

VII-1.30 - POLICY ON LAYOFF FOR NONEXEMPT STAFF EMPLOYEES

(Approved by the Board of Regents, April 25, 1991; Amended October 9, 2015)

I. PURPOSE AND APPLICABILITY

The following policy and procedures are established for the layoff of Nonexempt Staff employees who are in positions that are to be abolished, discontinued, or vacated because of a lack of supporting funds, program change, change in departmental organization, or stoppage or lack of work. This policy applies to all regular status full- and part-time Nonexempt Staff employees including Nonexempt employees who are on approved Leaves of Absence With or Without Pay.

II. DEFINITIONS

- A. A Unit of Layoff - A department or portion of a department identified in the "University System of Maryland Unit List for Lay-Off and Reinstatement." This List, developed with the Presidents' designation of departments at their respective institutions, is approved by the Chancellor or designee and may be revised from time to time.
- B. Displace/Displacement – The ability to take the job of another employee to avoid separation because of a layoff.
- C. Notification Period – The period between the date when an employee is notified a layoff will occur and the effective date of separation as a result of layoff.
- D. Job Series – A group of two or more job classes in the same occupational area which requires the application of the same knowledge, skills, and abilities at varying levels of proficiency or responsibility.

III. NONEXEMPT STAFF LAYOFF PROCEDURES

- A. The Department Head or Chairperson shall notify the Chief Human Resources Officer (CHRO) or designee in writing of the number of positions to be abolished, discontinued, or vacated, together with the reasons for them, and the list of names of employees to be laid off. The CHRO or Designee shall review the written notice and certify that the order of layoff is appropriate. The Department Head or Chairperson shall notify employees who are to be laid off, in writing, at least 90 calendar days before the effective date of the layoff.
- B. Sequence of Layoff

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1. The Department Head or Chairperson shall lay off employees who are serving an original probationary period, and who are in the classification in which the layoff is to occur, in accordance with Section D of this policy.
 2. The Department Head or Chairperson next shall lay off regular employees who have completed an original probationary period, and who are in the classification in which the layoff is to occur, in order of seniority, with the employee having the lowest number of seniority points being laid off first.
- C. The Chancellor or designee shall maintain and make available a listing of classifications by job series.
- D. Seniority Points
1. Formula for Establishing Seniority Points
 - a. One point shall be given for each complete month of credited service for the following:
 - i. University System (and/or predecessor organizations) and State service including service as medical system University personnel as defined in the Education Article, Section 13-1B-01(r).
 - ii. Service with the department where the layoff is to occur; and
 - iii. Service in the job classification and its job series where the layoff is to occur.
 - b. For creditable service of less than a complete month, the employee shall be credited with .032 points for each day of creditable service.
 - c. For part-time employees, creditable service shall be determined by the funded percentage of the position.
 2. The combined totals of all points shall determine the order of layoff. If two or more employees in the same classification have the same number of seniority points, they shall take their standing in the order of layoff based upon the following criteria:
 - a. The Department Head or Chairperson first shall compute each employee's total length of employment in combined State and University System service.
 - b. The employee who has the shortest service shall be laid off first.

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- c. If two or more employees have the same standing after the application of Section F(2)(a), the institution President will determine the employee(s) to be retained based upon a detailed written evaluation of the specific skills, knowledge, or abilities of each employee prepared by the Department Head or Chairperson.
3. The CHRO or designee will notify the President of those employees who have been laid off.

E. Displacement

An election to exercise displacement rights must be made by giving written notice to the institution CHRO within fifteen (15) days of the notice to the employee of the layoff.

1. An employee in a position which is to be abolished, discontinued, or vacated shall be allowed to displace another employee with the least seniority in the same job classification, or, if not available either,
 - a. Progressively to each lower level classification in the same job series; or
 - b. In any other job classification in which the employee held satisfactory regular status.
2. The displacement as applied in (1) above shall be limited to the department in which the employee is currently employed.
3. An employee who elects not to displace another employee in accordance with Sections E and F of this policy shall be laid off.

F. Certification and Rehire

1. Home Institution

Employees who are designated to be laid off will receive notification of reinstatement procedures and will be certified to the institution eligible list for the classification from which the layoff occurred and to any classification in the series or comparable occupational area as that from which the employee was laid off. The employee will be entitled to priority for appointment to vacancies in the classification in which the employee was laid off, any lower level classification in that job series, or any classification for which the employee has completed an original probationary period or for which a probationary period was not required.

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2. Other USM Institutions

Employees who have been notified that they are to be laid off must notify their institution CHRO of their interest in being considered for positions at other USM institutions. The CHRO shall provide the necessary information to the other USM institutions in which the employee has expressed an interest. The other USM institutions shall place such employees on the eligible list for classifications for which they are qualified, based on seniority points.

- G. An employee who is displaced under the provisions of sections E and F of this policy is subject to the general provisions of this policy.
- H. Nothing in this policy shall be interpreted to prevent the layoff of an employee who files with the Department Head or Chairperson a written request to be laid off.
- I. Nothing in this policy shall allow a Nonexempt employee the right to displace an Exempt employee, or the right to reinstatement to an Exempt position.

IMPLEMENTATION PROCEDURES:

Each president shall identify his/her designee(s) as appropriate for this policy, develop procedures as necessary to implement this policy, communicate this policy and applicable procedures to his/her institutional community, and post it on its institutional website.