

# UMCES Policy VII-1.30

## **UMCES Policies**

### **VII-1.30-UMCES Policy on Layoff For Exempt and Non-Exempt Personnel**

#### I. General:

A. Purpose: The following policy and procedures are established for the layoff of exempt and nonexempt 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, A "Department" is each UMCES facility (Center Administration, Horn Point Laboratory, Chesapeake Biological Laboratory, Appalachian Laboratory and Sea Grant College)

#### II. Exempt Personnel:

A. Period of Notice Only after consultation with the UMCES Director of Human Resources, the appropriate Vice President, Laboratory Director or Director of Sea Grant College shall notify those employees who are to be laid off at least (30) calendar days before the effective date of the layoff. The Vice President Laboratory Director or Director of Sea Grant College shall provide UMCES Human Resources with a list of the employees notified. In cases in which grant funds are reduced or terminated with less than thirty (30) days notice, the Vice President, Laboratory Director or Director of Sea Grant College shall notify the affected employee(s) within five (5) working days following receipt of the grant notice and shall specify the period which shall coincide with the date of fund termination or reduction.

B. Displacement: No exempt employee who has been notified of layoff shall have the right to displace another employee in any employment category within the University System.

C. Effect of Layoff for Employees in an Exempt Position Who Hold Faculty Tenure: The layoff of an exempt employee from an exempt 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 exempt employee hired prior to April 25, 1991 into an Associate Staff position, 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.

#### III. Nonexempt Personnel:

A. This policy applies to all regular full time and part time nonexempt employees and to regular full time and part time nonexempt 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 Vice President, Laboratory Director or Director of Sea Grant College shall notify the President of UMCES 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 President of UMCES in conjunction with the Director of Human Resources shall review the written notice and certify that the order of layoff is appropriate. The Vice President, Laboratory Director or Director of Sea Grant College shall notify employees who are to be laid off at least ninety (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 Vice President, Laboratory Director or Director of Sea Grant College 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 Vice President, Laboratory Director or Director of Sea Grant College 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: Formula for Establishing Seniority Points

1. One point shall be given for each complete month of credited service for the following:

a. University System (and/or predecessor organizations) and State service including service as medical system University personnel.

b. Service with the department where the layoff is to occur; and

c. Service in the job classification and its job series where the layoff is to occur.

2. For creditable service of less than a complete month, the employee shall be credited with .032 points for each day of creditable service.

3. For part-time employees, creditable service shall be determined by the funded percentage of the position.

4. 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 Vice President, Laboratory Director or Director of Sea Grant College 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 President of UMCES 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 Vice President, Laboratory Director or Director of Sea Grant College.

d. The President of UMCES 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 UMCES Director of Human Resources within fifteen (15) days of the 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,

a. Progressively to each lower level classification in the same job series; or

b. 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.

3. An employee who elects not to displace another employee in accordance with Section G 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 USM Institutions. Employees who have been notified that they are to be laid off must notify the UMCES Director of Human Resources of their interest in being considered for positions at other USM institutions. The Director shall provide the necessary information to the other USM institutions in which the employee has expressed an interest. The other USM 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 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 Vice President, Laboratory Director or Director of Sea Grant College a written request to be laid off.

K. Nothing in this policy shall allow a nonexempt employee the right to displace an exempt employee, or the right to reinstatement to an exempt position.

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