

Reduction in Force and/or Reorganization Policy

Responsible Officer: Vice President for Human Resources

Sponsoring Department: Human Resources

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Errors or changes to: aim@uta.edu

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I. Purpose

The purpose of this policy is to provide guidelines and procedures for implementing a reduction in force and / or reorganization that affects classified employees of The University of Texas at Arlington.

II. Policy

It is the policy of The University of Texas at Arlington to implement a reduction in force when necessary because of financial exigency or a bona fide reorganization. The appropriate administrative official with the approval of the President shall decide when it is necessary to reduce the work force because of a financial exigency or a bona fide reorganization. The decision shall be based on a report prepared at the direction of the appropriate administrative official.

III. Procedures

A. Planning Requirements

1. Before a reduction in force is proposed, alternatives that may eliminate its need or limit its scope shall be considered. Such alternatives include, but are not limited to, job sharing; temporary leaves of absence without pay; attrition; pay freezes; pay cuts and/or demotions.
2. The goal shall be to identify those functions and positions that can be altered or eliminated with least effect on the work force and necessary services of the unit.
3. The head of the affected department shall decide which functions or positions should be combined or eliminated. In making that decision,

existing business conditions, as well as future needs of the employing department may be considered.

B. Development of Report

The decision to undertake a reduction of force will be based on a report prepared for the University President or delegate. The Vice President for Human Resources will review the report to ensure compliance with this policy prior to submitting the report to the appropriate administrator. The report requesting a reduction in force shall include supporting documentation and shall contain the following:

1. 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;
2. 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;
3. identification of those jobs or positions that will be affected; and
4. utilization of the criteria in Section c to identify those employees who are terminated and an explanation of how and why each person was selected for termination.

C. Terminations

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

1. Employee qualifications for the jobs remaining after the reduction;
2. 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, and
3. Status as a regular, full-time employee will be given preference unless it is in the best interest of the University to employ part-time, temporary, or hourly employees for the available positions.
4. Veteran preference status - an employee entitled to Veteran's preference in the hiring process is also entitled to preference in retaining employment

D. Notice

1. Employees who are terminated shall be provided with as much advance written notice as possible in order to avoid personal hardship. To the

extent possible, notice shall be at least sixty (60) calendar days in advance of the proposed date of termination.

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

E. Grievance Procedures

Grievances shall be in writing and shall state the facts supporting the employee's allegations. The employee shall have the burden of proof with respect to the allegations.

1. Step One

- a. An employee who is terminated may appeal that decision to the head of the affected department within ten (10) working days of receiving notice of termination. The reasons for grieving 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 the 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 or constitution.
- b. The grievance shall be in writing and shall state the facts that support the employee's allegations. The employee shall have the burden of proof with respect to the allegations.
- c. The department head shall respond to the grievance in writing within ten (10) working days of its receipt.

2. Step Two

- a. If the employee is not satisfied with the response, he or she may, within five (5) working days of response, appeal in writing to the appropriate administrative officer stating why the appealed response is incorrect. The Vice President/Provost shall review the grievance and response and make a decision within thirty (30) working days of receipt of the appeal. The decision shall be final. It shall be in writing and shall be mailed to the employee.

F. Grievance Time Limits

The time limits for an employee to both process the grievance and receive a written answer at each step are set forth below.

STEPS IN GRIEVANCE PROCEDURE	EMPLOYEE WILL APPEAL TO	WORK DAYS ALLOTTED TO INITIATE APPEAL	WORK DAYS ALLOTTED FOR RESPONSE
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Step 1	Department Head	10 days	10 days
Step 2	Provost / Vice President	5 days	30 days

G. The written grievance and all decisions or responses regarding such grievances shall be a part of the employee's personnel file.

H. **Nondiscrimination in Termination and Reemployment**

All termination and reemployment decisions pursuant to this policy shall be made without regard to race, color, national origin, religion, gender, age, veteran status, handicap or disability of the employee. In accordance with Section 657.007, Texas Government Code, Preference Applicable to Reduction in Workforce, a veteran entitled to a hiring preference is also entitled to a preference in retaining employment in case of a reduction in workforce. Such preference applies only to the extent that such reduction in workforce involves other employees of a similar type or classification.