



THE ADMINISTRATOR'S GUIDE TO MANAGING THE LAYOFF PROCESS

**UNIVERSITY OF MARYLAND
COLLEGE PARK**

**UNIVERSITY HUMAN RESOURCES
STAFF RELATIONS**

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INTRODUCTION

Notifying an employee of a layoff is one of the most difficult responsibilities a manager may have to undertake. This guide has been prepared by University Human Resources for the purposes of assisting university administrators in understanding the applicable policies and the mechanics of the layoff process at the University of Maryland, College Park. It is further intended to provide basic information concerning the rights and benefits of affected regular-status nonexempt and exempt staff employees, regardless of source of funding.

Pursuant to Board of Regents policy, **University Human Resources (formerly Personnel Services) should be notified when a department contemplates certain actions pertaining to nonexempt and exempt regular employees: a reduction in an employee's hours, an involuntary reassignment to another position, or a layoff.** It is essential that this notification occur prior to the action being effected. This is to assure compliance with applicable USM policy, as well as consider the potential impact on bargaining unit employees. Under some circumstances, the university has an obligation to negotiate certain effects with a collective bargaining representative.

The Staff Relations Office in the Department of University Human Resources is located in 2101A Chesapeake Building. For more information about the layoff process or to discuss a specific situation, contact (301) 405-0001. Information pertaining to policies, continuation of benefits, and University of Maryland job opportunities is also available on the web at <<http://www.uhr.umd.edu>>.

WHAT IS A LAYOFF?

A layoff may occur whenever it is determined that one or more positions within a department or unit are to be abolished, discontinued, or vacated due to any of the following reasons:

- Reduction or termination of supporting funds
- Program change
- Change in departmental organization
- Stoppage or lack of work

Under certain circumstances, it may be possible to avoid a layoff by reassigning an employee to another vacancy within the department or by reducing the position's FTE.



Section 1

The Layoff Process



PREPARING FOR THE LAYOFF NOTIFICATION MEETING

Generally, an employee who is being laid off must receive a full 90 calendar days advance written notice. The Staff Relations Office will assist the responsible administrator with evaluating the circumstances (including calculating points, where applicable) and preparing the layoff letter and related correspondence.

Pre-Meeting Preparation

1. The administrator responsible for conducting the layoff meeting should be thoroughly familiar with the following materials:
 - o The individual "Notification of Layoff" letter for the employee;
 - o Displacement or "bumping" rights for the employee, if applicable, as certified by University Human Resources on the basis of seniority points.
 - o The information contained in the "Layoff Guide for Nonexempt Employees" (bargaining unit or non-bargaining unit) or "Layoff Guide for Exempt Employees" (bargaining unit or non-bargaining unit), as appropriate.
2. Schedule the meeting with the employee; if more than one employee is being laid off, individual meetings should be conducted. Unless the employee is on extended leave, the layoff meeting should be conducted in person; allocate 45 minutes per meeting.
3. Anticipate the employee's questions and prepare for a difficult, emotional discussion. Practice and rehearse the message.
4. Plan to offer a follow-up contact with the employee not later than one week after the initial notification meeting.



CONDUCTING THE LAYOFF NOTIFICATION MEETING WITH THE EMPLOYEE

It may help to remember that the administrator's role is to be the notifier, not the justifier. Avoid debating the wisdom of the decision to layoff. Be prepared for the meeting. Upon being advised of a layoff, employees will react in different ways, and emotions will vary widely. Surprise, anger, and sadness are to be expected. Other reactions may be more aggressive; the employee may indicate feeling betrayed or discriminated against.

Most importantly, the administrator should stay calm and focused during the meeting, and anticipate being challenged. Be patient and acknowledge the employee's feelings. Don't become confrontational or argumentative, and don't condone uncontrolled anger. Keep control of the meeting and stay on-message.

1. Check the physical environment of the meeting room to ensure:
 - maximum visual and audible privacy;
 - face-to-face discussion without physical barriers such as a desk;
 - an interruption-free environment (i.e., telephones sent to voicemail);
 - comfort items should be available to the employee such as tissues and bottled water.
2. Have all necessary documents and resource materials to begin the meeting:
 - The written "Notice of Layoff" letter prepared with the assistance of the Staff Relations Office (Appendix A or B, as appropriate);
 - The applicable "Layoff Guide for Nonexempt Employees" or "Layoff Guide for Exempt Employees" (for bargaining unit or non-bargaining unit employees);
 - A number to call for continuation of benefits (COBRA) information;
 - A brochure from the Faculty-Staff Assistance Program.
3. Begin the meeting. Avoid "small talk" and get to the point of the meeting immediately.
 - Discuss the major points of the letter with the employee; do not stray from the message. Be direct with the employee, and avoid defensiveness.
 - Re-state the reason for the layoff indicated in the notification letter. Avoid blaming others; it's counterproductive and does not help the employee come to terms with the layoff.

