

MANAGEMENT GUIDE TO STAFF LAYOFFS

Overview

This guide is designed to assist managers and supervisors with planning and preparing for the layoff process. The guide is general in nature and is not intended to substitute for the layoff provisions contained in personnel policies (PPSM) and collective bargaining agreements.

The layoff planning process requires the involvement of both management and human resource professionals. To ensure the most expeditious result, early involvement of Staff Human Resources is advised.

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Policy

It is the policy of the University to minimize the effects of indefinite layoffs and indefinite reductions in time on employees in career positions when layoffs or reductions in time are necessary due to lack of funds or lack of work, including lack of work due to reorganization.

If, in the judgment of the University, budgetary or operational considerations make it necessary to curtail operations, reorganize, reduce the hours of the workforce and/or reduce the workforce, staffing levels may be reduced through layoff.

To minimize the effects of layoff, the University shall:

1. Give regular status employees preferential opportunities for reassignment or transfer prior to indefinite layoff or indefinite reduction in time when reassignment or transfer opportunities arise.
2. Provide regular status employees the right to be recalled to the department from which the employee was laid off or reduced in time, and preference for reemployment in all departments of the campus; or severance pay in lieu of the right to recall and preference for reemployment.

An employee will receive at least 30 calendar days' advance written notice prior to indefinite layoff or indefinite reduction in time, or shall receive pay in lieu of notice.

The University will inform employees who may be impacted by indefinite layoff as soon as possible.

Applicability

Layoff applies to Professional and Support Staff (PSS) employees who have attained career status and staff employees covered by a collective bargaining agreement to the extent provided for in that agreement.

Managers and Senior Professional (MSP) employees are not subject to the Layoff Policy, but can be terminated when the needs or resources of a department do not justify continuation of the appointment (Personnel Policy 65).

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Definitions

Layoff: A layoff is an involuntary separation from employment, an involuntary reduction in percent time, or an involuntary transfer to a limited appointment of a career employee. Layoffs are justified based on budgetary reasons, lack of work, or programmatic needs. Staff layoffs may be temporary or indefinite.

Layoff Unit: The layoff unit is normally defined as the budgetary control unit. The unit of layoff may include the department, college, unit, program, subprogram, or in the case of extramurally-funded grants, the research project.

Seniority: Seniority for staff and academic appointees is normally calculated by full-time equivalent months of University service in any job classification.

Selection: The selection and order of layoff and reduction in time for staff employees is effected by classification in the layoff unit in inverse order of seniority, except that an employee may be retained irrespective of seniority if that employee possesses special skills, knowledge, or abilities.

Transfer and Reassignment: Non-represented staff employees must be provided opportunities for transfer and reassignment prior to layoff. These same opportunities may be offered to MSP and to exclusively-represented staff employees. Transfer to a vacant position, in the same classification, within the department is mandatory for non-represented staff, provided the individual is qualified for the job.

Temporary Layoff: Staff employees may be laid off or have their time reduced for a period of 120 days or less without consideration of seniority. Principal Officers may consider individual or across-the-board temporary layoffs as an interim measure. The University's contribution toward health plans continues during this time period. Employees do not receive vacation, sick leave or service credit.

Furlough: Staff employees may be furloughed without pay for periods not to exceed three months per calendar year. These are scheduled periods without pay during which an employee in a partial-year career appointment is not at work. A partial-year career appointment is established to accommodate foreseeable seasonal fluctuations in staffing, budgetary, operational or other needs, (e.g., an appointment for 9, 10 or 11 months). The University's contribution toward health plans continues during this time period.

Curtailment: Curtailment periods may be established for the purpose of cost savings. Employees may use vacation accruals to remain on pay status during a curtailment.

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Management Responsibilities

The decisions about whether layoffs are necessary, where staffing reductions should occur, and what classifications will be affected belong to management and are made after careful analysis of the work to be done, the current organizational structure, and discussion with your HR Service Team.

