



UT System Administration Policy Library -- Policy INT132  
**REDUCTION IN FORCE**

Responsible Officer: Associate Vice Chancellor for Employee Benefits and Services

Sponsoring Office: Office of Employee Services

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Errors or changes to: [policyoffice@utsystem.edu](mailto:policyoffice@utsystem.edu)

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## CONTENTS

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**Policy Statement**

**Rationale**

**Scope**

**Website Address for This Policy**

**Related Policies, Statutes, Requirements or Standards**

**Contacts**

**Definitions**

**Procedures**

**Responsibilities**

**Appendix**

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## **POLICY STATEMENT**

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It is the policy of The University of Texas System to implement a reduction in force when necessary due to financial exigency or a bona fide reorganization. With the approval of the Chancellor, the appropriate Executive Vice Chancellor or Vice Chancellor will determine when it is necessary to approve a reduction in the work force due to a financial exigency or a bona fide reorganization.

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## **RATIONALE**

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The purpose of this policy is to provide for implementation of a reduction in force that affects classified employees of The University of Texas System.

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## **SCOPE**

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All Offices of UT System Administration

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## **WEBSITE ADDRESS FOR THIS POLICY**

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<http://www.utsystem.edu/policy/policies/int132.html>

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## **RELATED STATUTES, POLICIES, REQUIREMENTS OR STANDARDS**

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UT System Administration Policies & Standards	Other Statutes, Policies & Standards
<a href="#">INT123, <i>Grievance</i></a>	<a href="#">Texas Government Code, § 651.006</a> <a href="#">Texas Government Code § 657.007</a>

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## **CONTACTS**

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If you have any questions about UT System Administration Policy INT 132, *Reduction in Force*, contact the following offices:

<b>Subject</b>	<b>Office Name</b>	<b>Telephone Number</b>	<b>Email/URL</b>
Human Resources/ Employee Benefits	Office of Employee Services	512-499-44587	<a href="mailto:esc@utsystem.edu">esc@utsystem.edu</a>

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## **DEFINITIONS**

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None

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## **RESPONSIBILITIES**

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### **Head of the Administrative Unit Seeking Reduction (or designee)**

- Prepares a report to document the need for the reduction in force, the positions that will be affected, and an analysis that supports which classified employees will be terminated as a result of the reduction.

### **Office of Employee Services**

- Reviews report from administrative unit seeking reduction to ensure compliance with this policy.
- Retains list of names of classified employees terminated because of reduction in force and ensures that preferential rehire procedures are followed for the employees terminated during the six months following termination.

### **Classified Employees**

- May appeal termination due to a reduction in force through the grievance procedure.
- Takes advantage of preferential procedures for rehire for a period of six months following termination.

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## **PROCEDURES**

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### **1.1. Planning Requirements for Reduction in Force**

Before a reduction in force is proposed, alternatives that may eliminate its need or limit its scope will be considered by the head of the administrative unit. Such alternatives include, but are not limited to, job sharing, temporary leaves of absence without pay, attrition, pay freezes, pay cuts, and demotions.

The goal of the planning process will be to identify those functions and positions that can be altered or eliminated with the least effect on the work force and necessary services of the unit.

The head of the affected administrative unit will determine which functions or positions should be combined or eliminated. In making that decision, existing business conditions, as well as future needs of the administrative unit and The University of Texas System, may be considered.

Decisions regarding reductions in force will abide by Texas Government Code 657.007, relating to preference given to veterans in instances of reductions in force.

## **1.2 Documentation to Support a Reduction in Force**

The decision to undertake a reduction in force will be based on a report prepared for the appropriate Executive Vice Chancellor or Vice Chancellor. The report will include information that is sufficient to document the need for the reduction in force, the positions that will be affected, and an analysis that supports which employees will be terminated as a result of the reduction. The Office of Employee Services will review the report to ensure compliance with this policy.

## **1.3 Approval of Reduction in Force and Notification of Employees**

When the appropriate Executive Vice Chancellor or Vice Chancellor and the Chancellor have approved the reduction in force, employees who are to be terminated will be notified in writing, with as much advance notice as feasible.

