

NOTICE OF PROPOSED REGULATION AMENDMENT

Date: September 4, 2012

REGULATION TITLE:
Layoff

REGULATION NO.:
UCF-3.0123

SUMMARY OF REGULATION AMENDMENT: The amendments to this regulation update the layoff procedures for all non-unit employees. Included in the changes are specific guidelines for the department, college, or other unit prior to making a layoff recommendation; clarification of the rights provided to an employee who has been notified of a layoff action but has not yet been terminated from employment; further explanation regarding those positions for which the university does not provide layoff rights; and clarification of the rights provided to an employee who has been laid off from the university.

AUTHORITY: BOG Regulation 1.001

NAME OF PERSON WHO INITIATED PROPOSED REGULATION AMENDMENT:
Mark Roberts, Assistant Vice President, Chief Human Resources Officer

COMMENTS CONCERNING THE PROPOSED REGULATION AMENDMENT SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW. The comments must identify the regulation you are commenting on.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION AMENDMENT IS:

Regulations Administrator
4000 Central Florida Blvd.
Millican Hall, Suite 360
Orlando, FL 32816-0015
Phone: (407) 823-2482
Fax: (407) 823-6155
e-mail: regulations@mail.ucf.edu

FULL TEXT OF THE PROPOSED REGULATION AMENDMENT:

UCF-3.0123 Layoff.

(1) Except as otherwise provided by any applicable collective bargaining agreement(s), this ~~rule~~regulation applies to all employees of the university.

(2) Employees may be laid off at any time as a result of adverse financial circumstances; reallocation of resources; reorganization of degree or curriculum offerings or requirements; reorganization of academic or administrative structures, programs, or functions; curtailment or abolishment of one or more programs or functions; shortage of work; or a material change of duties. The president or president's representative shall approve requests for layoff and shall notify the appropriate employee bargaining organizations when layoffs are to take place.

(3) The layoff unit may be at an organizational level such as campus, division, college, school, department, area, program, or other level of organization as the president or president's representative deems appropriate. In designating the layoff unit, the president or president's representative may consider the special qualifications and relevant experience required for specific positions and exclude such positions from layoff. Time-limited positions shall be excluded from the layoff unit.

(4) ~~The university will explore other alternatives before making layoff decisions.~~ No department, college, or other organizational unit shall have a layoff recommendation approved without first exploring other options short of laying off employees. This does not require a department, college, or other organizational unit to transfer an employee to an unrelated position, to demote an employee, to create a new position for an affected employee, or to bump an employee.

(5) A tenured faculty member or regular status employee shall not be laid off if there are nontenured/nonregular status employees in comparable positions in the layoff unit. Those employees will be retained who, in the judgment of the president or president's representative, will best contribute to the mission and purpose of the university, taking into account the employee's length of continuous university service and other appropriate factors.

(6) An employee with layoff rights who is notified of layoff but who has not yet been laid off is a Notified Employee. A Notified Employee may make a written request to tThe president or president's representative ~~shall make a reasonable effort to locate alternative/equivalent employment for laid-off employees within the University of Central Florida.~~for reasonable assistance in locating an Alternative/Equivalent Position at the university. An Alternate/Equivalent Position is a position in the same pay plan and classification as the position held by the Notified Employee; and, for USPS employees, it is a position located on the same geographic campus as the Notified Employee's position. A Notified Employee will receive an interview preference in the hiring process when the Notified Employee applies for a vacancy in an Alternative/Equivalent Position. This means that the Notified Employee will be interviewed by the hiring department. A Notified Employee may apply for any other vacancy at the University through the normal recruitment process, but will not receive any preference unless the position is an Alternative/Equivalent Position and the Notified Employee has requested assistance in writing.

(7) The following employees do not have layoff rights:

- (a) A faculty member or A&P employee appointed for less than one academic year or appointed to a visiting position;
- (b) A faculty member or A&P employee appointed to a position funded from contracts, ~~and~~ grants, sponsored research funds, auxiliaries or local funds; or specific entrepreneurial services activities (e.g., continuing education courses or Pegasus Health) and for which the appointment agreement contains language indicating that the position is funded from "soft money" (or similar language) and may be terminated with 30 days' (or language that indicates short notice);

- (c) A faculty member or A&P employee whose appointment expires after receiving timely notice of nonrenewal/nonreappointment;
- (d) A faculty member or A&P employee whose appointment expires without the requirement of a written notice of nonreappointment, including an employee serving on an appointment with a fixed term or an employee on a multi-year contract;
- (e) A USPS employee without regular status in any class;
- (f) A USPS employee appointed to a position funded from contracts, ~~and~~ grants, or sponsored research funds;
- (g) A USPS employee appointed to a auxiliary or local funds position that has been designated as time-limited where such position was either posted as time-limited or, where no posting occurred, the employee was given advance written notice that the position would be time-limited going forward; and
- (gh) An OPS employee.

(8) Employees are to be informed of layoff as soon as practicable. Where circumstances permit, employees selected for layoff are to be provided at least 30 calendar days notice. A notice of layoff shall be sent to the affected employee by certified mail, return receipt requested, or delivered in person to the employee.

(9) ~~Employees with layoff rights shall have recall rights at the university for one year following layoff as follows:~~ A Notified Employee whose employment ends as a result of layoff is a Laid Off Employee. A Laid Off Employee may make a written request to the president's representative for reasonable assistance in locating a Recall Position at the university. A Recall Position is a position in the same pay plan and classification as the position last held by the Laid

Off Employee and for which the Laid Off Employee meets the specific qualification and relevant experience. For up to one year following the effective date of the layoff, a Laid Off Employee will receive an interview preference in the hiring process when a Laid Off Employee applies for a vacancy in a Recall Position. This means that the Laid Off Employee will be interviewed by the hiring department. A Laid Off Employee may apply for any other vacancy at the University through the normal recruitment process, but will not receive any preference unless the position is a Recall Position and the Laid Off Employee has requested assistance in writing.

~~——(a) Such employees shall be offered recall only in the same or similar position previously held by the employee and for which they meet the specific qualifications and relevant experience.~~

~~——(b) An employee who refuses an offer of reemployment to a Recall Position forfeits any further ~~recall~~-rights under this Section.~~

Authority: BOG Regulation 1.001. History—New 4-30-81, Formerly 6C7-3.123, Amended 4-23-03, 7-26-04. Formerly 6C7-3.0123, Amended 6-12-09, _____-12.