

March 18, 2015

MEMORANDUM

TO: State Board of Regents  
FROM: David L. Buhler  
SUBJECT: Revision to Policy R843, Guidelines for Reduction in Force Policy

Issue

Regent Policy R843, *Guidelines for Reduction in Force Policy*, has recently been reviewed by the Office of the Commissioner, the Utah Attorney General's Office, and USHE institutional personnel. This review is part of the continuing review of all Regent Policies. Many of the revisions are technical or add clarification, but there are substantive changes related to treatment of benefited vs. non-benefitted part-time employees.

Background

Much of R843 has been revised in an effort to clarify and strengthen the policy and provide guidance and consistency for institutions. Significant revisions to the policy include:

- Section 3.1, clarifies the definition of staff member as exempt or non-exempt; clarifies part-time, temporary, or probationary staff member language
- Section 3.2, adds a definition of reduction in force
- Section 4.4, consistent with HR industry best practices, employee due process rights, and good legal procedure to have a written record of action, adds a requirement that institutions provide employees with written notification of a Reduction in Force
- Sections 2.1. and 4.8., that refer to Payment in Lieu Notice, will be deleted if R845 is eliminated

Commissioner's Recommendation

The Commissioner recommends that the Regents approve revisions to policy R843, *Guidelines for Reduction in Force Policy*, effective immediately.

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David L. Buhler  
Commissioner of Higher Education

DLB/GLS/KVO/CRW  
Attachment

**R843-1. Purpose:** To provide guidelines to the institutions in the development of institutional policy on the terms and conditions of a reduction in force, including termination and recall, of staff members in the System of Higher Education ~~institutions and the procedures by which such actions are initiated and processed~~. Each institution shall adopt or amend policy and procedures as necessary to comply with these guidelines.

## R843-2. References

~~2.1. Policy and Procedure R831, Minimum Requirements for Non-Faculty Staff Employment Grievances Policy.~~

~~2.2. Policy and Procedure R841, Guidelines for Disciplinary Sanctions of Staff Personnel Policy.~~

~~2.3~~ 2.1. Policy and Procedure R845, Guidelines for Payment in Lieu of Notice Policy.

## R843-3. Definitions

**3.1. Staff Member:** ~~an classified or professional~~ exempt or non-exempt employee in a non-faculty position who receives compensation for work or services from funds controlled by the institution, regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked. There are two categories of Staff Member (graduate student fellowships and student employees are not considered staff members) subject to this policy:

**3.1.1. Regular Staff Member:** a staff member whose employment is defined by the institution as being of a continuous nature, initially funded for a non-temporary period, who has successfully completed the probationary period. ~~This includes classified, professional and administrative personnel, but~~ An institution may exclude certain executive personnel as defined by ~~the~~ institutional policy. Normally, a regular staff member is one assigned to work 75% or more (or such lesser percent as set by institutional policy) in a position expected to last more than 12 months (or such lesser period as set by institutional policy.)

**3.1.2. Part-Time, Temporary or Probationary Staff Member:** a part-time staff member is a staff member assigned to work less than full-time; ~~or a temporary staff member is a staff member~~ in a position considered temporary or expected to be of short duration, as defined by ~~the~~ institutional policy; ~~or and a probationary staff member is~~ a newly hired employee in a regular position but still in the probationary status. Normally, a part-time staff member is one assigned to work less than 75% (or such lesser percent as set by institutional policy) and a temporary position is one not expected to be available after 12 months (or such lesser period as set by institutional policy.)

**3.2. Reduction in Force:** a reduction in force is the elimination of positions required by circumstances that may include inadequate funds, budget constraints, grant expiration, change of workload, lack of work, departmental reorganization, or other business reasons.

## R843-4. Guidelines

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<sup>1</sup> Adopted January 9, 1987.

4.1. **Reductions in Force:** Staff members may be terminated as the result of a decision to effect a reduction in force, subject to the provisions ~~below~~ [in this policy](#).

4.2. **Identification of Staff Members to Be Terminated:** The identification of staff members to be terminated due to a reduction in force in any operating unit will be based first on position elimination. After the positions to be eliminated are identified, ~~then when~~ [and if](#) there is more than one incumbent in such a position, institutional policy shall specify the basis upon which staff members to be terminated are selected. Generally, such reasons will include, but need not be limited to, individual performance and/or seniority.

4.3. **Priority for Termination:** Part-time [staff members who do not receive benefits](#), temporary, or probationary staff members will be terminated before regular staff members. [Institutional policy may provide additional detail regarding termination priority.](#)

4.4. **Notification:** [Institutional policy shall provide that a staff member affected by a reduction in force is notified in writing, by electronic or written notice.](#)

4.4 4.5. **Effort to Place Employee in Other Position:** In the event that a reduction in force is required in any operating unit, the institution will undertake, so far as practicable, to make available to an affected regular staff member other suitable institutional positions for which he or she qualifies. Institutional policy shall define organizational units within the institution and shall specify whether or not regular staff members in layoff status "bump" other regular staff members with less seniority in the same or other organizational units.

4.5 4.6. **Recall:** Institutional policy shall provide for [a recall procedure](#), where the position from which the regular staff member ~~is~~ [was](#) released becomes available within six months (or such other longer period as specified by the institution) and the position occurs within the organizational unit from which the regular staff member was released. Recall need not apply to part-time, temporary or probationary staff members.

4.6 4.7. **Benefits:** ~~Regular~~ [Benefitted](#) staff members who are terminated due to a reduction in force, and who thereafter are rehired within six months (or other longer period specified by the institution), will be reinstated without loss of benefits based on longevity of employment (i.e., the previous service date will be used in determining time-related rights concerning seniority, vacation, accrued sick leave, medical/hospital coverage, etc., with the exception of benefits which may not be within the power of the institution to grant.); ~~as for example, waivers of pre-existing conditions for medical coverage.)~~

4.7 4.8. **Payment in Lieu of Notice:** Eligibility for payment in lieu of notice upon termination for reduction in force shall be determined in accordance with institutional policy in compliance with the guidelines in Policy and Procedure R845, [Guidelines for Payment in Lieu of Notice Policy](#).

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**3.1.2. Part-Time, Temporary or Probationary Staff Member:** a part-time staff member is a staff member assigned to work less than full-time; a temporary staff member is a staff member in a position considered temporary or expected to be of short duration, as defined by institutional policy; and a probationary staff member is a newly hired employee in a regular position but still in the probationary status. Normally, a part-time staff member is one assigned to work less than 75% (or such lesser percent as set by institutional policy) and a temporary position is one not expected to be available after 12 months (or such lesser period as set by institutional policy).

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**4.7. Benefits:** Benefitted staff members who are terminated due to a reduction in force, and who thereafter are rehired within six months (or other longer period specified by the institution), will be reinstated without loss of benefits based on longevity of employment (i.e., the previous service date will be used in determining time-related rights concerning seniority, vacation, accrued sick leave, medical/hospital coverage, etc., with the exception of benefits which may not be within the power of the institution to grant).

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