

UTAH VALLEY UNIVERSITY Policies and Procedures

POLICY TITLE	Reduction in Force	Policy Number	376
Section	People and Culture	Approval Date	February 29, 2024
Subsection	Disciplinary Sanctions and Terminations	Effective Date	February 29, 2024
Responsible Office	The Office of the Vice President of People and Culture		

1.0 PURPOSE

1.1 The purpose of this policy is to provide the terms and conditions of a reduction in force, including termination and recall, of Utah Valley University staff employees.

2.0 REFERENCES

2.1 *Duties and responsibilities of the president of a degree-granting institution of higher education—Approval by the board of trustees, Utah Code § 53B-2-106(2)(b)*

2.2 *Utah Board of Higher Education Policy R843 Guidelines for Reduction in Force Policy*

2.3 *UVU Policy 302 Hiring of Staff and Student Employees*

2.4 *UVU Policy 373 Bona Fide Financial Exigency and Human Resources Reduction*

3.0 DEFINITIONS

3.1 Probationary period: The period of initial employment (typically six months unless otherwise extended up to one year) that provides the employee and the University the opportunity to assess the employee’s ability to perform the duties and fulfill the responsibilities of the position. Employment during the probationary period is at will, which means that either the employee or UVU may terminate the employee’s employment with or without cause and with or without notice and that the employee has no grievance rights under this policy.

3.2 Reduction in force (RIF): The elimination of positions required by circumstances that may include inadequate funds, budget constraints, grant expiration, change of workload, lack of work, departmental reorganization, position elimination, or other business reasons.

3.3 Staff employee: An exempt or non-exempt employee in a non-faculty position who receives compensation for work or services from funds controlled by the institution, regardless of the



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source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked. Staff employees can be:

3.3.1 Full-time staff employee: An employee hired into a position in which the University has a reasonable belief that the employee will work at least 130 hours per month (30 hours per week) in a 12-month measurement period. A full-time employee is eligible for benefits.

3.3.2 Part-time staff employee: Variable hour staff and student employees who are paid an hourly rate (based on the exempt, nonexempt, or student/trainee pay schedule) for hours worked. Pay is processed through the submission of time for actual hours worked.

3.3.3 Temporary staff employee: An employee hired into positions that are limited in duration. Pay is processed through the submission of a timecard for actual hours worked.

4.0 POLICY

4.1 All staff employees may be separated from their employment because of a RIF under this policy.

4.2 This policy applies whether one position or more than one position is being eliminated.

5.0 PROCEDURES

5.1 Initiation of a RIF

5.1.1 When a department determines that a RIF is necessary, it must send a written request to People and Culture for approval prior to implementing a separation from employment. When requesting separation from employment, the department must identify the position or job title to be eliminated. Once approved by People and Culture, this decision cannot be grieved or appealed.

5.1.2 The fact that a department needs a substantially different job position with different skill sets to complete its work is sufficient to invoke this policy.

5.1.3 A People and Culture representative will be assigned to assist the department through the RIF process.



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5.2 Separation Selection during a RIF

5.2.1 Once the department has identified the positions to be eliminated, it must then identify staff working within the department in the same job classifications and apply the following criteria to determine which staff will be separated from employment.

5.2.2 The priority of staff selected for separation must be in the following order:

5.2.2.1 Temporary staff

5.2.2.2 Part-time staff

5.2.2.3 Staff in a probationary period

5.2.2.4 Full-time staff with either of the following criteria:

- 1) Received a written performance evaluation within the preceding 24 months that documents performance substantially lower than the other staff in the position selected; or
- 2) Received a written corrective action within the preceding 24-month period.

5.2.3 After these categories, seniority will govern which staff employees in the position will be released. Seniority means the status attained by total length of service in a benefits-eligible position with the University, not length of service within the position or length of service within the department.

5.2.4 Contracts and applicable federal laws may subject staff to different procedures and requirements.

5.3 Separation Notices during a RIF

5.3.1 A staff employee who is affected by a RIF shall be given written notice of the RIF at least 30 calendar days prior to the effective date of the reduction.

5.3.2 The department must provide written notice of the RIF to each affected staff employee by delivering the notice in person, by email, or by postal mail to the staff employee's last address on file. Providing the notice in person is preferred.

5.3.3 A staff employee shall continue as a paid employee of the University for 30 calendar days from the date of notice, even if they are not required to report to work.

5.4 Recall for Separated Full-Time Staff Employees

5.4.1 People and Culture will make reasonable efforts to contact separated full-time staff employees to recall them when the position from which the separated full-time staff employee



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was released becomes available within six months and the position occurs within the organizational unit from which the separated full-time staff employee was released. Recall does not apply to part-time, temporary, or probationary staff employees. The separated full-time staff employee may be subject to the University's hiring process, including completing the necessary job application.

5.4.2 If more than one person has been separated from the same employment category and department, employees must be rehired in order of length of previous service. The department can request permission from People and Culture, in writing, to conduct the recall out of sequence by providing job-related justifications.

5.5 Reestablishment of a Position That Was the Subject of a RIF

5.5.1 Reestablishing a position or job title that has been subject to a RIF action within the last 12 months shall require approval from People and Culture.

5.5.2 When a position that has been eliminated due to a RIF is reestablished within 12 months of the date of the initial RIF separation, the separated full-time staff employee must be given the opportunity to return to the position first and the right to decline.

5.6 Right to Interview for Separated Full-Time Staff Employees

5.6.1 University supervisors will interview a separated, qualified full-time staff employee for open positions. Separated full-time staff employees are given the right to interview for six months from the date of termination (even if they become employed at another organization). To ensure they receive an interview, the separated full-time staff employee must notify People and Culture that they were subject to a RIF and have a pending application for employment.

5.6.2 Supervisors are not required to hire these individuals.

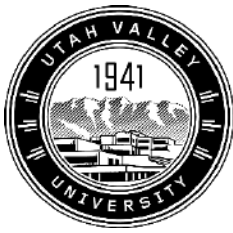
5.7 Bumping Rights

5.7.1 Separated staff employees do not have bumping rights, which are privileges provided to more senior-level employees whose positions have been eliminated, allowing the separated full-time staff employee with seniority to accept an alternative position that is currently occupied by a less-senior employee, resulting in the employee with less seniority being subject to a RIF.

5.8 Effect of a RIF on Benefits

5.8.1 When staff are separated due to a RIF, the staff employee's unused accrued vacation leave and compensatory time will be paid according to applicable policies at the time of separation.

5.8.2 Staff separated due to a RIF will not be paid for accrued personal time or sick leave.



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5.8.3 Staff who are separated from employment due to a RIF and who thereafter are rehired to the University within six months shall

5.8.3.1 be reinstated with the original hire date without loss of benefit entitlement; and

5.8.3.2 not be required to serve a new probationary period.

5.8.4 When a staff employee is affected by a RIF and is rehired, the staff employee will not accrue leave time from the period between separation and rehire.

5.9 Grievance Rights

5.9.1 A separated full-time staff employee has the right to the grievance process found in Policy 335 *Staff Grievance* only if the separated full-time staff employee believes that the procedures pertaining to this policy have been violated.

5.9.2 Any staff employee affected by a RIF may file a grievance under Policy 165 *Discrimination, Harassment, and Affirmative Action* if the staff employee believes they have been discriminated against based on their protected class.

POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity
February 29, 2024	New policy approved.	UVU Board of Trustees