When preparing for potential layoffs, managers should:

- Review and determine the essential functions/services required to meet the unit's goals and objectives
- Streamline business processes
- Demonstrate creativity, innovation and flexibility
- Recognize the work force diversity affected by potential layoff actions
- Consider options which could minimize impact on employees in career positions

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Options to Mitigate Layoffs

It is the policy of the University to minimize the effects of indefinite layoffs and indefinite reductions in time. To that end, Principal Officers should explore the feasibility of the following alternatives:

- Eliminating temporary agency employees
- Releasing employees on limited appointments
- Releasing student workers
- Intra-divisional transfers and reassignments
- Across-the-board reductions in time
- Voluntary resignations and reductions in time
- Curtailment periods and furloughs
- Unit-wide temporary layoff periods

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Layoff Planning

The Unit Head, in consultation with Staff Human Resources, should perform a careful analysis to determine essential operational needs and staffing requirements based on budgetary parameters and financial constraints.

Once the classification(s) for layoff have been designated, selection of individual employees slated for layoff within these classifications will be done in accordance with collective bargaining agreements and personnel policies (PPSM), all of which provide guidelines for layoff, including selection for layoff and notification procedures.

Layoff proposals should be submitted to Staff Human Resources at least 90 days in advance of the layoff effective date to allow time for the calculation of seniority and severance pay; to review exceptions to seniority order; to identify transfer and reassignment opportunities; and to accomplish the required advance notice period (normally 30-60 days).

Layoff decisions must be properly documented and reviewed for compliance with personnel policies (PPSM), collective bargaining agreements, and non-discrimination policies.

Prior to the layoff of an employee in a designated classification, departments should first consider transfer or reassignment to vacant positions within the layoff unit or within their respective Division.

In determining affected positions and classifications, the focus must be on positions, not individuals. The layoff process is not intended as a performance management tool.

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Layoff Procedures

Consult with Staff Human Resources (at least 90 days in advance of layoff)

The Department should be prepared to answer the following questions:

- Have the reasons for layoff been clearly defined and justified (i.e. lack of funds, lack of work, or reorganization)?
- Which layoff unit is affected?
- Which position(s) will be eliminated?
- Have the classifications to be affected been identified?
- Have the individuals within the affected classification been identified?
- Have the skills, knowledge and abilities required to do the remaining work been identified?
- Who will perform the remaining work?
- Have temporary, limited, casual-restricted or vacant positions been reviewed for elimination?
- Are there any open positions? Have they been posted?
- Has consideration been given to assigning affected employees to vacant positions in the department, or within the division?

Calculate Seniority

When layoff action is necessary, the manager will decide which classification(s) will be affected. Subsequently, the manager will select the employee(s) who will be laid off within the classification. Selection of employees in the same layoff unit and same job classification occurs in inverse order of seniority. In rare cases, it may be appropriate to retain an employee with less seniority who may possess specialized skills, knowledge and abilities. The special skills argument should be used only in those instances where the essential functions of the job cannot be learned within a reasonable period of time (e.g., six months). A "special skills" exception will be closely reviewed by Staff Human Resources.

Generally, seniority is based on full-time equivalent months (or hours) of University service. To determine full-time equivalent months (or hours) of University service, all hours on pay status (excluding overtime, on-call, call-back hours) must be compiled and then divided by 174.

Employment before a break in service is not counted. Reemployment within the period of right to recall and preference for reemployment or from temporary layoff provides continuity of service. Benefits and seniority accrue only when on pay status.

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Employee Notice of Layoff

To assist employees who are impacted by a layoff or a permanent reduction in time action, the campus is emphasizing the importance of providing official notice as soon as possible and no later than 30-60 days prior to layoff date in order to activate the individual's preferential rehire rights.

Requirements for providing employees notice of layoff vary and are set forth in collective bargaining agreements and personnel policies (PPSM).

- The Human Resources Service Team Representative (HRSTR) drafts the layoff notice.
- The supervisor reviews the draft layoff notice, prints and signs the final notice. A copy of the signed layoff notice is returned to the HRSTR as soon as possible.
- The supervisor meets individually with each employee designated for layoff to give the employee their layoff notice and Layoff Resource Packet and to discuss the layoff decision.

See the [Help/Forms/Resources](#) webpage for direct access to collective bargaining agreements, policies, procedures and layoff notice templates. Consult with your HRSTR for technical advice and support.

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Employee Rights

Following notification of layoff or reduction-in-time, career employees are eligible for recall and preferential rehire rights. Additionally, a career employee who has received a notice of indefinite layoff may elect in writing, severance pay in lieu of preferential rehire and recall rights within fourteen days (14) calendar days of receipt of the notice. Eligibility requirements vary according to personnel policies (PPSM) and collective bargaining agreements.

