

USM Bylaws, Policies and Procedures of the Board of Regents

USM HR Policy Review Sheet

Policy Number: VII – 1.32

New Policy Title: Policy on Layoff and Recall of Regular Exempt Staff Employees

Old Policy Title: Policy on Layoff and Recall of Regular Exempt Employees

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

2. Proposed Revisions

Terminology outdated

Re-Formatting

Title Change

Obsolete provisions deleted

Merge with other policy: _____

Clarifications: _____

Transfer to another policy or chapter: _____

Updates to reflect changes in law

Incorporate USM-wide existing practice into policy: See Section III.E and III.F

Incorporated Pre-USM Policy:

Fills gap in policy:

Added definitions

Other revisions: _____

D R A F T 8/29/14

VII - 1.32 - POLICY ON LAYOFF AND RECALL OF REGULAR EXEMPT STAFF EMPLOYEES

Approved by the Board of Regents on December 3, 1999, **EFFECTIVE January 2 and January 12, 2000; Amended, 2015)**

I. PURPOSE AND APPLICABILITY

This policy establishes the period of notice and recall status for regular Exempt employees who are being laid off due to any of the reasons described in this policy.

II. DEFINITIONS

- A. Unit of Layoff – A department or portion of a department identified in the “University System of Maryland List for Layoff and Reinstatement.” This list is developed with the Presidents’ designation of departments at their respective institutions, is approved by the Chancellor 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 an employee is notified a layoff will occur and the effective date of separation as a result of layoff.

H-III. LAYOFF AND NOTICE

- A. A layoff may occur when the Department Head or Chairperson determines that a position or position(s) are to be abolished or discontinued due to reduction or termination of funds, program change, change in departmental organization, ~~or~~ stoppage, or lack of work.
- B. The Department Head or Chairperson shall submit a written request and justification for the layoff to the institution Chief Human Resources Officer (CHRO) ~~Chief Executive Officer (CEO)~~ or designee prior to informing the affected employee(s) of the layoff.
- C. After appropriate authorization for the layoff by the institution ~~CHRO/CEO~~ or designee, the appropriate administrator shall provide at least ninety (90) calendar days advance written notice of layoff to the affected employee(s). The notice of layoff shall be delivered to the employee(s) in person or to the employee’s last known address via a delivery method that allows for delivery confirmation.

USM Bylaws, Policies and Procedures of the Board of Regents

- D. For layoffs that are due to reduction or termination of funds, the period of notice of layoff may be shorter than that stated in item III. C. above if the notice by the funding source of reduction or termination of funds provided to the USM institution is less than the required 90 calendar days notice. In such cases, the affected employee(s) shall be notified by the appropriate administrator as soon as possible, but no later than five (5) work days following the institution's notice of fund reduction or termination.
- ~~E. Notice of layoff shall be delivered to the employee(s) in person or by certified mail to the employee's last known address.~~
- E. At the discretion of the Institution, the employee may be placed on administrative leave during part or all of the notification period. In such an event, the employee will continue to earn Sick, Annual and Personal leave (if applicable). For Holidays during the notice period, the employee shall be carried on Holiday Leave.
- F. Exempt employees shall not have the right to displace another employee in any employment category.

III.IV. RECALL STATUS

- A. An employee who is laid off from an ~~E~~ exempt position shall be recalled for reappointment following a layoff if, within one (1) calendar year from the effective date of layoff, the specific position from which the layoff occurred is reestablished.
- B. A person who is appointed to any position in the USM within 3 years of being laid off shall be considered in a reinstatement status as provided for in the USM BOR ~~Policy on Reinstatement~~, Policy VII – 9.61: Policy on Reemployment and Reinstatement for Regular Nonexempt and Exempt Staff Employees.
- C. The layoff of an employee in an exempt position shall not affect any faculty tenure rights which that employee may hold in an academic department of the employing institution.

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.

~~Each Chief Executive Officer or designee shall develop procedures as necessary to implement this policy and shall forward a copy of such procedures to the Chancellor.~~

USM Bylaws, Policies and Procedures of the Board of Regents

REPLACEMENT FOR:

~~USM BOR Policy VII-1.30, Policy on Layoff for Unclassified and Classified Personnel, April 25, 1991, Section I and II.B.(1), (2), and (3) only as it applies to employees in former unclassified, associate staff, and classified exempt positions.~~

~~Additionally, this policy supersedes, in whole or in part, any policy(ies) and/or procedure(s) established by the Regents, Trustees, Presidents, or their designees, of the former institutions of the University of Maryland, and of the former State Universities and Colleges, and of the Regents of the University System of Maryland that are in conflict with this policy's purpose, applicability, or intent, that may have been overlooked and not included as a specific citation under "Replacement For."~~