified (Exempt) Staff moved to another policy (VII – 1.32) in 2000.

Merge with other policy: _____

Clarifications: _____

Transfer to another policy or chapter: _____

Updates to reflect changes in law

Incorporate USM-wide existing practice into policy

Incorporated Pre-USM Policy:

Fills gap in policy:

Added definitions

Other revisions: _____

**VII-1.30- POLICY ON LAYOFF FOR NONEXEMPT STAFF EMPLOYEES
UNCLASSIFIED AND CLASSIFIED PERSONNEL**

(Approved by the Board of Regents, April 25, 1991; Amended , 2015)

I. ~~General:~~ PURPOSE AND APPLICABILITY

~~A. Purpose: Pursuant to authority granted to the Board of Regents of the University of Maryland System in the Education Article, Sections 12-110 and 111, and in Article 64A, Section 35, of the Annotated Code of Maryland, ¶~~ The following policy and procedures are established for the layoff of Nonexempt unclassified and classified Staff employees who are in positions that are to be abolished, discontinued, or vacated because of a lack of supporting funds, program change, change in departmental organization, or stoppage or lack of work. This policy applies to all regular status full- and part-time Nonexempt Staff employees including Nonexempt employees who are on approved Leaves of Absence With or Without Pay.

II.—~~B.~~DEFINITIONS

~~For purposes of this policy, unclassified employees are defined as (1) all unclassified professional employees appointed under the policies and procedures of the former Board of Trustees of State Universities and Colleges; (2) all associate staff employees appointed under the Personnel Policies and Rules for Associate Staff of the University of Maryland; and (3) all academic administrators appointed under the policies and procedures of the former Board of Regents of the University of Maryland. Classified employees are defined as those appointed under and subject to either the Personnel Policies and Rules for Classified Employees of the former University of Maryland or COMAR 06.01.01.44 and 44-1 for employees of the Board of Trustees of State Universities and Colleges.~~

A. A "Department" Unit of layoff - is a department or portion of a department unit identified in the "University System of Maryland System Department Unit List for Lay-Off and Reinstatement." This List, developed with the Presidents' designation of departments at their respective institutions, is approved by the Chancellor or designee and may be revised from time to time.

B. Displace/Displacement – The ability to take the job of another employee to avoid separation because of a layoff.

C. Notification Period – The period between the date when an employee is notified a layoff will occur and the effective date of separation as a result of layoff.

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D. Job Series – A group of two or more job classes in the same occupational area which requires the application of the same knowledge, skills, and abilities at varying levels of proficiency or responsibility.

~~H. Unclassified Personnel:~~

~~A. Period of Notice— Only after consultation with the institution Director of Personnel/Human Resources, the Department Head or Chairperson shall notify those employees who are to be laid off at least 30 calendar days before the effective date of the layoff. The Department Head or Chairperson shall provide the Director with a list of the employees notified. In cases in which grant funds are reduced or terminated with less than 30 days notice, the Department Head shall notify the affected employee(s) within five working days following the department's receipt of the notice and shall specify the period which shall coincide with the date of fund termination or reduction.~~

~~B. Displacement— No unclassified employee who has been notified of layoff shall have the right to displace another employee in any employment category within University service.~~

~~C. Effect of Layoff for Employees in an Administrative Capacity on Faculty Tenure. The layoff of an unclassified employee from an unclassified administrative position shall not affect any tenure rights which that employee may hold in an academic department of the institution.~~

~~D. Restoration in the Same Department— Within one year of the effective date of being laid off, an associate staff employee hired prior to the effective date of this policy shall have the right to be restored to the position from which the employee was laid off, or to another position requiring the same duties and qualifications, in the department from which the employee was laid off provided that a position becomes available. Associate staff employees hired after the effective date of this policy, unclassified professional, and academic administrators shall have no restoration rights.~~

~~III. Classified Personnel:~~ NONEXEMPT STAFF LAYOFF PROCEDURES

~~A. This policy applies to all regular full time and part time classified employees and to regular full time and part time classified employees who are on~~

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~~approved leaves of absence without pay.~~

~~B. As used in this policy, "job series" means a group of two or more classes in the same occupational area which requires the application of the same knowledge, skills, and abilities at varying levels of proficiency or responsibility.~~

~~AC.~~ The Department Head or Chairperson shall notify the Chief ~~Executive~~ Human Resources Officer (CHRO) or designee in writing of the number of positions to be abolished, discontinued, or vacated, together with the reasons for them, and the list of names of employees to be laid off. The CHRO ~~Chief Executive Officer~~ or Designee shall review the written notice and certify that the order of layoff is appropriate. The Department Head or Chairperson shall notify employees who are to be laid off, in writing, at least 90 calendar days before the effective date of the layoff. ~~Notices of layoff shall be in writing and shall be acknowledged in writing by the employee.~~

~~BD.~~ Sequence of Layoff

1. The Department Head or Chairperson shall lay off employees who are serving an original probationary period, and who are in the classification in which the layoff is to occur, in accordance with Section DE of this policy.
2. The Department Head or Chairperson next shall lay off regular employees who have completed an original probationary period, and who are in the classification in which the layoff is to occur, in order of seniority, with the employee having the lowest number of seniority points being laid off first.

