

**Florida A & M University  
Office of Human Resources**

**HR OPERATING POLICY -PROCEDURE**

**Procedure No. HR-8000**

<b>Subject: Layoff and Recall of USPS Employees</b>	
<b>Authority: Board of Regents (BOR) Rule 6C-5.955, and Florida A&amp;M University (FAMU) Rule 6C3-10.113, Florida Administrative Code (F.A.C.) and Article 8 of the applicable Collective Bargaining Agreements for USPS employees.</b>	
<b>Related References</b>	
<b>Purpose</b>	Guide to lay offs

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**II. Management Authority**

Only the President or President's designee is delegated the authority to layoff employees and to offer reemployment to the individuals who have been laid off from employment with the University.

**III. Definitions**

- A. **Layoff Unit** - Is the division, college, school, department, area, program or other level of the University where the positions need to be abolished.
- B. **Competitive Area** - Is the division, college, school, department, area, program or other level of the University where like classes of the positions to be abolished are located.
- C. **Series** - A group of classes which are sufficiently similar in kinds of work performed to warrant similar titles but sufficiently different in level or responsibility to warrant different levels and rates of pay.

**IV. Selection of Layoff Unit**

The layoff shall be by class within the competitive area.

**V. Selection of Employees to be Laid Off**

- A. The President or President's designee should determine which positions at the University need to be abolished and thereby, identifies the affected class(es).
- B. The University Personnel Office should:
  - 1. Determine if any vacancies exist in the same class(es) as those to be abolished. If vacancies exist, take action to fill such vacancies with the affected employees.
  - 2. If there are no vacancies, identify employees who do not have permanent status in the affected class(es) nor permanent status in the USPS.

3. Effect layoff action for any such employees in the affected class(es) within the competitive area, since those employees do not have retention rights, and should be laidoff prior to the layoff of an employee with permanent status in the class.
4. If there are no vacancies or probationary status employees in the affected class(es), prepares a layoff list based on total retention points calculated for both length of continuous service and performance evaluation ratings in accordance with BOR Rule 6C-5.955(2) F.A.C., ranking all employees with permanent status in the affected class(es). The employees having the least number of retention points should be laid off first.

C. The affected employee(s) length-of-service retention points should be determined as follows:

One (1) point for each month of continuous employment in the USPS, including service in the Career Service if employed in the State University System (SUS) on or before June 30, 1986.

D. The affected employee (s) performance evaluation retention points should be based on:

1. One and one-half points for each month of service in which the employee was rated Outstanding or Above Satisfactory prior to January 1, 1985, and after that date, rated as Exceeds Performance Standards in accordance with applicable rule.

Two points for each month of exemplary performance [i.e., Exceeds or Greatly Exceeds] should be granted effective July 1, 1996.

2. One (1) point for each month of service in which the employee was rated Satisfactory prior to January 1, 1985, and after that date, rated as Achieves Performance Standards in accordance with applicable rule.
3. Special performance evaluations, as provided in FAMU Rule 6C3-10.130, F.A.C., which have been prepared within three months of the layoff should not be used in the calculation of retention points.
4. Any period of service which is not covered by a performance evaluation, as indicated by the dates shown on the official performance evaluation form, should be considered at the Satisfactory or Achieves Performance Standards level in accordance with IMM Number 400.
5. Each period covered by a performance evaluation should be the period reflected on the official performance evaluation form. For purposes of layoff, time spent in the class since the last performance evaluation should be considered at the same performance level as the last official performance evaluation until superseded by a subsequent evaluation or determined by IMM Number 400.
6. The period of leave for active military service granted in accordance with Chapter 115, F.S., should count as continuous employment and should be considered to be at the same level of performance as last evaluated.

E. Except for the exclusions listed in BOR Rule 6C-5.920, F.A.C., relating to military leave, for the purpose of computing retention points, no performance evaluation points or length-of-service points should be granted in any of the following situations:

1. For a month in which the employee was not on the payroll for at least 50 percent of the workdays of the month.
2. For a month in which the employee was on an approved leave or suspension without pay for more than 15 days.
3. For a month in which the employee's service was evaluated as Below Performance Standards or Unsatisfactory for more than 15 days. In such cases, the employee should not be eligible for length-of-service points for that period.

F. Employees who work less than full-time should have their retention points determined by computing length-of-service points and performance evaluation points in proportion to the time worked.

G. The layoff list should be prepared by totaling length -of-service retention points for continuous employment, and by totaling performance evaluation retention points for the affected class. The employee with the highest total retention

points is placed at the top of the list, and the employee with the lowest total retention points is placed at the bottom of the list. Layoff should be in order, beginning with the employee with the fewest points. The total number of positions in the class to be abolished will determine the number of employees to be laid off.

- H. Should two or more employees have the same combined total of retention points, the order of layoff should be determined by giving preference for retention in the following sequence:
1. The employee with the longest University service in the class.
  2. The employee with the longest SUS service.
  3. The employee who is entitled to Veterans' preference.
  4. Determination is made by the President or President's designee.

