



**Office of Human Resources**

6200 University Center (A)  
Tallahassee, FL 32306-2410  
(850) 644-6034

June 4, 2009

MEMORANDUM

TO: Deans, Directors, and Department Heads

FROM: Joyce A. Ingram  
Assistant Vice President & Chief Human Resources Officer

SUBJECT: Layoffs and Reductions in Workforce

---

With the approaching implementation of legislative budget reductions for fiscal year 2009-2010, managers are faced with the daunting task of determining which positions must be eliminated in order to meet the reductions being imposed in their areas. As a reminder, all Layoffs and Reductions in Workforce (RIF) must be coordinated through Human Resources (HR).

A determination of which employees to retain and which employees to separate should be based on business needs and qualifications of employees in the department in which the layoff occurs. Additionally, there are specific requirements the University must follow in the layoff process for faculty and staff in accordance with the respective collective bargaining agreements.

After full coordination with HR, the manager and a representative from HR Employee/Labor Relations will meet with the employee to provide adequate notice of the action and to comply with contractual and bargaining requirements for staff employees. For faculty, the HR -Dean of the Faculties Office will assist with the process and will send a representative to the meeting to provide information regarding HR services.

Meetings of this nature related to the upcoming budget reductions will occur subsequent to approval of the University's budget reduction plan by the FSU Board of Trustees, scheduled for June 17, 2009. It is anticipated that all notifications to impacted faculty and staff will take place by June 30, 2009.

Attached for your use is a listing of Frequently Asked Questions concerning Layoffs and Reductions in Workforce. Normally, notification to HR should be made at least 30 days in advance. In this instance, we ask that you give HR as much notice as possible of the proposed abolishment of any positions in which there are incumbents so that we may

work with you on the appropriate process based on the employee's funding source and pay plan.

The faculty Collective Bargaining Agreement (Article 13) may be found at the following link: <http://dof.fsu.edu/forms/2007-2010CBApdf.pdf>.

The Faculty Handbook (Section 4: Human Resources) may be found at the following link: <http://facultyhandbook.fsu.edu/>

The staff Collective Bargaining Agreements may be found at the following link: [http://www.hr.fsu.edu/index.cfm?page=EmployeeRelations\\_homepage](http://www.hr.fsu.edu/index.cfm?page=EmployeeRelations_homepage).

Should you have further questions regarding staff employee layoffs or reductions in workforce, please contact Employee and Labor Relations at 644-6475 or Renisha Gibbs, Director, Human Resources at 644-8082. Questions regarding faculty may be referred to Susannah Miller, Director, Faculty Relations in the Human Resources/Dean of the Faculties office, at 644-6876.

#### Attachments

cc: President and Vice Presidents  
Paul Strouts  
Renisha Gibbs  
Susannah Miller

## Checklist for Layoffs/Reductions in Workforce

**This Checklist is considered guidance for administrators on the Layoff/Reduction in Workforce process and in no way replaces the communication and consultations that are necessary with the Office of Human Resources (HR). HR must be contacted prior to initiating any Layoffs/RIFs.**