- Make it clear that the layoff is non-negotiable; anticipate that the employee may “push back.”
- Give the employee the opportunity to ask questions. Be prepared to answer the inevitable “*why me?*” questions.

For exempt employees, the answer to “why me?” will vary and may be based on one or several factors (e.g., a reduction in budget combined with a strategic change in program direction).

For nonexempt employees, the answer to “why me?” may be something on the order of: “when faced this business necessity, we worked with University Human Resources; they reviewed the circumstances and determined the least senior employee in the job title consistent with Board of Regents policy.”

Anticipate that the employee may try to assign the blame for the layoff to performance or personal issues. The employee may also attempt to argue about staff members who are being retained who may be perceived by the employee as less capable. If necessary, reiterate the reason for the layoff, consistent with the notification letter. The administrator should make every effort to remain in control of the meeting and keep the discussion focused on the employee.

- Encourage the employee to speak with the Employment Office contact provided in the letter for additional information regarding transitional issues such as applying for other University positions; for continuation of benefits, the University’s Benefits Office should be contacted at the number provided.
- Provide the employee with the appropriate version of “Layoff Guide for Nonexempt Employees” or “Layoff Guide for Exempt Employees” (bargaining unit or non-bargaining unit) which includes information on unemployment insurance benefits, outplacement and counseling resources, and other important materials. Encourage the employee to contact any of the available resources to assist with the transition. Help the employee remain positive about the university to ease the transition.
- Provide the employee with the telephone number of the Benefits Office, which is (301) 405-5654. The COBRA enrollment form must be filed with the Employee Benefits Office within 60 days of the layoff if the employee desires continuation of health benefits.

- As appropriate, allow the employee release time to leave work for the day without loss of pay or charging accrued leave once the layoff notification meeting has concluded.
- The issue of future job references may surface. There are three options: (1) Agree to be a reference, (2) do not agree to be a reference but refer all inquiries to University Human Resources, or (3) come to agreement with the employee about the terms of the reference. This should be noted in the file. Refer the employee to the Employment Office contact for job possibilities at UMCP.
- Listen carefully to what the employee says. Document anything that could lead to problems and notify the Staff Relations Office at (301) 405-0001 as appropriate.
- **Assist the employee with easing through the transition in a dignified manner.** Be especially sensitive in the time immediately following the notification meeting. Don't "march" employees back to their desk and out of the building. Give them time to process what has just happened.

What Other Behavior May Surface During the Meeting?

The employee may:

- plead the case and beg for another opportunity;
- request/demand to speak to the "decision maker";
- try to make the issue personal ("*you never liked me*") or associate the layoff with poor performance;
- argue about the validity of others who are being retained;
- ask the names of others who are being laid-off;
- threaten legal action.

The administrator should remain calm and re-direct the discussion to focus on the circumstances of the layoff. Re-state the facts, and reiterate the certification process if necessary.

Immediately Following the Meeting

How you are perceived by the employee who has been laid off and the employees who remain behind will be noted. The following are some "Do's" and "Don't" to keep in mind:

DO

- Remember that the message, “You are being laid off” is received by different people different ways—with shock, anger, tears, disbelief, denial—and you will have to deal with whatever comes forth.
- Employees who are laid off should be treated as valued resources—the employee is not leaving because of misconduct, s/he is leaving because of economics or organizational realignment.
- Encourage co-workers to assist the affected employee in finding another position and do the same.
- Consider whether to offer to be a reference as the affected employee seeks a new position.
- Treat the employee with dignity at all times. Think of how you would like to be treated.
- Let the employee compose him/herself for a while and/or let the employee call a spouse or other significant person to share the news if s/he wants to.
- Try to overcome your discomfort in having had to deliver this message. Getting the employee out of the office too quickly can give a harsh impression of what you REALLY thought of the employee and why they are being laid off.
- In the unlikely event the employee reacted with significant anger or pointed threats, monitor the employee’s workplace activities before s/he leaves. Call for backup if necessary.

DON'T

- Treat the employee as if s/he had been discharged for cause. Realize that until a few minutes ago, this was person was a valued and an integral part of your work team—the layoff notification shouldn’t change that sentiment.
- Promise anything you are not prepared to deliver—don’t give the employee false hope that you might create or have another position for the employee if you don’t or don’t believe the employee capable of that job.
- Forget how the remaining employees are feeling—they may be scared they are going to also be laid off. Recognize that they have just lost a co-worker who has been part of their day-to-day life. Don’t promise that there will NEVER be another layoff.
- Be afraid to express your sadness that the layoff was necessary.
- “March” the employee to his/her desk and out to their vehicle. It gives a harsh and even misleading impression to both the affected employee and the remaining co-workers.
- Make them feel instantly stripped of all of their “University identity.” For example, instead of saying, “Give me your parking permit,” tell the employee that once they turn their permit in, deductions will cease but suggest they might keep it until they pick up their personal property. Offer to copy any personal files/resume/ photos the employee might have on the University computer onto a CD.



