

The University of Memphis Board of Trustees - Reorganization and Reduction in Force

The Board of Trustees as authorized by T.C.A. § 49-7-134 governs reductions in force that could result in employee layoffs or terminations at the University of Memphis. This policy establishes and details a consistent and equitable method of notifying and separating staff employees whose positions are eliminated or whose working hours are reduced due to budget reductions, reorganizations or institutional realignments.

I. Definitions

- a. **Functional Area:** The part of the organization to which the reduction in force or reorganization applies.
- b. **Reduction in Force:** A separation of employment due to lack of funds, lack of work, or due to departmental reorganization.
- c. **Reorganization:** The act of restructuring a department or unit into a new and/or different department or unit.

II. Policy

The University may undertake a reorganization or reduction in force (RIF) due to fiscal conditions and/or in order to continue, streamline, and/or maximize its operations, the need for different skills, changes in position minimum requirements, full-time status reduced to part-time status or modified fiscal year appointments. Other conditions may also require a reorganization or RIF that may affect positions and the employees in those positions.

This policy addresses many of the issues that may arise for affected employees and hiring officials in the event a reorganization or RIF becomes necessary.

- a. **Functional Review.** In cases where a reorganization or RIF is necessary, the President, the EVP & Provost and the EVP & CFO will, in consultation with the Vice Presidents and other institutional leadership as appropriate, conduct a review of the University's operations and identify the functional area(s) within their areas of responsibilities that could be affected.
- b. **Position Review.** Based on the outcome of the functional review, University departments will conduct a position review of their functional areas. This review will include consideration of the budgetary implications involved and written criteria and rationale to be used in identifying the functions/duties that will need to be reassigned, reduced, eliminated or otherwise repurposed for organizational efficiency.

Before final recommendations are made, unit heads will work with the Department of Human Resources regarding the positions and individuals that may be affected. Factors used in reaching the decision to eliminate a position and/or an employee may include, but are not limited to, functional needs of the unit, requisite skills of the position/employee, and written documentation relevant to an employee's job performance or lack of skills. Length of service is a factor that may be considered when making decisions concerning otherwise comparable employees but will not be a determining factor in making final staffing decisions.

Before the final recommendations from the departments are implemented and providing notifications to the employees affected can take place, the reorganization and/or RIF shall be reviewed by the Office of Legal Counsel, and the Office for Institutional Equity and approved by the Department of Human Resources. As part of its review, the Office for Institutional Equity, in accordance with Federal guidelines, will analyze the impact of the proposed reduction-in-force to determine the impact of such action on the University's utilization goals by race and sex in order to avoid adverse impact.

- c. **Implementation.** After final decisions have been reached and approved, the following approach to notice, termination, and counseling will help ensure the consistent implementation of the reorganization and/or RIF.
 - **Date of Notice for Job Eliminations.** Absent extenuating circumstances affected employees should be given written notice of at least 90 days in advance of the effective date of termination or 90 days' pay in lieu of notice, at the discretion of the University. In

no case, however, will the notice be shorter than that which is required under the terms of the employee's contract, e.g., one month for exempt (monthly paid) employees and two weeks for non-exempt (hourly paid) employees.

- **Date of Notice for Reduction in Hours.** Absent extenuating circumstances, employees notified that their positions will have a reduced FTE (reduction in work hours) should be given the same notice as that given to employees whose positions are being eliminated.
- **Method of Notice.** The immediate supervisor/manager or department head should notify each affected employee in person or through video conferencing if in-person meeting is not feasible. The notification should be done in private with the employee. Notice to employees in a group is permissible only if the entire group would be equally affected. The Department of Human Resources will provide advice and counseling to administrators charged with the responsibility of notifying affected employees and will also be present during the termination notice meeting.
- **Communication of Decisions to Others.** As soon as appropriate and following notification to the affected employee(s), the supervisor/manager should announce the decision to the contiguous work areas or other units with a 'need to know'. If a major function (not a single position) is being affected, the department should circulate a campus bulletin that informs the University community about services to be eliminated, reassigned or changed.

III. Reinstatement of Eliminated Positions

Positions that are eliminated through a reorganization or RIF may not be reinstated or reestablished within two (2) years of elimination. A request to reinstate the former position must be submitted in writing to Human Resources including an appropriate review and justification. Reinstatement of the position does not require reinstatement of the former employee.