Step	Description	Completed						
1	Determine that a Layoff (LO)/Reduction in Workforce (RIF) must take place after consulting with the appropriate Vice President's (VP) office.	<input type="checkbox"/>						
2	Gain approval in writing from the appropriate VP for the impending LO/RIF (this may also be accomplished by adding an approval line to letter outlined in Step 3).	<input type="checkbox"/>						
3	<p>Notify HR of the impending LO/RIF as soon as possible by phone followed by letter. The NOTIFICATION LETTER TO HR (see sample letter) must contain the following information:</p> <ul style="list-style-type: none"> <li>a) The reason for the LO/RIF</li> <li>b) Name of the employee(s) in the position(s) identified for LO/RIF</li> <li>c) Classification title(s) of position(s) to be abolished</li> <li>d) Position number(s) of position(s) to be abolished</li> <li>e) Budget number(s) of the position(s) to be abolished</li> <li>f) Effective date the position(s) are to be abolished</li> <li>g) Copy this letter to the appropriate VP as well as the appropriate HR contact:</li> </ul> <table border="1" style="margin-left: 40px;"> <tbody> <tr> <td style="padding: 2px;">FACULTY positions only</td> <td style="padding: 2px;">Send letter to Susannah Miller, Director, Faculty Relations, Human Resources, Office of the Dean of the Faculties, 644-6876.</td> </tr> <tr> <td style="padding: 2px;">STAFF positions only</td> <td style="padding: 2px;">Send letter to Renisha Gibbs, Director, Human Resources, 644-8082.</td> </tr> <tr> <td style="padding: 2px;">FACULTY &amp; STAFF positions</td> <td style="padding: 2px;">Copy both Susannah Miller and Renisha Gibbs on letter.</td> </tr> </tbody> </table>	FACULTY positions only	Send letter to Susannah Miller, Director, Faculty Relations, Human Resources, Office of the Dean of the Faculties, 644-6876.	STAFF positions only	Send letter to Renisha Gibbs, Director, Human Resources, 644-8082.	FACULTY & STAFF positions	Copy both Susannah Miller and Renisha Gibbs on letter.	<input type="checkbox"/>
FACULTY positions only	Send letter to Susannah Miller, Director, Faculty Relations, Human Resources, Office of the Dean of the Faculties, 644-6876.							
STAFF positions only	Send letter to Renisha Gibbs, Director, Human Resources, 644-8082.							
FACULTY & STAFF positions	Copy both Susannah Miller and Renisha Gibbs on letter.							
4	Receive confirmation from HR that an impact analysis has been conducted and discuss any resulting recommendations prior to proceeding with LO/RIF.	<input type="checkbox"/>						
5	<p>Work in consultation with the respective HR contact (see above) regarding the following:</p> <ul style="list-style-type: none"> <li>a) Notification Time Period and Process (varies depending on employee type)</li> <li>b) Layoff Letter (see attached examples; varies depending on employee type)</li> <li>c) Appropriate method for delivering news to the employee(s) which may vary depending on employee type, total number of employees impacted within the layoff unit or other special circumstances</li> </ul>	<input type="checkbox"/>						



**SAMPLE LETTER – In-unit Faculty**

(date)

Dear:

This letter serves to officially notify you that due to necessary budget cuts your position as \_\_\_\_\_ is being abolished effective \_\_\_\_\_. Your appointment will be terminated on \_\_\_\_\_, thus resulting in your layoff under the provisions of University policy and the *2007-2010 FSU BOT – UFF Collective Bargaining Agreement*.

For a period of two years following layoff, if you are not otherwise employed in an equivalent position, you shall be offered re-employment in the same or similar position at Florida State University should an opportunity for such re-employment arise. Any offer of re-employment pursuant to your recall rights must be accepted within fifteen days after the date of the offer. Such acceptance shall take effect not later than the beginning of the semester immediately following the date the offer was made. In the event such offer of re-employment is not accepted, you shall receive no further consideration pursuant to these layoff rights. In addition, for a period of two years following layoff, the Board may, at its discretion, provide opportunities for retraining of faculty members when it is in the University's best interests.

This layoff action is without prejudice. Within 45 days of this notification you may file a grievance in accordance with Article 20, Grievance Procedure and Arbitration, of the *2007-2010 FSU BOT – UFF Collective Bargaining Agreement*. The issue in any potential grievance is limited to whether the Board adhered to the provisions and procedures outlined in the collective bargaining agreement.

If you have questions concerning this notification, please contact Ms. Susannah Miller, Director, Faculty Relations, at 644-6876.

Sincerely,

Lawrence G. Abele  
Provost and Vice President for Academic Affairs

I hereby acknowledge receipt of this letter.

\_\_\_\_\_  
Date

cc. President Thomas K. Wetherell  
Dean of the Faculties and Deputy Provost Anne Rowe  
Assistant Vice President and Chief Human Resources Officer Joyce Ingram  
Associate Vice President Robert B. Bradley

SAMPLE LETTER - DO NOT USE – CONTACT HUMAN RESOURCES FOR  
ASSISTANCE

**SAMPLE LETTER - Out-of-unit Faculty**

(date)

Dear:

This letter serves to officially notify you that due to adverse financial circumstances your position as \_\_\_\_\_ is being abolished effective \_\_\_\_\_. Your appointment will be terminated on \_\_\_\_\_, thus resulting in your layoff under the provisions of University policy and Section 4, Human Resources Department, Layoff, of the *Faculty Handbook* (<http://facultyhandbook.fsu.edu/section4.html>).

For a period of two years following layoff, if you are not otherwise employed in an equivalent position, you shall be offered re-employment in the same or similar position at Florida State University should an opportunity for such re-employment arise. Any offer of re-employment pursuant to your recall rights must be accepted within fifteen days after the date of the offer. Such acceptance shall take effect not later than the beginning of the semester immediately following the date the offer was made. In the event such offer of re-employment is not accepted, you shall receive no further consideration pursuant to these layoff rights.