~~CE.~~ The Chancellor or designee shall maintain and make available a listing of classifications by job series.

~~DE.~~ Seniority Points

1. Formula for Establishing Seniority Points
 - a. One point shall be given for each complete month of credited service for the following:
 - i. University System (and/or predecessor organizations) and State service including service as medical system University personnel as defined in the Education Article, Section 13-1B-01(r).
 - ii. Service with the department where the layoff is to occur; and

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- iii. Service in the job classification and its job series where the layoff is to occur.
 - b. For creditable service of less than a complete month, the employee shall be credited with .032 points for each day of creditable service.
 - c. For part-time employees, creditable service shall be determined by the funded percentage of the position.
2. The combined totals of all points shall determine the order of layoff. If two or more employees in the same classification have the same number of seniority points, they shall take their standing in the order of layoff based upon the following criteria:
 - a. The Department Head or Chairperson first shall compute each employee's total length of employment in combined State and University System service.
 - b. The employee who has the shortest service shall be laid off first.
 - c. If two or more employees have the same standing after the application of Section F(2)(a), the institution ~~President Chief Executive Officer~~ will determine the employee(s) to be retained based upon a detailed written evaluation of the specific skills, knowledge, or abilities of each employee prepared by the Department Head or Chairperson.
3. The ~~CHRO Chief Executive Officer~~ or designee will notify the ~~President Chancellor~~ of those employees who have been laid off.

E. Displacement

An election to exercise displacement rights must be made by giving written notice to the institution ~~CHRO Director of Personnel/Human Resources~~ within fifteen (15) days of the notice to the employee of the layoff.

1. An employee in a position which is to be abolished, discontinued, or vacated shall be allowed to displace another employee with the least seniority in the same job classification, or, if not available either,
 - a. Progressively to each lower level classification in the same job series; or
 - b. In any other job classification in which the employee held satisfactory regular status.

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2. The displacement as applied in (1) above, shall be limited to the department in which the employee is currently employed.
3. An employee who elects not to displace another employee in accordance with Sections ~~G-E~~ and ~~H-F~~ of this policy shall be laid off.

FH Certification and Rehire

1. Home Institution

Employees who are designated to be laid off will receive notification of reinstatement procedures and will be certified to the institution eligible list for the classification from which the layoff occurred and to any classification in the series or comparable occupational area as that from which the employee was laid off. The employee will be entitled to priority for appointment to vacancies in the classification in which the employee was laid off, any lower level classification in that job series, or any classification for which the employee has completed an original probationary period or for which a probationary period was not required.

2. Other ~~USM UMS~~-Institutions

Employees who have been notified that they are to be laid off must notify their institution ~~CHRO Director of Personnel/Human Resources~~ of their interest in being considered for positions at other ~~USM UMS~~-institutions. The ~~Director CHRO~~ shall provide the necessary information to the other ~~USM UMS~~ institutions in which the employee has expressed an interest. The other ~~USM UMS~~-institutions shall place such employees on the eligible list for classifications for which they are qualified, based on seniority points.

- ~~I~~ G. An employee who is displaced under the provisions of sections ~~EG~~ and ~~FH~~ of this policy is subject to the general provisions of this policy.

~~HJ~~. Nothing in this policy shall be interpreted to prevent the layoff of an employee who files with the Department Head or Chairperson a written request to be laid off.

~~IK~~. Nothing in this policy shall allow a ~~Nonexempt classified~~-employee the right to displace an ~~Exempt unclassified~~-employee, or the right to reinstatement to an ~~Exempt unclassified~~ position.

IMPLEMENTATION PROCEDURES:

Each president shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its Institutional website.

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~~Each Chief Executive Officer shall develop procedures as necessary and submit a copy to the Chancellor.~~

~~Replacement for: Section XIII, Lay-Off, Personnel Policies and Rules for Classified Employees, former University of Maryland, and Employment Standards for Associate Staff, Section G.4., Probation, Reassignment, Requirements of Notice and Lay off; Personnel Policies and Rules for Associate Staff, former University of Maryland COMAR 06.01.01.44 and 44-1, former Board of Trustees classified employees.~~