Emergency Telephone Numbers

Campus Police (Emergency)	x5-3333 or 911
Faculty-Staff Assistance Program	x4-8170
Office of the Director, University Human Resources	x5-5648
Staff Relations Office, University Human Resources	x5-0001



FOLLOW-UP MEETINGS

1. To the extent possible, plan on regular follow-up meetings with the laid-off employee during the period of notice transition, or assign another administrator the responsibility so that the employee has a point of contact within the department. Ideally, the first meeting should be offered not later than one-week after the layoff notification. These are not mandatory meetings and, if held, will not extend the 90-day notice period.
2. Remind the employee several days in advance of the meeting.
3. Be a resource for the employee and be prepared to offer advice on pursuing other career opportunities.
4. Continue to be sensitive to the employee's emotional needs and refer the employee to the appropriate office on campus as necessary.
5. Remind the nonexempt employee of the 15-day timeframe within which bumping rights must be exercised, if applicable.

MANAGING THE TRANSITION PROCESS

- Offer support and encouragement; help the employee transition out in a dignified manner.
- If the employee is subject to the Memorandum of Understanding, there will be a 90-day, duty-free notice period, any work required during that time will extend the notice period.
- If the employee is specifically directed to continue working, communicate the need for the employee to maintain acceptable minimal performance standards, if necessary. Set timeframes for completion of tasks.
- Do not require the employee to take annual leave during the notification period to work down the accrued leave balance. If required to work, release time should be granted for on-campus interviews and outplacement services; leave time may be required for off-campus job interviews.
- Arrange for the return of university and departmental assets: keys, laptops, software, passwords, identification cards, etc. These items should be returned at or soon after the meeting. Advise the employee that access to the university's e-mail and other internal systems such as PHR will be continued throughout the notice period.



- Identify and assess security risks. If necessary, contact the Staff Relations Office at (301) 405-0001 or the Department of Public Safety at (301) 405-3555 (**in case of emergency, dial x5-3333 or 911**).
- Do not unreasonably expect the laid-off employee to train the co-workers who will assume the laid-off employee's tasks.

WHAT TO TELL OTHERS

- A meeting should be conducted with other employees in the department to provide general information, especially if the department has laid-off more than one employee. Such a meeting can effectively open communication channels for employees who fear future layoffs. As a practical matter, this meeting should be conducted as soon as possible after the notification of a layoff.
- Never underestimate the effect of layoffs on the "survivors." Be honest with what you know to the extent that it is appropriate to share. Re-state business objectives and thank staff for their continued support. Be as positive as possible, but make no promises or guarantees about the future. Commit to being accessible to the staff and avoid defensiveness or the "bunker mentality."
- Never make disparaging comments about employees who leave the university. Protect their privacy as you normally would.



Section 2

Transitional Issues and Employee Resources

CONTINUATION OF BENEFITS

The continuation of benefits is an important issue to employees who are faced with a layoff situation. Employee needs are highly individualized, and it is therefore strongly recommended that the affected employee contact a Benefits Service Counselor at (301) 405-5654 to discuss options. The Employee Benefits Office is located in University Human Resources (formerly the Personnel Services Department), 1101 Chesapeake Building, and is open 8:00 a.m. to 5:00 p.m., Monday through Friday.

General Guidelines for Continuation of Benefits

Health Insurance: Continuation of the State group health insurance program is available to laid-off employees and their eligible dependents under the COBRA program. To take advantage of COBRA benefits, the affected employee must complete an enrollment form and submit it to the campus Employee Benefits Office within 60 days of the layoff date (or the date of separation). Normally, the employee will be responsible for both the employer and the employee portions of the premium, plus a 2% administration fee. However, government programs may lessen the employee's costs. The COBRA enrollment form, as well as rates and further details about this important program are available from the Employee Benefits Office at (301) 405-5654.

Life Insurance: Life insurance policies held by the employee either through the USM's UNUM Provident program or through the State's Standard Life program may be converted to individual policies. For information about the conversion of life insurance policies, please contact the Employee Benefits Office at (301) 405-5654.

Long-Term Disability: LTD coverage is not available to the employee after the date of separation.

Maryland State Retirement or Pension (Teachers and Employees): A laid-off employee that has five or more years of participating in the Maryland State Retirement System is automatically categorized as a deferred vested retirement. No further action is required on the part of the employee. For more information please contact the Employee Benefits Office at (301) 405-5654.

