

UC Davis Academic Personnel Manual

General University Policy Regarding Academic Appointees Section UCD-145, Non-Senate Academic Appointees/Layoff Policy

Date: 6/12/95

Supersedes: 12/22/82

Responsible Department: Academic Personnel

Source Document: UC APM-145

I. Purpose

The purpose of this policy is to establish equitable and consistent practices for a certain class of academic staff members whose appointments must be terminated because of lack of work or lack of funds.

II. Applicability

This policy applies (except as noted below) to academic appointees who are not members of the Academic Senate and who do not have independent responsibility for conducting regular University courses.

- A. The policy does not apply to academic appointees in student status. Such student appointees are employed for specified periods, and failure to reappoint is to be considered a termination rather than a layoff. Separate considerations, particularly relating to the quality of the student's academic work and the student's progress toward degree objectives, take precedence over the considerations of layoff policy.
- B. The policy does not apply to a person whose employment was for a specific project with a specified completion date.

III. Policy

A. Alternative to Layoff

When a reduction in non-Senate academic personnel is decided upon, the department head shall consult with the dean of the appropriate school or college or comparable administrative authority, who shall in turn consult with the Vice Provost--Faculty Relations, to assure that strong efforts are made to find suitable openings within the University for appointees subject to layoff. In the case of contemplated layoff of an appointee paid from extramural funds in connection with a research grant or contract, the principal investigator shall be consulted.

B. Order of Layoff

1. The order of layoff for appointees in the same department and category of employment (e.g., professional research personnel, librarians, or specialists) is determined, first, on the basis of the degree of possession and use of knowledge and skills essential to the project, program, or department. This determination is to be made by the department head on the basis of judgment.
2. If there are no substantial differences in terms of the extent to which two or more appointees possess and exercise essential abilities, knowledge, and skills, the order of layoff shall be determined by relative performance of specified duties. This determination is to be made by the department head on the basis of evidence and judgment.

3. If there are no substantial differences in terms of the relative performance of specified duties, the order of layoff shall be on the basis of seniority, with the least senior person to be laid off first. Seniority shall be determined on the basis of the number of months of full-time equivalent service with the University.

C. Notice of Layoff

1. It is the responsibility of the department head to make reasonable efforts to ensure that potentially affected appointees are informed of possible layoffs as far in advance of the layoff date as feasible.
 - a. The department head shall attempt to ascertain, at reasonable intervals, the likely ending date of a project or program. If a likely ending date is discovered, potentially affected appointees shall be promptly notified in writing.
 - b. If, between reviews of project or program ending dates, the department head discovers a likely ending date, or discovers that there is a reasonable chance that a project or program will end prior to a date previously announced, potentially affected appointees shall be promptly notified in writing.
2. In the event that layoff is decided upon, the department head must give the appointee written notification of layoff. This notice shall be delivered to the appointee not less than:
(a) the time interval specified in this manual or (b) 60 days prior to the termination date (whichever is greater).

D. Appeal of Layoff

A layoff decision may be appealed in accordance with policies and procedures set forth in Sections APM-140 and UCD-140.

E. Reemployment

1. Vacancies occurring within a 12-month period, in the department and employment category from which appointees have been laid off, shall be filled by a person who is on layoff status, provided one such person is qualified and available for this position.
2. If more than one qualified person is on layoff status from the same department, the employee who was laid off last shall be the first rehired. An exception can be made for an employee who possesses skills which are unique or essential to a project or program. Upon approval of the Vice Provost--Faculty Relations, such a person may be reemployed regardless of the order of his or her layoff.
3. The Vice Provost--Faculty Relations shall maintain a current roster of all persons who have been laid off during the preceding 12-month period and shall make particular efforts to arrange for their reemployment in the same or another department. Preferential rehire does not extend to openings in the professorial series or to other faculty teaching titles.

F. Benefits Upon Reemployment

When a person is reemployed after a period of layoff not exceeding 12 months, the periods before and after layoff shall be considered as continuous service for the limited purpose of applying University policies concerning sick leave, vacation, holidays, reduced fees, military

leave, and merit salary increases. However, benefits and credits for service, including those relating to any retirement system, do not accrue during periods on layoff status.

G. Leave in Lieu of Layoff

When indications are that an employee to be laid off has a good opportunity for transferring to another University position, a leave of absence without pay and without right of reinstatement may be granted in lieu of layoff. Such a leave requires concurrence of the Vice Provost--Faculty Relations. After a period of 90 days on such leave, the employee shall be placed on layoff status if he or she has not obtained a transfer.