## **1.4 Access to Grievance Procedure for Terminated Employees**

Employees who are terminated due to a reduction in force may appeal the decision through the grievance procedure. The employee must file the grievance in writing with the head of the affected administrative unit within ten working days of receiving notice of termination. The reasons for appealing shall be limited to claims that a financial exigency does not exist, that the reorganization was not bona fide, that a comparison of the employee's qualifications and performance with those of employees who were retained shows that the selection of the employee was arbitrary and without reason, or that the termination decision was made for reasons that are unlawful under state or federal laws. (See INT123, *Grievance*)

## **1.5 Eligibility for Rehire**

Employees who were terminated due to a reduction in force may take advantage of preferential procedures for rehire for a period of six months following termination.

### **1.6 Non-Discrimination in Termination and Reemployment**

All termination and reemployment decisions pursuant to this policy will be made without regard to race, color, national origin, religion, sex, age, or disability of the employee. The Veteran status of the employee will be considered in any termination or reemployment decision pursuant to this policy as required by state and federal laws.

## **2. PROCEDURES**

### **2.1 Preparation of Report**

The contents of a report requesting a reduction in force will include supporting documentation and contain the following:

- Factual information that shows the existence of a financial exigency or that a proposed reorganization will result in a more cost effective or efficient administrative unit;
- A description of the functions or services supplied by the administrative unit that will be affected by the proposed reduction in force, how those functions or services will be combined, altered or eliminated, and the rationale for the combination, alteration, or elimination;
- Identification of those jobs or positions that will be affected; and,
- Utilization of the criteria in Section 2.2 to identify those employees who are to be terminated and an explanation of how and why each person was selected for termination.

### **2.2 Terminations of Employees Due to Reduction in Force**

Where a financial exigency or bona fide reorganization results in the need to terminate employees, the head of the administrative unit seeking the reduction will be responsible for determining which employees will be terminated. The criteria to be used for selecting which employees will be terminated will include, but are not limited to:

- Employee qualifications for the jobs remaining after the reduction;
- Employee work performance as evidenced by written evaluations or other documentation (seniority will be the determining criteria in those cases where employees are equally qualified);
- The Veteran status of the employee, as required by state and federal laws; and,
- Status as a regular, full-time employee will be given preference unless it is in the best interest of The University of Texas System to employ part-time, temporary, or hourly employees for the available positions.

### **2.3 Notice of Termination Due to Reduction in Force**

Employees who are to be terminated will be provided with as much advance written notice as possible in order to avoid personal hardship. To the extent possible, notice will be at least sixty days in advance of the proposed date of termination, or the end of the fiscal year if sixty days notice is not possible.

The written notice of termination will include an explanation of the reasons for the reduction in force, an explanation of why an employee's position is to be eliminated, or an explanation of why a particular employee was selected for termination.

## **2.4 Reemployment Procedures**

Reemployment procedures for employees terminated due to a reduction in force will include the following:

A list of the names of employees terminated because of a reduction in force will be retained in The University of Texas System Office of Employee Services. The names of the former employees will remain on the list for a period of six months after the date of termination unless the employee does not meet requirements detailed in this policy.

As jobs become available at The University of Texas System within the same job classification or in classifications requiring similar skills and training, reasonable effort will be made to reemploy qualified former employees on the reemployment list for six months after termination. At the time of termination the Office of Employee Services will provide information to the employee on accessing employment information on The University of Texas System's website. It is the responsibility of the former employee to apply for any position for which he or she qualifies.

Special consideration for reemployment will be given to employees terminated due to a reduction in force. If the employee is qualified for the vacancy, a hiring department that has a vacant position may consider that employee without recruiting for the position and/or interviewing other candidates who may qualify for the vacancy. The employee in the lay-off status would be interviewed for the job, and if a decision is made to select that individual, an offer could be extended.

A reasonable period of time, not to exceed ten working days, will be provided to allow each former employee who is notified to apply for reemployment. Former employees who are notified and fail to respond within ten working days or who reject the reemployment opportunity will be removed from the reemployment list. The ten working-day application period may be extended for good cause.

An employee will have his or her sick leave balance restored if reemployed by The University of Texas System or other State agency or institution of higher education within twelve months of termination due to reduction in force.

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## **FORMS AND TOOLS / ONLINE PROCESSES**

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None

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## **APPENDIX**

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None

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Keywords: reduction in force, layoffs, termination, pay freezes, pay cuts, demotions, job sharing, pay cut, pay freeze, demotion, layoff, HR, human resources, job cut

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