## VI. Notification

The University Personnel Office should be responsible for carrying out the notification process to the affected employees. That office should perform the following functions:

- A. An employee who has permanent status and who is to be laid off should be given at least 14 days notice of such layoff or in lieu thereof, two weeks pay at the employee's current regular hourly rate, or a combination of notice and pay. A written notice of layoff should be sent to the employee by **certified mail, return receipt requested** or delivered in person to the employee.

Within seven (7) calendar days after receiving the notice, the employee should have the right to request a change-in-assignment or, if not available or the employee's preference, a demotion in lieu of layoff, to a position in a class in which the employee held permanent status, or to a position in a class in which the employee has not held permanent status if the employee has previously held permanent status in a higher or equal level class within the series. Appointment to positions in lieu of layoff is conditioned upon the employee meeting specific qualifications for the position.

- B. Any requested change-in-assignment or, if not available or the employee's preference, a demotion by an employee being laid off should be granted, unless the results would be to cause the layoff of another employee who possesses a greater total of retention points.
- C. An employee who would be laid off as a result of another employee having a greater number of retention points should have the same right of a change-in-assignment or, if not available or the employee's preference, a demotion as provided in this procedure.
- D. If an employee requests a change-in-assignment or, if not available or the employee's preference, a demotion in lieu of layoff, the same formula and criteria for establishing retention points for that class, and the same procedures for determining employees to be laid off, should be used as prescribed in this memorandum.
- E. A list of employees who have been laid off should be distributed to other universities within the SUS where persons with like skills are employed.

## VII. Reemployment and/or Recall Rights

- A. An employee should have recall rights for one year following layoff. When a vacancy occurs or a new position is established in the same class within the same layoff unit from which the employee was laid off, the employee with the highest number of retention points and who meets the specific qualifications for the position should be offered reemployment.
- B. Reemployment offers should be made to employees laid off in the order of their total retention points.

- C. Reemployment of such employees may be with permanent status in that class at the discretion of the President or President's designee. An employee who refuses such offer of reemployment should forfeit any rights to subsequent placement offers as provided in BOR Rule 6C-5.955, F.A.C.
- D. An employee who accepts a voluntary demotion in lieu of layoff and who is subsequently promoted to a position in the class from which the employee was demoted, may be promoted with permanent status in that class, at the discretion of President or President's designee if he/she previously held permanent status in that class.

### VIII. Processing Leave Credits of Laid Off Employees

All unused leave credits for employees who have been laid off should be processed as follows:

- A. **Annual Leave.** Unused annual leave credits for an employee who is laid off should:
  - 1. Be paid in lump sum payment for unused annual leave credits up to 240 hours, unless the employee requests in writing that such unused annual leave credits be held in abeyance pending reemployment after layoff; and,
  - 2. Be restored to an employee who is reemployed within one year following layoff, provided the employee requests such action in writing and repays the full amount of any lump-sum payment received for unused annual leave credits.
  - 3. A lump-sum payment upon layoff should not constitute a break in service if the employee is reemployed by the SUS within one year from layoff. An employee should complete the repayment no later than 60 days after reemployment.
- B. An employee who is not reemployed within one year following layoff and who elected to retain annual leave pending reemployment, should be paid for up to 240 hours of unused annual leave. An employee must have six (6) months of satisfactory, continuous, and creditable service to receive payment for annual leave.
- C. **Sick Leave.** Unused sick leave credits for an employee who is laid off should be made as follows:
  - 1. For an employee who has 10 years or more of creditable State service and is otherwise eligible for receipt of sick leave payment should be paid lump- sum at the time of layoff unless the employee requests in writing that such unused sick leave credits be held in abeyance pending reemployment within one year.
  - 2. If reemployed within one year following layoff, the employee's unused sick leave should be restored to the employee, provided the employee requests such action in writing and repays the full amount of any lump-sum payment received. An employee should complete the repayment no later than 60 days after reemployment.
  - 3. Employees with 10 or more years of creditable State service who are not reemployed within one year following layoff and who elected to retain their sick leave at the time of layoff, should be paid for sick leave in accordance with Section 110.122, F.S.
  - 4. For employees with less than 10 years of State service, the sick leave balance will be retained pending reemployment within one year after layoff. Employees with less than 10 years of creditable service who are not reemployed within one year following layoff should forfeit their sick leave balance.
- D. **Compensatory Leave** - All unused regular special or overtime compensatory leave should be processed as follows:
  - 1. All unused regular compensatory leave for exempt employees should be retained pending reemployment within one year from the date of layoff. If not reemployed, the employee may be paid for unused regular compensatory leave upon approval of the President or President's designee.
  - 2. All unused special compensatory leave should be paid in lump sum at the time of layoff.
  - 3. All unused overtime compensatory leave credits for nonexempt employees should be paid in lump-sum at the time of layoff in accordance with BOR Rule 6C-5.920, F.A.C. Any employee who is reemployed within the

one year period following layoff should start with a zero balance for all leave credits for which payment has been received.

**IX. Documentation of Layoff Activity**

The University Personnel Office should maintain a record with appropriate dates of whether an employee was laid off, placed in another position, recalled after layoff, resigned, retired or accepted a reduction in FTE, took a voluntary demotion, or “bumped” another employee.