

Texas Tech University System

Regulation 07.08

Reductions in Force

Approved: December 12, 2019

Next Scheduled Review: December 2020

1. Purpose

- a. The Texas Tech University System (“System”) and its component universities (each a “University”) are committed to the recruitment, development, and retention of an effective workforce. The purpose of this regulation is to provide policy and procedures for implementing a reduction in force (“RIF”).

2. General Provisions

- a. *Applicability.* This regulation applies to all employees of the System and its component Universities other than faculty, positions requiring student status as a condition of employment, and wholly grant-funded positions that are modified or eliminated due to changes in grant or contract funding. Each University shall adopt this regulation through an Operating Policy and Procedure expressly referencing this regulation.
- b. *Related Policies.* Nothing in this regulation shall be deemed to alter or modify the employment-at will status of employees. This regulation does not apply to terminations pursuant to [System Regulation 07.07](#), Employee Conduct, Coaching, Corrective Action, and Termination, and a RIF is not to be used to dismiss an employee solely for misconduct or lack of satisfactory performance.
- c. *Right to Change Policy.* The System reserves the right to interpret, change, modify, amend, or rescind this policy, in whole or in part, at any time, without prior notice or the consent of employees.

3. Policy and Procedures

- a. *Reason for Reduction in Force.* The Universities may reduce the number of employees due to reorganization, anticipated decrease in funding or other financial reasons, reductions in services to be provided, or other purpose deemed appropriate.
- b. *Preliminary Steps.* The head of each department or unit shall determine whether a reduction of budgeted funds should be addressed by a reduction in personnel, non-personnel expenses, or some combination thereof. If personnel reductions will be involved, an analysis shall be conducted to determine the estimated number of positions to be eliminated and the resultant cost savings before specific individuals are identified for separation from employment by RIF.
- c. *Criteria for Identifying Affected Positions and Employees.* The head of the department or unit evaluating a reduction in force shall be responsible for deciding which positions will be eliminated and which employees will be separated. In making that decision, existing business conditions as well as future needs of the department or unit and the University shall be considered. Positions may be eliminated because the functions or services of the position are no longer required or feasible, existing positions are combined, or a number of the same or substantially similar positions are eliminated.

When reducing the number of positions or employees, the head of the department or unit shall determine, with assistance as necessary from the University's human resources department, the nature and job descriptions of the positions needed to remain in the department or unit after reduction. Criteria to be used in deciding which employees will remain in the resulting positions shall include, but not be limited to, the following:

- i. The qualifications to perform the essential functions of the position;
- ii. Employee work performance as evidenced by written evaluations or other documentation;
- iii. Veteran status of the employee, as required by Texas Government Code § 657.007;
- iv. Former foster child status of the employee, as required by Texas Government Code, Chapter 672;
- v. Status as a full-time employee;
- vi. Amount of relevant experience in the field; and
- vii. Length of service in the position and/or at the University.

The criteria shall be applied independently to the employees in question by at least two (2) members of management of the department or unit making the decision. If there are not two (2) members of management in the unit available to conduct the rating and ranking, then a member of the University's human resources department shall serve as the second person.

- d. *Development of Report.* After completing the analyses required in Section 3.c., the head of the department or unit will develop a written report requesting a RIF and including the following:
 - i. Factual information and supporting documentation indicating that a need for a reduction in force exists (for example, a proposed reorganization would show that the RIF would result in a more cost effective or efficient department or unit);
 - ii. Description of the functions or services supplied by the department or unit that will be affected by the proposed RIF, how those functions or services will be combined, altered, or eliminated, and the rationale for the combination, alteration, or elimination;
 - iii. Identification of those jobs or positions that will be affected; and
 - iv. Utilization of the criteria in Section 3.c. to identify those employees who will remain and those who are to be separated, and an explanation of how and why each person was selected for separation.
- e. *Required Approvals.* The report developed pursuant to Section 3.d. shall be submitted to the University's human resources department. If such department approves of the proposed RIF, the approved report must be submitted to the Vice Chancellor and General Counsel or their designee and the System Office of Equal Opportunity, for final approval.
- f. *Notification of Employees.* Upon approval of the RIF report by the offices described in Section 3.e., employees identified for separation will be notified of the RIF in writing. Unless

otherwise approved in writing by the University's human resources department, such notice will be provided at least thirty (30) days in advance of the proposed date of separation. The written notice of separation shall include an explanation of the reasons for the RIF, an explanation of why an employee's position is to be eliminated or why a particular employee has been selected for separation, and an explanation of the employee's appeal rights.

- g. *Appeal Procedures.* Employees who are separated due to a RIF may appeal the decision by submitting a written appeal to the University's chief human resources officer within five (5) working days of receiving written notice of separation of employment. The reasons for appealing shall be limited to claims that the separation decision was made for a reason that is unlawful under state or federal laws, and in such case, the appeal will be reviewed by the System Office of Equal Opportunity. The written appeal shall state the facts that support the employee's allegations. Within ten (10) working days following receipt of the appeal, a written decision will be provided to the employee by mail. This appeal shall be the employee's sole remedy for separation pursuant to this policy, and the decision rendered upon appeal shall be final. The written appeal and all decisions or responses regarding the appeal shall be a part of the employee's file.
- h. *Reinstatement, Rehire, or Reemployment.*
 - i. If the eliminated position formerly filled by an employee separated under this policy is reestablished within a period of twelve (12) months from the date of the written notice of separation, the individual has the right to reinstatement into that position, barring circumstances occurring in the interim that would either render the individual unable to perform the essential functions of the position or that would have resulted in their ineligibility for or separation from employment.
 - ii. Reinstated employees will be paid within the salary range for the position at the time of reinstatement.
 - iii. Special consideration for reemployment will be given to employees separated due to a RIF. If the employee is qualified for a vacancy, a hiring department or unit that has a vacant position may consider that employee without recruiting for the position and/or interviewing other candidates. The employee must have been separated under this policy within the preceding six (6) months to utilize these re-hiring procedures. An administrator who is considering hiring an employee who has been separated because of a reduction in force within the preceding six (6) months must notify and receive approval from the University's human resources department prior to any employment action.
- i. *Nondiscrimination and Preferences in Separation and Reemployment.* All separation and reemployment decisions pursuant to this policy shall be made without regard to race, color, national origin, religion, sex (including pregnancy), sexual orientation, gender identity, age, disability, genetic information, or an individual's refusal to submit to a genetic test, or other protected categories, classes, or characteristics as recognized by Texas or federal law. The veteran status and former foster child status of the employee will be considered in any separation or reemployment decision pursuant to this regulation as required by federal and Texas law.

Contact Office: System Office of General Counsel
806-742-2155