

**UNIVERSITY OF HOUSTON SYSTEM  
ADMINISTRATIVE MEMORANDUM**

**SECTION: Human Resources**

**NUMBER: 02.A.06**

**AREA: General**

**SUBJECT: Reduction in Force of Regular Staff Employees**

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**1. PURPOSE**

- 1.1. The purpose of this Administrative Memorandum is to prescribe a policy to ensure that reduction in force decisions are made only after careful analysis and that employees who are affected are treated fairly and with dignity.
- 1.2. This policy applies to decisions made by administrative and faculty supervisors affecting all non-faculty regular employees in all units of the University of Houston System, regardless of source of funds. A regular employee is one who is employed for at least 20 hours per week on a regular basis for the period of at least 4-1/2 months, excluding students employed in positions which require student status as a condition of employment. The comparable policy for faculty can be found in Board of Regents Policy 11.07 on Faculty Dismissal and in related policies in faculty manuals of each component university.

**2. POLICY**

- 2.1. The University of Houston System endeavors to provide stable employment. Certain situations may require a reduction in work force to assure the continued quality and efficiency of the University. It is the policy of the University of Houston System to formulate, publish, and enforce rules and regulations to ensure that all reduction in force decisions are made based upon careful analysis and that employees are offered opportunities for reassignment, assistance, and re-employment.
- 2.2. Nothing in this policy shall be used as the basis for illegal discrimination or retaliation against any individual or group.

**3. REDUCTION IN FORCE DETERMINATION**

- 3.1. Reduction in Force ("RIF") is the elimination of an occupied position or positions resulting from an administrative decision appropriate under such situations as a lack of funds, a lack of sufficient work, reorganization, changes in technology or research needs, or other factors that require some manner of reduction in the component's investment in non-faculty personnel.

A suspension, dismissal, or discontinuance of temporary employment does not constitute a reduction in force.

- 3.2. While broad discretion is conferred upon the administrative units of the University of Houston System to determine RIF necessity, all RIF decisions must include these steps:
  - a. Careful analysis to determine which areas, activities, programs, or organizations should be reduced.
  - b. Identification of the jobs and functions that will need to be performed after the reductions.
  - c. Evaluation of present employees as to their qualifications and abilities to perform the jobs remaining, as determined in paragraph 3.3 below.
  - d. Presentation of the comprehensive RIF plans through proper channels, including the component Human Resources and Affirmative Action Directors to the CEO. Such plans must include a clear statement of the rationale for eliminating or reducing programs and/or services; the ultimate benefits to be achieved, such as reallocation of resources, budget reduction, or enhanced productivity; a summary of the racial, gender, age, and disability composition of the administrative unit, including names and protected class status of employees to be displaced.
  - e. Signature approval of comprehensive RIF plans by Human Resources and Affirmative Action officials, allowing sufficient time for a determination that policy has been observed and that the proposed RIF does not constitute adverse impact on protected classes, before written notice is given to affected employees.
- 3.3. In evaluating present employees as required by 3.2.c, managers required to make RIF decisions may consider an employee's:
  - a. effectiveness on the job, including past performance, records of achievement, and disciplinary history;
  - b. special skills that are necessary for a particular function;
  - c. length of time in service within the University of Houston System; and
  - d. amount of experience in the field.

- 3.4. An employee who is affected by a reduction in force should be given written notice as soon as practicable, but not less than 30 days prior to the effective date of the action.
- 3.5. In the case of an employee whose duties are divided between two or more departments, a RIF decision by one department will not obligate the other department(s) to increase funding to compensate for the reduction.
- 3.6. The decision to lay off an employee is effective upon delivery of the written notice of reduction in force to the affected employee. Any appeal requested by the employee does not affect the effective date of the RIF decision.
- 3.7. An employee who has been notified of reduction in force may be removed from the worksite, with pay, immediately upon receipt of the notice of reduction in force, providing all the following conditions are met:
  - a. there is reason to believe that the employee will cause damage to university property, including computer and business systems; and
  - b. the employee's supervisor is able to articulate or prove this danger in written documentary form to the satisfaction of the component Human Resources Director; and
  - c. the employee is given, in writing, a work assignment to be completed away from the worksite.