Optional Retirement Plan: In order to roll-over the ORP into an Individual Retirement Account, or to take a lump-sum distribution, the employee should contact the appropriate ORP vendor. For general information, the employee should contact the Employee Benefits Office at (301) 405-5654.

Tuition Remission: Laid-off employees are eligible to receive tuition remission benefits in the semester in which they are laid off (the date of the separation of employment), plus the next semester (special rules apply to Summer terms).



DISPOSITION OF ACCRUED LEAVE

An employee who has been notified of a pending layoff and is successful in securing another regular-status position within the USM shall have all accrued annual leave, sick leave, personal leave, and holiday leave transfer to the new position, provided there is no break in service. Compensatory leave earned by a nonexempt employee in lieu of overtime shall be paid in full prior to the transfer into the new position.

Annual Leave

Any annual leave that has been accrued but not used shall be paid to the employee after separation (nonexempt employees must have completed six months of service). If the employee reinstates to another regular-status position within the USM within three years, the annual leave earnings rate shall be the same as it was at separation.

Holiday Leave

Any holiday leave that has been earned but not used shall be paid to the employee after separation, consistent with the university's holiday schedule.

Compensatory Leave ("Comp Time")

Compensatory leave earned by a nonexempt employee in lieu of cash overtime shall be paid in full after separation, or prior to the employee transferring to another department on the College Park campus.

Sick Leave

An employee's accumulated sick leave shall be forfeited at separation. However, if an employee who has separated from the University of Maryland reinstates to another position within the USM within three years of separation, the employee's unused sick leave accrued during prior service shall be restored.

Personal Leave

Personal leave not used prior to separation shall be forfeited. However, if the employee reinstates to another regular-status position within the same calendar year, the unused personal leave shall be reinstated for use through the remainder of the calendar year. If reinstatement occurs in a subsequent year, the employee will be given a full three (3) days of personal leave.



TELEPHONE AND INTERNET CONTACTS

University Human Resources

<Website: www.uhr.umd.edu>

Office of the Director, 3100 Chesapeake Building (301) 405-5648

Dale O. Anderson, Director
Carolyn Trimble, Associate Director

Staff Relations Office, 2101A Chesapeake Building (301) 405-0001

Cherie Forster, Director of Staff Relations (301) 405-0001
Bill Pugh, Assistant Director, Staff Relations Programs. (301) 405-0001

Employee Benefits Office, 1101 Chesapeake Building (301) 405-5654

Dave Rieger, Assistant Director for Benefits (301) 405-5654
Stacy Sims, Benefits Service Counselor (301) 405-5657
Lidia Vogler, Benefits Service Counselor (301) 405-5658

Employment Services Office, 1104 Chesapeake Building (301) 405-5679

Karen McDonald, Assistant Director for Employment & Comp . . (301) 405-5660
Wally King, Employment Manager (301) 405-5682

eTerp Customer Service Center (Job Postings) (301) 405-5600

Sherry Costello, Manager (301) 405-5717

AFSCME (301) 270-8528

Career Center, 3100 Hornbake Library (301) 314-7234

(www.CareerCenter.umd.edu)

Counseling Center, 0126 Shoemaker Hall (301) 314-7651

Faculty-Staff Assistance Program, 0102 A/B Health Center

Tom Ruggieri, Coordinator (301) 314-8170
Joan Bellsey, Coordinator (301) 314-8099

Laid-Off Employees Assistance Fund (301) 314-8170

Center for Leadership & Organizational Change (CLOC)

1125 Cole Student Activities Bldg.

Laura Scott, Interim Director(301) 405-5249

Maryland Office of Unemployment Insurance(410) 767-2727

Staff Ombuds Office, 1112 Cole Student Activities Bldg.

Cynthia Tucker, Staff Ombuds Officer (301) 405-0805

University of Maryland Police (301) 405-3333



Internet

Maryland's CareerNet www.careernet.state.md.us

Maryland Jobs www.choosemaryland.org/whoweare/maryland_jobs.asp

**Maryland Office
of Unemployment Insurance** <http://www.dllr.state.md.us/employment/ui/>

**University of Maryland
Department of University Human Resources** <http://www.uhr.umd.edu/>

**University of Maryland
Job Vacancies** . . . https://jobs.umd.edu/applicants/jsp/shared/Welcome_css.jsp

**University of Maryland Policies
and Procedures** <http://www.president.umd.edu/policies/>

OUTPLACEMENT AND COUNSELING SERVICES

The University of Maryland, College Park has a variety of important resources to assist employees who have been laid off with the associated transitional issues. Employees who seek assistance through this support network should identify themselves as an employee who has been laid off. A reasonable amount of release time will be provided to employees seeking assistance from these offices, if they are still performing services during the notice period.