IV. Separation Benefits

- a. **Separation Payment.** Employees losing their positions due to a reorganization or RIF may be eligible to receive a separation payment as determined by the University. Payment will be made in a lump sum on the employee's last payroll payment. Employees who are rehired into a regular position prior to or immediately following their separation date are not eligible for a separation payment.
- b. **Annual Leave.** Employees terminated as a result of the reorganization or RIF will be paid for unused accrued annual leave as of the last day of their active employment. Unused annual leave will be paid in a lump sum on the pay date following their last paycheck and in accordance with [HR5021 - Annual Leave Policy](#), unless the employee is retiring in which case annual leave may be used as terminal leave instead of a lump sum payment.
- c. **Tuition Assistance.** Tuition assistance for the employee's attendance at any State of Tennessee public higher education institution is available for two years. The maximum amount of this benefit is \$5,400 per year. Classes taken under this program must have a published first day of class within two years from the employee's official date of separation.

An employee affected by the reorganization or RIF who is receiving tuition scholarship benefits for the employee's spouse or child(ren) prior to the day of separation will continue to receive the benefit through the end of the semester in which the separation occurs.

- d. **University Job Opportunities Assistance.** A termination due to a reorganization or RIF constitutes a final separation from the University. Accordingly, employees subject to the reorganization or RIF will have no right of reinstatement to their former or similar positions.

Nevertheless, the University desires to assist employees subject to the reorganization or RIF by encouraging them to apply for other University vacancies for which they meet the minimum requirements of the position. During the 12 months following their separation of employment from the University, hiring officials will be asked to give serious consideration to the applications of qualified employees affected by these circumstances. Additionally, the Department of Human Resources will notify affected employees when vacancies for similar positions are available and will also provide counseling and assistance in resume writing and interviewing skills.

It is the affected individual's responsibility to check for vacancies and apply for open positions via WorkforUM, the University's online applicant tracking system, at the following site: <https://workforum.memphis.edu>.

During this 12-month period, for all University vacant positions for which the affected individuals apply and are qualified, they will be granted an interview before other candidates are considered. Hiring officials must provide bona fide, job related reasons for turning down qualified employees affected by a reorganization or RIF before they will be allowed to consider other candidates, including interview notes reasons for not hiring such affected individuals which may be subject to review by the AVP/Chief Human Resources Officer or designee in consultation with the Director for Institutional Equity.

If the University rehires an individual affected by a RIF, the rehired individual's salary rate will be based upon the salary rate applicable to the new position's job classification rather than the individual's former University position.

Any individual rehired into a regular position within three months of their separation date due to a reorganization or RIF, will waive the University Job Opportunities Assistance and have the Tuition Assistance benefit stated under this policy revert to the guidelines as specified in the University's Policy [HR5040-Tuition Assistance for Employee and Dependents](#).

Benefits Counseling

All affected employees are encouraged to contact Human Resources for information regarding all separation benefits, including options for extending health care insurance coverage (i.e., COBRA), retirement benefits, etc.

V. Nondiscrimination

The University of Memphis is committed to the implementation of any Reorganization or RIF in a nondiscriminatory manner. The University will ensure that this policy is implemented without regard to race, creed, color, religion, sex, age, national origin, disability, veteran status, or sexual orientation.

VI. Other Considerations

Employees who remain in their jobs and absorb additional or different duties as a result of a reorganization or RIF may need special attention and assistance. These remaining employees may require additional training and/or counseling. Human Resources and the Employee Assistance Program (EAP) can assist, as needed. In situations where significant duties have been added or changed, a review for possible reclassification by Human Resources should be requested by the affected department.

VII. LINKS

HR5040 - Tuition Assistance for Employee and Dependents Policy:
<https://memphis.policytech.com/dotNet/documents/?docid=548&public=true>

HR5021 - Annual Leave Policy:
<https://memphis.policytech.com/dotNet/documents/?docid=537&public=true>

T.C.A. § 49-7-134 - Reduction in Work Force:
<https://casetext.com/statute/tennessee-code/title-49-education/chapter-7-postsecondary-and-higher-education-generally/part-1-miscellaneous-provisions/section-49-7-134-reduction-in-work-force>

Effective Date/Revisions: September 2, 2020