4. REPLACEMENT EFFORTS, RECALL, AND BENEFITS

- 4.1. The component will grant reasonable leaves with pay to employees to be laid off solely for the purpose of enabling such employee to interview for other employment.
- 4.2. If an employee is offered other employment within the University of Houston System in a comparable position for which the employee is qualified, and such offer is refused, the employee will be deemed to have waived all rights under this policy.
- 4.3. An employee who has been dismissed under the provisions of this administrative memorandum will be offered the same position if it is re-established within six months of the reduction in force, provided the employee has retained the ability to perform the work.

- 4.4. An employee who has been dismissed under the provisions of this administrative memorandum who does not respond within ten calendar days of the date on the notice regarding either a recall to work or an opportunity to interview for an open position forfeits all further recall rights. Notice of recall will be mailed to the employee's last reported address as shown on official personnel records. It is the obligation of the employee to ensure that such records are correct.
- 4.5. An employee who is dismissed due to reduction in force and who is re-employed within the University of Houston System within twelve months of reduction in force shall have his or her sick leave balance restored.
- 4.6. An employee who is dismissed under the provisions of this administrative memorandum who returns to employment at a component of the University of Houston System following an interruption of service with the same component is subject to the probationary provisions outlined in UH System Administrative Memorandum 02.A.18, unless the employee is reinstated in the same position within less than six months after the reduction-in-force.

## 5. APPEAL RIGHTS

- 5.1. Any employee affected by a RIF decision may appeal. The employee may not challenge the nature of the reduction measures taken when the component presents evidence that a reduction is necessary. The purpose of the appeal hearing is to give the employee an opportunity to show that the true reason for the reduction in force is not due to a factor listed in paragraph 3.1, but rather based on a reason impermissible under laws, constitutions, or regulations of the United States, the State of Texas, or the University of Houston System.
- 5.2. A person desiring to appeal must present an appeal in writing to the component Human Resources Department within five working days of receipt of the written notice of reduction in force. Failure to comply with this requirement will be deemed a waiver of the right to appeal.
- 5.3. The Director of Human Resources or designee will review all requests for appeal to determine that the appeal is timely and covered by this administrative memorandum. Requests which meet the criteria will be forwarded for hearing in the order of receipt.

## 6. HEARING PROCEDURES

- 6.1. The Human Resources Director or designee will, on behalf of the CEO, appoint one or more appeals panels as may be necessary, consisting of three members each to hear appeals.
- 6.2. The hearing panel will set the date, time, and place for the hearing of an appeal. The hearing will be held as soon as practicable after the request for the hearing.

- 6.3. At least two days prior to the hearing, the employee shall be given a copy of the explanation sent to the CEO under paragraph 2.4.
- 6.4. The hearing will be closed to the public.
- 6.5. The appealing employee may be represented by an advisor who has the right to advise the employee but not to take part in the hearing.
- 6.6. The component and the appealing employee may offer any written evidence or oral testimony that is material to the issues; formal rules of evidence and procedure will not be followed.
- 6.7. The burden will be upon the appealing employee to show that the reason for the reduction action is not reasonably related to a factor described in paragraph 3.1 or that the procedures were improperly applied. **No other issues will be heard or considered by the hearing panel.**
- 6.8. The hearing panel will make written findings of fact and a recommendation to the CEO as soon as practicable after the hearing. As soon as possible thereafter, the CEO will make a final decision and forward it to the director of the human resources department who will inform the employee of the decision in writing, with a copy to the official personnel file in the Human Resources Department.
- 6.9. If the appeals process is not completed by the employee's last scheduled day of work, the employee will be released on the effective date of the RIF. If the appeal results in a decision to reinstate the employee, the employee will be reinstated with back wages, less the amount of any unemployment compensation received from the Texas Employment Commission while the appeal is pending. In such case, the Texas Employment Commission will be notified promptly in writing of the employee's reinstatement.

7. REVIEW AND RESPONSIBILITY

Responsible Parties: Vice Chancellor for Administration and Finance

Review: Odd Numbered Years Prior to August 1

8. APPROVAL

Approved: Alexander Schilt  
Chancellor

Date: November 4, 1994

9. INDEXING TERMS

Reduction in Force