Counseling Center

0126 Shoemaker Hall, (301) 314-7651

Licensed psychologists at the Counseling Center will provide career and personal individual counseling for employees who have been laid-off, to assist with emotional stress. The Counseling Center will also provide diagnostic assessments and career interest testing, also without fee, to assist in determining career interests and skills. Family therapy is also available by calling (301) 314-7674.

Career Center

3100 Hornbake Library, (301) 314-7234

The Career Center maintains a variety of resources to assist affected employees with their job searches. Their website (www.careercenter.umd.edu) and the Career & Employment Resource Room within the Career Center offer career and occupational information, employer information, and resume, interviewing, and job search strategy resources.

Employment Services, University Human Resources

Wally King, Manager, 1104 Chesapeake Building, (301) 405-5679, 405-5682

The professionals in the Employment Office are available to work with individuals to identify and pursue alternate employment opportunities on the campus. The Employment Office is also responsible for administering priority placement rights for laid-off nonexempt employees who have exercised these rights.



Faculty-Staff Assistance Program

0102 A/B Health Center, (301) 314-8170

The FSAP provides personal, individual counseling for both employees and their family members. Individuals who have lost their jobs often feel angry, frightened, anxious and depressed. These feelings can sometimes lead to a state that prevents the employee from moving ahead and doing the work necessary to find another job. These same feelings may also be experienced by the “survivors” – that is, employees in the unit who have not been laid off. The FSAP can provide support to address these issues and any other personal matters that may develop as a result of a layoff.

In addition, the Faculty-Staff Assistance Program administers the “Laid-Off Employees Assistance Fund” (LOEAF), which may provide loans of up to \$1,000 to laid-off employees within six months of their last paycheck, contingent upon eligibility and other administrative criteria. Employees who seek information on this emergency loan program should contact the FSAP at x4-8170.

Center for Leadership and Organizational Change

Laura Scott, 1125 Cole Student Activities Bldg., (301) 405-7584

The Center for Leadership and Organizational Change is an internal consulting office that provides one-on-one leadership and supervisory coaching and assistance with organizational change including restructuring, role clarification, and strategic planning. Center for Leadership and Organizational Change also offers group facilitation services to aid employees who have not been laid off. Specialized programs dealing with departmental effectiveness after layoffs can be tailored to specific department needs.

Staff Ombuds Officer

Cynthia Tucker, 1112 Cole Student Activities Bldg., (301) 405-0805

The staff ombuds officer is available to assist with behavioral issues in the workplace and provide mediation and counseling services to staff.

University Chaplains

Chaplain Elizabeth Platz, Memorial Chapel, (301) 405-8448

The university chaplains are available for pastoral care to faculty, staff, students, and their families. Being in the university, but not of, the chaplains provide a unique support perspective for individuals in crisis. In addition, several chaplains have specialized training and are available to departments or groups for dealing with the emotional impact of crisis in work settings. For more information or referral, please call Chaplain Platz at (301) 405-8448.

UNEMPLOYMENT INSURANCE BENEFITS

Laid-off employees may be eligible to receive unemployment insurance benefits. Once a claim for unemployment insurance benefits has been approved, the first benefit check typically arrives in approximately two to four weeks. Unemployment benefits may continue for up to 26 weeks, provided the laid off employee continues to meet eligibility requirements. The initial unemployment claim may now be filed on-line at:

<<http://www.dllr.state.md.us/employment/unemployment.html>>

This website also includes a "frequently asked questions" section. For more information on unemployment insurance benefits, please contact the campus Staff Relations Office at (301) 405-0001.



Section 3

Appendices

Policies,

**2010 Memoranda of Understanding (Exempt/Nonexempt)
Sections**



APPENDIX A

Board of Regents Policy VII-1.30 – Policy on Layoff for Unclassified and Classified Personnel



VII-1.30- Policy on Layoff for Unclassified and Classified Personnel
(Approved by the Board of Regents, April 25, 1991)

I. General:

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 unclassified and classified 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.

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

~~II. Unclassified Personnel~~ **(Note: This section replaced by BOR VII-1.32 Policy on Layoff and Recall of Regular Exempt Employees, 1/12/2000)**

~~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~~



VII-1.30- Policy on Layoff for Unclassified and Classified Personnel
(Approved by the Board of Regents, April 25, 1991)
CONTINUED

- ~~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:

- 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 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.
- C. The Department Head or Chairperson shall notify the Chief Executive Officer 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 Chief Executive Officer or Designee shall review the written notice and certify that the order of layoff is appropriate. The Department Head or Chairperson



VII-1.30- Policy on Layoff for Unclassified and Classified Personnel
(Approved by the Board of Regents, April 25, 1991)
CONTINUED

shall notify employees who are to be laid off 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.