Right to Recall

The department from which the employee is laid off must recall the employee back to work, in order of seniority, when a vacancy exists in the same job classification.

Preferential Rehire

Employees who have received notice of indefinite layoff or reduction-in-time will be granted preferential rehire consideration at UCSC for career openings at the same or lower job classification and same or lesser percentage of time, provided the employee is qualified to perform the duties of the position. Employees covered by collective bargaining agreements may have additional criteria for preferential rehire.

Return to Preferential Rehire Status

Employees preferentially rehired from layoff status who fail to perform satisfactorily may, at any time during the six months following their rehire, be returned to layoff status with full restoration of preferential rehire rights. In addition, an employee may request to be returned to preferential rehire. Refer to the personnel policy or collective bargaining agreement for specific provisions.

Severance Pay

Severance pay is normally calculated based on one week for each full year of service up to a maximum of sixteen weeks. Refer to the appropriate personnel policy or collective bargaining agreement.

Filing a Grievance

Employees who are laid off may file a grievance with Labor Relations within thirty (30) calendar days from the date they were given the written layoff notice.

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Communicating With Affected Employees

Notifying the Employee of Layoff

Notifying an employee that they have been designated for a layoff is difficult but, it is part of the supervisor's responsibility. The purpose of this section is to assist the supervisor in conducting a successful notification meeting with the employee.

The objectives of the notification meeting are:

- To issue the written layoff notice.
- To communicate clearly that the decision is final.
- To provide the facts behind the decision in a clear and straightforward way.
- To encourage the employee to start thinking immediately about his or her future.

The Role of the Supervisor

Understanding your role is critical. You can expect to receive a wide range of reactions, which are normal under the circumstances. However, your skill in conducting the meeting can minimize negative reactions by helping the employee to focus immediately on what to expect next.

Some ideas for managing the meeting include the following:

- Be compassionate and show sincere understanding, but maintain focus on the message to be communicated.
- Clearly state what is happening, without being rude or curt to the employee.
- Listen carefully to the employee's response, but do not let the meeting drag on.
- Be sure you communicate that you support the layoff decision. Do not blame the decision on a higher authority, and do not confuse the employee with personal opinions regarding the validity of the layoff decision.

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Planning for the Meeting

- Write and practice a script. (see sample below)
- Schedule the meeting for the day of notification, and start the meeting on time.
- Do not allow the meeting to be interrupted, so have all phone calls and interruptions held.
- Follow your script; resist the impulse to improvise.
- Limit the meeting to 10 to 15 minutes.
- Clearly state that the layoff is grounded in business necessity.
- Do not argue with the employee.
- Assume the employee will be working the full notification period; however, there are rare instances in which it is appropriate to immediately release the employee (about which you will discuss with Staff Human Resources prior to the action).

Sample Script

1. **Greet the employee:** Say something like, "I'm glad you could meet with me on such short notice, please have a seat." Make the employee feel comfortable. Keep your greeting friendly but succinct.
2. **State the circumstances of the layoff:** Indicate the facts that have led to the layoff situation. You might say something such as, "because of the current financial situation of our campus / department, there has been a budget cut, a reorganization, etc.
3. **Explain the layoff:**
Clearly state the following facts:
 - A decision has been made to eliminate some positions.
 - Your position has been eliminated.
 - This decision is final.
 - Review timing and next steps.
4. **Discuss the transition:** It is critical that the employee knows what happens next. Let the employee know clearly what activities or projects he or she needs to complete or hand over. If an employee's time is being reduced, do not expect the employee to do the same amount of work, but in less time. You must modify the job and explain the modifications to the employee.

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5. **Listen carefully and be supportive:** Allow the employee time to react. If the employee is upset say, "I understand that you are upset", and express your support and understanding. Avoid promising anything you do not really have the time or inclination to do. Do not argue with the employee.
6. **Express support and understanding:** You are available and interested in hearing how things are going. In the case of a layoff, you are offering support. Be clear about what "support" means (e.g., you are willing to make time to talk to the employee further; you are willing to provide networking suggestions; you are willing to provide computer access so the employee can develop or update a resume; you are willing to provide professional contacts). Again, avoid promising anything you do not really have the time or inclination to do.
7. **Meeting length:** The notification meeting should be short, allowing just enough time to say all that needs to be communicated, and for necessary questions from the employee (10 to 15 minutes).