This layoff action is without prejudice. The Rules of The Florida State University provide that you may file a grievance concerning actions of this kind with the Faculty Senate Grievance Committee. If you have questions pertaining to this process, please refer to Section 4 of the *Faculty Handbook*, available at the Internet link provided above.

If you have questions concerning this notification, please contact Ms. Susannah Miller, Director, Faculty Relations, at 644-6876.

Sincerely,

Lawrence G. Abele  
Provost and Vice President for Academic Affairs

I hereby acknowledge receipt of this letter.

\_\_\_\_\_  
Date

cc. President Thomas K. Wetherell  
Dean of the Faculties and Deputy Provost Anne Rowe  
Assistant Vice President and Chief Human Resources Officer Joyce Ingram  
Associate Vice President Robert B. Bradley

**SAMPLE LETTER -Out-of-Unit USPS**

<Date>

<Name>

<Department>

Florida State University

Dear <Name>:

This is to officially notify you that the <Position title> position which you occupy will be abolished on <Date>, due to adverse financial circumstances. Your appointment in position number <#####> will end at the close of business on <Date>, resulting in your layoff from the University.

If a vacancy occurs within the <Layoff Unit> within one year from your layoff date, and provided you meet the special qualifications and/or relevant experience required for the vacant or new position, you will be contacted regarding re-employment rights.

Although this layoff is not for disciplinary reasons, as a USPS employee you have the right to appeal your layoff to an arbitrator under the provisions of Section 6C2R-4.070(9), Regulations of The Florida State University. If you file a Request for Arbitration, it must be received in Human Resources within 14 calendar days after the initial receipt of this notice. The forms for filing a Request for Arbitration are available in the Employee and Labor Relations section of Human Resources, Room 6108 University Center (A), Tallahassee, Florida 32306-2410. **<Additional information may be needed for in-unit employees>.**

If you have any questions concerning this action, contact the Employee and Labor Relations Section of Human Resources, at (850) 644-6475.

Sincerely,

<Name>

<Title>

<Department>

Approved: \_\_\_\_\_

**<Dean, Director or Department Head>**

cc: Employee's Personnel File (<Employee's Last Name>)

Employee and Labor Relations

I have received a copy of this letter.

Signed: \_\_\_\_\_

<Employee's Signature>

Date: \_\_\_\_\_

**SAMPLE LETTER -Out-of-Unit A&P**

<Date>

<Name>

<Department>

The Florida State University

Dear <Name>:

This is to provide notice that the University is exercising its option to cancel your employment contract as <Position title> in the <Department> without cause by providing you at least six months notice of cancellation pursuant to paragraph 4 of your employment contract. Your employment will end at <insert time> on <insert date>, unless you leave the employment of the University sooner for some other reason(s). You will remain subject to all rules and regulations of the University and you may be reassigned to other duties in the interim.

Sincerely,

Approved by:

<Name>

<Title>

Head>

<Department>

\_\_\_\_\_  
<Dean, Director, or Department

cc: Employee's Personnel File (<Employee's last name>)  
Employee/Labor Relations Office

Copy Received:

\_\_\_\_\_  
Signature of Recipient

\_\_\_\_\_  
Date

# **Layoffs and Reductions in Workforce**

## **Frequently Asked Questions (FAQ's) for Management**

To assist management with their questions, we have developed the following FAQ's:

### **1. What is a layoff?**

A layoff is the involuntary termination of an employee due to abolishment of the employee's position. Employees who are officially laid off have appeal or grievance rights. Employees will receive notice in accordance with the applicable employment type (USPS, A&P, or Faculty).

### **2. What is a Reduction in Workforce (RIF)?**

A reduction in workforce is the elimination of an A&P or untenured Faculty position by the University exercising its option to cancel "without cause" the employee's Employment Contract. A&P and Faculty employees receive applicable notice pursuant to their Employment Contracts. A&P and Faculty employees whose contracts are cancelled do not have layoff appeal or grievance rights.

### **3. Who can be laid off?**

Staff employees can be laid off if there is a business need to do so. Examples of business need include but are not limited to: adverse financial circumstances; reallocation of resources; reorganization of programs or functions; curtailment or abolishment of programs or functions; shortage of work; or a material change of duties.

Faculty employees can be laid off 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; or curtailment or abolition of one or more programs or functions.

### **4. How does the University determine who will be laid off?**

In accordance with University policy, in the event of a layoff of USPS and A&P employees, a determination of which employees to retain and which employees to separate would be based on business needs and the qualifications of the employees in the department in which the layoff occurs.