D. 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 F 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.

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

F. 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
 - (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.



VII-1.30- Policy on Layoff for Unclassified and Classified Personnel
(Approved by the Board of Regents, April 25, 1991)

CONTINUED

- (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 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 Chief Executive Officer or designee will notify the Chancellor of those employees who have been laid off.
- G. Displacement. An election to exercise displacement rights must be made by giving written notice to the institution Director of Personnel/Human Resources within 15 days of 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,
 - (i) Progressively to each lower level classification in the same job series; or
 - (ii) In any other job classification in which the employee held satisfactory regular status.
 - (2) The displacement as applied in (1) above, shall be limited to the department in which the employee is currently employed.



VII-1.30- Policy on Layoff for Unclassified and Classified Personnel
(Approved by the Board of Regents, April 25, 1991)
CONTINUED

- (3) An employee who elects not to displace another employee in accordance with Sections G and H of this policy shall be laid off.

H. Certification

- (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.
 - (2) Other UMS Institutions. Employees who have been notified that they are to be laid off must notify their institution Director of Personnel/Human Resources of their interest in being considered for positions at other UMS institutions. The Director shall provide the necessary information to the other UMS institutions in which the employee has expressed an interest. The other UMS institutions shall place such employees on the eligible list for classifications for which they are qualified, based on seniority points.
- I. An employee who is displaced under the provisions of sections G and H of this policy is subject to the general provisions of this policy.
 - J. 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.
 - K. Nothing in this policy shall allow a classified employee the right to displace an unclassified employee, or the right to reinstatement to an unclassified position.



VII-1.30- Policy on Layoff for Unclassified and Classified Personnel
(Approved by the Board of Regents, April 25, 1991)

CONTINUED

IMPLEMENTATION PROCEDURES:

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.



APPENDIX B

Board of Regents Policy VII-1.32 – Policy on Layoff and Recall of Regular Exempt Employees



VII-1.32- Policy on Layoff and Recall of Regular Exempt Employees
(Approved by the Board of Regents on December 3, 1999, EFFECTIVE
January 2 and January 12, 2000)

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. LAYOFF AND NOTICE

- A. A layoff must 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 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 CEO or designee, the appropriate administrator shall provide at least 90 calendar days advance written notice of layoff to the affected employee(s).
- D. For layoffs that are due to reduction or termination of funds, the period of notice of layoff may be shorter than stated in item II.C. above if 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.

III. RECALL STATUS

- A. An employee who is laid off from an 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 established.



VII-1.32- Policy on Layoff and Recall of Regular Exempt Employees
(Approved by the Board of Regents on December 3, 1999, EFFECTIVE
January 2 and January 12, 2000)

CONTINUED

- 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 provide from in the USM BOR Policy on Reinstatement, VII-9.61.
- 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 Chief Executive Officer shall develop procedures as necessary to implement this policy and shall forward a copy of such procedures to the Chancellor.

REPLACEMENT FOR:

USM BOR Policy VII-1.30, Policy on Layoff for Unclassified and Classified Personnel, April 25, 1991, only as it applies to employees in former unclassified, associate staff, and classified-exempt positions.

Additionally, this policy supercedes, 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."



APPENDIX C

2010 Memorandum of Understanding Exempt Employees Unit Article 22. Layoffs



APPENDIX C

2010 Memorandum of Understanding – Exempt Employees Unit

Article 22. Layoffs

Section 1. Layoff Notice

When the University determines that layoffs of Exempt bargaining unit employees are necessary, a notice shall be given to the affected employee(s) and the Union at least ninety (90) days in advance of the effective date of such layoff or job abolishment. Notice shall include the specific reason for the layoff and shall also include copies of the written recommendation and justification provided by the appropriate manager from the department or unit of layoff from which the layoff is to occur. Employees who have received notice of layoff shall have the option of having a Union representative present at subsequent meetings held to discuss available rights and services offered by the University. The University agrees to meet with the Union upon request, not later than fourteen (14) days after receipt of said request, to discuss the effect of the layoffs if there is a specific issue regarding effects raised by the Union and not covered by this Agreement. The University shall provide Layoff Guides to laid-off employees.

Section 2. Notification Within the Unit of Layoff(s)

When layoffs are necessary within a unit the employees to be laid off will receive notification before the other members of the unit are notified, unless the other bargaining unit employee(s) had a need to know due to his or her job responsibilities. After all of the laid off employees have been notified then the head of the unit may notify the rest of the unit that layoffs have taken place.