Meeting with the Department

- Meet with all department employees.
- Give the laid off employee(s) a choice of attending the meeting or not.
- Use the meeting as an opportunity to cement loyalty and to encourage forward-looking attitudes.
- Be prepared to answers questions such as,
 - "Who is getting laid off?"
 - "Will there be more layoffs?"
 - "How will the remaining work get done with fewer people?"

Keep in mind that employees who survive a layoff may feel a sense of guilt. It is important to communicate directly with "survivors" because these employees also feel the impact of their co-worker's layoff as well as increased uncertainty, "survivor guilt" and/or the impact of changes in their work.

Suggested ways for supervisors to facilitate departmental morale:

- Provide open and empathic communication to employees throughout the layoff process. This promotes trust and can reduce problems with morale and productivity.
- Communicate with employees before, during, and after downsizing to the extent possible, both formally and informally. This could include staff meetings, newsletters, memos, e-mails as well as one to one and group meetings.
- Provide updates with accurate information, which helps dispel rumors or inaccurate information.

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Transition Support Services

Various services are available to impacted individuals both prior to and after their layoff effective date.

Outplacement Services

Outplacement Services provided by Right Management are available to all UCSC employees who have received a layoff notice dated January 1, 2009 or later.

<http://www.right.com/>

Impacted employees have access into the Right Management job bank, resume bank, and e-learning training modules for one year. Module topics include Resume Writing, Interviewing Tips, Negotiation Skills and other topics to support the job search. The resource packet provided to impacted employees at time of notice, includes the user name, password and links into the Right Management job search portal. Additionally, employees who have received notice and are still employed by the University may participate in the on-site career transition workshops. Details regarding the resources, programs and services are listed below.

Job Search Portal:

RightLinks— an on-line tool providing a research database, job search site, and resume posting capabilities. Available for one year upon log-in date.

eLearning Training Modules — self-paced eLearning training modules providing an interactive and convenient way to learn essential job search information. Available for one year upon log-in date.

Group Career Transition Workshops:

On-site workshops will be offered monthly to impacted employees, covering the essentials for conducting an effective job search. The next workshop is scheduled for **Wednesday, June 3rd from 8:30 am-5 pm**. The session will be delivered by Right Management and includes the following topics:

- Assessing Your Career Interests & Options
- Conducting an Effective Job Search
- Writing a Winning Resume
- Networking & Communicating (cover letters, notes and phone calls)
- Understanding the Job Market and Uncovering Hidden Opportunities
- Interviewing and Salary Negotiations

For more information contact: Barbara Perman, Senior Training Manager, bperman@ucsc.edu or 831-459-3934.

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Career Transition Resources

The following organizations offer assistance in a variety of areas including skills assessment and training, career advising, resume preparation and interviewing techniques:

- Cabrillo College
- Cabrillo College Career Center
- CONNECT!
- Santa Cruz Adult Education
- Shoreline-A Division of Goodwill
- Watsonville/Aptos Adult Education
- Workforce Santa Cruz County: Capitola, Watsonville

UCSC Applicant Workshop

Impacted employees are welcome to attend one of the monthly applicant workshops offered by Staff Human Resources Employment.

Professional Development

Training & Development offers over 200 skill development courses for UCSC employees. Visit their web site for a full listing of courses.

Job Opportunities

The Help/Forms/Resources chapter of this guide contains information regarding job boards, resume preparation and temporary employment agencies.

Computer Access

UCSC Staff HR Employment:

Computers are available in the lobby of the Employment office, Monday-Friday 8AM-5PM. See Jobseeker Toolkit or call 831/459-2009 for more information.

McHenry & Science Libraries:

Employees may use the library computers to conduct job search activities.

Computers are available during normal library hours. For more information contact the circulation desk at 831/459-5185 or visit the library website. Wireless laptops can be checked out with current employee ID card.

Santa Cruz Public Libraries:

Computers with internet access are available at all branches. WiFi access is available at some locations. Visit the library website or call 831/420-5730 for more information.