For Faculty employees the University must follow the layoff process in accordance with the FSU-BOT and United Faculty of Florida Collective Bargaining Agreement and University Policy, which preclude tenured faculty members from being laid off prior to untenured faculty members in the layoff unit. Non-tenured faculty members with more than five years of service in the layoff unit will not be laid off before non-tenured faculty members with less than five years of service in the layoff unit.

Prior to conducting Layoffs and/or Reductions in Force, the University evaluates programs, general expenses, and vacant positions to identify potential cost savings.

## **5. Does an employee have “bumping rights” if the employee is laid off?**

No. For USPS employees the former layoff process of calculating employees’ retention points based on length of service and performance evaluation ratings has been replaced with the business needs layoff policy. For faculty employees the University follows the process described in “4” above.

## **6. How does my department initiate a layoff?**

When a decision is reached to reduce the workforce, the manager responsible for the budget that is to be affected by the abolition of a position will notify the Employee/Labor Relations Section of the Office of Human Resources by letter. If the reduction in workforce also involves faculty positions a separate letter should be sent to Human Resources in the Office of the Dean of the Faculties. The letter will state that a layoff action is to be initiated and must include the following information:

- a. Reason position is being abolished;
- b. Name of the person filling the position to be abolished;
- c. Class of position;
- d. Legislative number of the position;
- e. Number of the budget in which the position is funded;
- f. Date the position is to be abolished.

For A&P and USPS employees, the letter should be addressed to Renisha Gibbs, Director, Human Resources.

For faculty employees, the letter should be addressed to Susannah Miller, Director, Faculty Relations, HR-DOF.

The Office of Human Resources should be notified of a pending layoff no less than (30) days in advance of the date that the position is to be abolished. Forty-five (45) days notice is preferred when possible. A completed Position Management Action Page (PMAP), which can be found at the following link - [http://www.hr.fsu.edu/PDF/Forms/PMAP\\_fill\\_Oct\\_4\\_2007.pdf](http://www.hr.fsu.edu/PDF/Forms/PMAP_fill_Oct_4_2007.pdf), is to be attached to the notice.

The notice period provides time to comply with notification to the unions, if applicable, and allows for the appropriate notice to be given to the employee. Further, advance notice allows time for HR to assist the employee being impacted with finding alternative employment.

## **7. What happens after I submit the letter?**

Once the Office of Human Resources receives the letter, the Layoff/Reduction in Workforce Committee will conduct an analysis of the layoff unit and the positions within the unit to ensure appropriate procedures are being applied.

The department will also be asked to submit a Layoff/Reduction in Workforce Qualifications Comparisons spreadsheet to further explain the decision to abolish the specific position(s). A template of the Layoff/Reduction in Workforce Qualifications Comparisons spreadsheet can be provided by Employee and Labor Relations in the Office of Human Resources.

For layoffs or reductions in force involving faculty positions, the HR-DOF office will ensure that the proposed action has been approved by the Office of the Executive Vice President for Academic Affairs (Provost). HR will then conduct an analysis of the layoff unit and the faculty positions within the unit to ensure appropriate procedures are being applied.

#### **8. Who meets with the employee(s) to notify them of the layoff?**

For non-faculty positions, a representative from Human Resources - Employee/Labor Relations, and the department manager will meet with the employee to provide adequate notice of the action. The Employee/Labor Relations representative will meet with the department manager in advance to assist with the development of communication points regarding the action.

For faculty positions, the dean or director will meet with the faculty member to provide adequate notice of the action. The HR-DOF office will provide assistance with the process and will, upon request, send a representative to the meeting to provide information regarding HR services to the impacted faculty member.

#### **9. Will the affected employees be able to get assistance with finding other employment opportunities with FSU?**

Yes. Employment and Recruitment Services in the Office of Human Resources will be available to assist the employees one-on-one to identify vacancies within the University that meet their skill sets and assist them in applying for those vacancies. Preference for consideration will be given; however, preference does not guarantee a job.

#### **10. How does the current hiring freeze affect employment opportunities within the University for any employees impacted by the layoffs?**

The University currently has implemented a hiring freeze for E&G and Auxiliary funded positions. Contract and Grant funded positions and OPS are not included in the current hiring freeze. As a result of the hiring freeze, there are a limited number of positions being advertised. Staff employees who are impacted by the layoffs will be given preference for consideration for any vacancies in which they apply and meet the qualifications before any external candidates are considered for the vacancies.