Section 3. Order of Layoff

The University shall determine in which unit of layoff, and which title and job function layoffs will occur. Within each unit of layoff, and title and job function affected, layoffs of Exempt bargaining unit employees shall occur in the following order:

- (A) All employees in that job function serving an original probationary period; then
- (B) All employees in that job function who have completed an original probationary period, in order of University seniority, which shall include all prior University service and all State service, with the employee having the least University seniority being laid off first.

Section 4. Priority Consideration for Re-Employment

Employees who are laid off under the provisions of this Section shall be placed on a recall list for a period of three (3) years from the effective date of the layoff or until the time the employee receives a reinstatement offer under the provisions of this Section to a position offering:

- (A) the equivalent full or part-time percentage as was held at the time of layoff; and,
- (B) for a salary comparable to the base salary earned at the time of layoff (that is, within 5%),

whichever occurs first. In order to be considered for recall, the employee must notify the Department of University Human Resources in writing within thirty (30) days of the effective date of the layoff and provide address updates as needed. However, if the employee was unable to perform the essential functions of the position held at the time of layoff, the employee shall not be placed on the priority consideration list for re-employment until the employee has provided satisfactory medical substantiation (as determined by the Director of University Human Resources) of the individual's ability to perform all of the essential functions of the position held at layoff. In the event of recall, employees who are still on the recall list shall be recalled first, in inverse order of their layoff, in the unit of layoff, and the title and function in which the layoff occurred.

Section 5. Re-employment Notifications

In the event the employee is given an offer for re-employment under Section 4 above, the following shall apply:

- (A) Notice of the offer of re-employment from a layoff shall be sent to the employee by certified mail, return receipt requested at the most recent address provided by the employee.
- (B) The employee shall have up to fourteen (14) calendar days from the date of the first delivery attempt of the offer of re-employment to notify the University of his/her intention to accept the position. Failure to respond will constitute a refusal of the position.
- (C) The employee shall have up to fourteen (14) calendar days following acceptance of the position to resume work or the position will be considered to have been refused.



Section 6. Earned Wages and Accrued Benefits

Employees who are laid off shall be entitled to receive, on the next regular scheduled pay check after being laid off, all wages and any other benefits under this Agreement to which the employee is entitled.

Section 7. Administrative Leave

Employees receiving a notice of layoff shall be permitted to use Administrative Leave for the 90-day notice period upon a) the request of the employee with approval of the University, or b) at the discretion of the University. Any employee required by the University to work during the ninety- (90-) day notice period shall have his or her notice period extended by the number of days the employee is required to work.

Section 8. Tuition Remission

Laid off employees and their dependents shall be able to continue receiving tuition benefits for the semester in which the layoff occurs plus one additional semester following the effective date of the layoff.

Section 9. Units of Layoff

The units of layoff as of the date of this Memorandum of Understanding shall be found at Side Letter #3. Within the first year following the ratification of the MOU, the Union and the University shall meet and confer with regard to the Units of Layoff to discuss possible modifications. The University commits that a reduction in the overall number of Units of Layoff shall occur in the first year of this Agreement following such meeting. Thereafter, this list shall be updated as necessary to reflect any new organizations and the Union shall be provided notice of resulting additions, deletions or changes of names.



APPENDIX D

2010 Memorandum of Understanding Nonexempt Employees Unit Article 22. Layoffs



Appendix D

2010 Memorandum of Understanding – Nonexempt Employees Unit

Article 22. Layoffs

Section 1. Layoff Notice

When the University determines that layoffs of Nonexempt bargaining unit employees are necessary, a notice shall be given to the affected employee(s) and the Union at least ninety (90) days in advance of the effective date of such layoff or job abolishment. Notice shall include the specific reason for the layoff and shall also include copies of the written recommendation and justification provided by the appropriate manager from the department or unit of layoff from which the layoff is to occur. The University agrees to meet with the Union upon request, not later than fourteen (14) days after receipt of said request, to discuss the effect of the layoffs if there is a specific issue regarding effects raised by the Union and not covered by this Agreement. The University shall provide Layoff Guides to laid-off employees.

Section 2. Order of Layoff

The University shall determine in which unit of layoff and in which classification layoffs will occur. Within each unit of layoff and classification affected, layoffs of Nonexempt bargaining unit employees shall occur in the following order:

- (A) All employees serving an original probationary period; then
- (B) All employees who have completed an original probationary period, and who are in the unit of layoff and 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.

Section 3. Seniority Points

The formula for establishing Seniority Points shall be as follows:

- (A) One point shall be given for each complete month of credited service for the following:
 - (1) 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);
 - (2) Service with the department where the layoff is to occur; and
 - (3) 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.
- (D) The combined total 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:
 - (1) The University shall compute each employee's total length of employment in combine State and University System service.
 - (2) The employee who has the shortest service shall be laid off first.
 - (3) If two or more employees have the same standing after the application of Section d(1), the Director of the University Department of Human Resources, or his/her designee, and the Chief Union Steward, and his/her designee, will determine which employees will be retained.