The hiring freeze policy and guidelines may be found on HR's website as follows:

<http://www.hr.fsu.edu/PDF/publications/communications/FreezePolicy.pdf>

**11. If employees are laid off, what happens to their health insurance?**

They may continue their health insurance for up to two years through COBRA (if laid off). If they are eligible to retire, then they could retire and continue their benefits, at the prevailing rates. The Benefits office will be available to assist them with this decision.

**12. Are employees guaranteed employment if they are enrolled in the Deferred Retirement Option Program (DROP)?**

No. Employees' employment status is not changed by their DROP participation. They may quit their job or their employer may lay them off or terminate them in the same manner before their participation in DROP began [FRS DROP Brochure dated September 2006].

**13. If employees are in DROP and they are laid off, what happens to their health insurance?**

If employees are in DROP, they will be considered retired, and can therefore continue their health insurance as addressed in #11 above. The premiums would be deducted from their retirement check.

**14. If employees are laid off, what happens to their retirement?**

If employees are in the Pension Plan, Investment Plan or Optional Retirement Plan (ORP) and are not eligible to retire without a penalty, then they do not have to start drawing a benefit until they are eligible.

**15. If employees are in DROP and are laid off, what happens to their retirement?**

If employees are in DROP, and do not find employment by the end of the month following their layoff date, they will be considered retired, and must start to draw their retirement benefit.

**16. If employees are laid off or their salary is involuntarily reduced, do they have appeal or grievance rights?**

Yes. A USPS or A&P employee who is laid off will receive notice of his/her rights 14 days prior to the layoff. It is noted that out-of-unit A&P employees who are given notice of cancellation of their employment contract without cause or whose employment contract expires do not have any layoff appeal or grievance rights. A&P employees' terms and conditions of employment are set forth in their employment contracts.

Faculty employees will receive notice of their grievance rights, if applicable, at the time of their layoff notice. Faculty employees who are given notice of cancellation of their employment contract without cause or whose employment contract expires do not have any layoff appeal or grievance rights. The conditions of employment are set forth in their employment contracts.

**17. Do employees who are laid off have recall rights?**

Yes. USPS employees have recall rights. When a vacancy occurs or a new position is established within the layoff department, a laid off employee who is not otherwise employed in an equivalent position shall be recalled within one-year of his/her layoff provided the employee meets the special qualifications and/or relevant experience required for the vacant or new position. The base salary offered to the recalled employee will be appropriate for the pay band, and job duties and responsibilities of the position. The order of recall, if applicable, will be determined by management based on the business needs of the organization. Employees who are re-employed after a layoff in a position in the class from which they were laid off and in which they had attained regular status shall be re-employed with regular status. A&P employees who are laid off do not have layoff recall rights.

Faculty employees covered by the FSU BOT – UFF Collective Bargaining Agreement (CBA) have recall rights for a period of two years following the layoff. In the event an offer of re-employment is not accepted, the faculty member will receive no further consideration for recall. Out of unit faculty employees (not covered by the CBA) do not have layoff recall rights.

**18. If an employee is laid off, is he/she eligible for unemployment compensation?**

Yes. An employee who is laid off, or an A&P or faculty employee whose position is abolished due to a reduction in workforce, would be eligible for unemployment compensation.

**19. What other services are available to an employee if he/she is laid off?**

The University Employee Assistance Program (EAP) is available to assist all employees, both those impacted by layoff and those that remain in the department. EAP sessions are considered confidential and time worked if approved by a supervisor. EAP may be contacted at 644-2288.

**Important Points to Consider When Implementing Layoffs/Reductions in Force:**

- Be sure the information you provide to employees is consistent.
- Treat employees with respect and communicate often and honestly. Dignified treatment of impacted employees is critical. Individual meetings with affected employees are preferred to letters or phone calls (see #8).
- Inform employees that the University will continue to provide support and assistance during this transition.
- Follow the rules and know where to locate information and resources (HR, EAP, Career Center, etc.). If you are unsure of something, seek assistance.
- Layoffs and Reductions in Workforce also impact those who continue to be employed here. Be sure to communicate often throughout the transition period and refer employees to EAP if needed.

Other questions may be referred to the appropriate functional area of Human Resources:

Renisha Gibbs - Employee/Labor Relations and Diversity & Equal Opportunity (644-8082)

Susannah Miller - Human Resources in the Office of the Dean of the Faculties (644-6876)

Francesca Ciaccio-Freeman - Employment and Recruitment Services (644-6034)

Linda Lieblong - Benefits (644-4015)

*Answers to these FAQ's are subject to change in the event of a change in policy and procedure or circumstances.*