Section 4. Displacement Rights

Nonexempt bargaining unit employees affected by a University decision to layoff employees shall be allowed to exercise displacement rights. This election must be made by giving written notice to the Department of University Human Resources within fifteen (15) days of the notice to the employee and Union of the layoff.

- (A) An employee who has received a notice of layoff shall be allowed to displace any Nonexempt employee with the least number of seniority points in the same job classification in the unit of layoff in which the employee is employed. If not available, the employee shall be allowed to displace any Nonexempt employee with the least number of seniority points in either 1) progressively to each lower level classification in the same job series in the unit of layoff or 2) in any other job classification in which the employee held satisfactory regular status in the unit of layoff.
- (B) An employee who elects not to displace another employee in accordance with this Section shall be laid off.
- (C) Any Nonexempt employee, whether or not in the bargaining unit, who was displaced by an employee exercising their displacement rights shall be allowed to displace any Nonexempt employee with the least number of seniority points in accordance with the procedure outlined in this Article.

Section 5. Priority Consideration for Re-Employment

Employees who are laid off under the provisions of this Section shall be eligible for priority consideration for re-employment for a period of three (3) years from the effective date of the layoff or until the employee refuses a re-employment offer under the provisions of this Section. In order to be considered for re-employment, the employee must notify the Department of University Human Resources (UHR) in writing and file an Application of Employment within fifteen (15) days of the effective date of the layoff. However, if the employee was unable to perform the essential functions of the position held at the time of layoff, the employee shall not be placed on the priority consideration list for re-employment until the employee has provided satisfactory medical substantiation (as determined by the Director of University Human Resources) of the individual's ability to perform all of the essential functions of the position held at layoff. The employee's name will be placed on a list of laid-off University employees eligible for priority consideration for re-employment ("Re-Employment List"). Employees on the Re-Employment List shall receive priority consideration for any open Nonexempt job classification in which they have held satisfactory regular status (or any lower-rated position in those job series, if any) at the University, as described below. Once an employee accepts another position with the University at the same or higher pay range or upon expiration of a period of three (3) years from the effective date of the layoff (whichever occurs first), the employee's name shall be removed from the Re-Employment List.

- (A) In the event of a vacancy in the same position in the same department held at the time of the layoff (or any lower-rated position in the job series) or in any other job classification in which the employee held satisfactory regular status in the department from which the employee was laid off during the 90-day layoff notification period or the three (3) year period following the effective date of the layoff, the employee with the greatest number of total points at the time of the layoff will be offered the position.
- (B) In the event of a vacancy in another department during the 90-day notification period or the three (3) year period following the effective date of the layoff, employees on the Re-Employment List will be given priority consideration over candidates from outside the University and other University staff. If the hiring department rejects an employee on the Re-Employment List, the written concurrence of the Director of University Human Resources must be obtained before considering individuals from outside of the Re-Employment List.

Section 6. Re-employment Notifications

In the event the employee is given an offer for re-employment under Section 5 above:



- (A) Notice of the offer of re-employment from a layoff shall be sent to the employee by certified mail, return receipt requested.
- (B) The employee shall have up to seven (7) calendar days from the date of the first delivery attempt of the offer of re-employment to notify the University of his/her intention to accept the position.
- (C) The employee shall have up to fourteen (14) calendar days following acceptance of the position to resume work.

Section 7. Earned Wages and Accrued Benefits

Employees who are laid off shall be entitled to receive, on the next regular scheduled pay check after being laid off, all wages and any other benefits under this Agreement to which the employee is entitled.

Section 8. Administrative Leave

Employees receiving a notice of layoff shall be permitted to use Administrative Leave for the 90-day notice period upon a) the request of the employee with approval of the University, or b) at the discretion of the University. Any employee required by the University to work during the 90-day notice period shall have his/her notice period extended by the number of days the employee is required to work.

Section 9. Tuition Remission

Laid off employees and their dependents shall be able to continue receiving tuition benefits for the semester in which the layoff occurs plus one additional semester following the effective date of the layoff.

Section 10. Units of Layoff

The units of layoff as of the date of this Memorandum of Understanding shall be found at Side Letter #4. Within six (6) months of the ratification of the MOU, the Union and the University shall meet and confer with regard to the Units of Layoff to discuss possible modifications. The University commits that a reduction in the overall number of Units of Layoff shall occur in the first year following such meeting. Thereafter, this list shall be updated as necessary to reflect any new organizations and the Union shall be provided notice of resulting additions, deletions or changes of names.