

**UI Policy and Interpretive Guidelines for the
Elimination or Reduction of Classified Positions
Revised April 2019**

1. Procedures Effective Immediately

All classified (FLSA non-exempt) positions that a unit needs to fill must be reviewed by Employment Services (HR) prior to any advertising or initiation of established procedures for filling vacancies. Employment Services will be responsible for ensuring that any layoff roster which has been developed for that position classification is utilized according to UI policy.

A temporary classified position is one that is established for a definite period: typically, the duration corresponds to the period of a grant or project and sometimes fiscal year funding. These positions are designated as temporary classified (FLSA non-exempt) positions if they contain language in the offer letter, the job posting and advertisement, the job description or other written documentation acceptable to Human Resources to the effect that the position is contingent on work and/or on continuation of grant or other temporary funding. If the funding ends or the work changes for a position specifically hired as temporary classified, there is no expectation for continued employment or eligibility for the layoff roster. Specifically, the Request to Layoff Classified Staff Form contained within this document and following steps do not apply to temporary classified positions contingent upon work and/or funding.

2. Definitions applicable to elimination of classified (FLSA non-exempt) positions

Note: Terms in quotation marks (" ") are terms defined in this document and should be applied as defined here.

- a. "Classification" for purposes of these guidelines is in relation to the market rate and job duties of the current position.
- b. "Classified position" means the job classification assigned to the position by HR is FLSA non-exempt staff position.
- c. "Elimination of a position" means that a classified position in that classification within the unit, not a person, has been identified, and the position will no longer be filled for the foreseeable future but at least for a period of one year from the effective date of the elimination.
- d. "Reduction of a position" is a reduction in the number of hours associated with a classified position (i.e. a reduction from 100% time to 75% time or a reduction from 75% time to 50% time). A reduction of a position constitutes a "layoff" and will be handled in the same manner as a position elimination.
- e. "Units" are determined by the Office of the President or designee. Reduction in force shall be department-wide or by organizational unit designated for layoff purposes. See attachment A for a list of units.
- f. "Insufficient funds" means that the unit does not have enough funds from all appropriate sources to sustain the current number of employees. Funds that by contract or

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appropriation are limited in application do not have to be factored into the evaluation of whether or not there are sufficient funds.

- g. "Insufficient work" means that the unit will accomplish its work with fewer employees and that temporary employees will not be used to accomplish the workload.
- h. "Layoff roster" is the list of all classified non-temporary employees who have been laid off and is maintained by Employment Services in HR.
- i. "Category" refers to the four groups listed below. Employees in category (4) are to be laid off before any in category (3) are laid off and so on. Within each category the employee with the lowest number of retention points is the first to be laid off.
 - (1) Disabled war veterans
 - (2) Employees with certified status in the classification
 - (3) Probationary employees who have certified status in a lower classification
 - (4) Probationary employees without certified status in any classification
- j. "Retention points" means the number of points a classified employee has earned. Retention points are derived from experience as described in performance evaluations and classified credited state service. Points are assigned as following:

Overall performance level documented at exemplary or equivalent	.100 point for each hour of credited state service
Overall performance level documented at solid sustained or equivalent	.075 points for each hour of credited state service
Overall performance level documented at achieves performance standards or equivalent	.050 points for each hour of credited state service
Overall performance level at does not achieve performance standards or equivalent	.0 for each hour of credited state service

- k. "Certified status" means that the employee concerned has successfully completed the initial probationary period in a classified position. This is also referred to as certified in the classification.
- l. "Qualifying Offers" are offers of employment to persons on the layoff roster that are in the same classification(s) for which the person has been certified, positions that are permanently funded and are within 70 miles from the location worked at the time of the layoff.
- m. "Selective certification" means that specific qualifications for a position are justified by an appointing authority in addition to the minimum qualifications for the classification.¹ HR will maintain a list of title codes and position titles that meet the definition of selective certification.

¹ comparable to IDAPA15.04.01.140.01

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- n. "State service" means credited state service as defined by Idaho Code § 67-5332.
- o. "Temporary classified position" is one that is established for a definite period or is contingent on work and/or funding that is typically considered temporary such as contract or grant funding. The necessary documentation to establish a temporary position subject to the layoff exclusion is a current offer letter, the job posting and advertisement, the job description, or other written documentation acceptable to Human Resources that includes language indicating the position is contingent upon work or the continuation of grant or other temporary funding. Typically, the duration corresponds to the period of a grant or contract.
- p. "Vacant position" is a position that is not held by a person and which UI in its discretion has decided to fill regardless of funding source.

3. Process for determining layoffs or non-renewals

Step 1: The unit administrator develops and recommends a plan for the elimination of positions and/or the reduction of positions in the unit to the vice president under which the unit is organized. Units reporting to the president/provost should make their recommendation to the provost. The plan for elimination/reduction of positions may be limited to or specifically exclude positions appointed using selective certification for bona fide occupational qualifications or appointed using specific options or minimum qualification specialties in a classification. Inclusions and exclusions must include or exclude all positions in that classification appointed under similar selective certification, or the same option or minimum qualification specialty and must be approved in advance by the unit administrator.

- a. Step 2: Following approval of the plan by the vice president or provost, the unit administrator should take steps to ensure that notice is given to affected employees who are not classified employees. Notices should be delivered as much in advance of the effective date as practical.

In the case of temporary hourly employees (TH), notice should be given at least 24 hours prior to its effective date. Temporary-help, student-help, graduate-assistant, and instructional-assistant positions, though not necessarily established for an explicit duration, are, for the purposes of this and related policies, not considered to be classified employees. For exempt staff, notice must be provided by the president's office at least 60 days prior to the end of the term of employment (in most cases no later than April 20). For non-tenured faculty notice must be provided according to the time periods listed in FSH 3900B.²

Step 3: If classified positions are to be eliminated or reduced, identify the classifications that have insufficient work, insufficient funds, or are being eliminated/reduced due to a reorganization of the unit.

² A non-tenured faculty member must be notified: a) not later than March 1 of the first full academic year of service if the appointment is not to be renewed at the end of the academic year or, if a one-year appointment terminates during an academic year and is not to be renewed, at least three months in advance of its termination; b) not later than December 15 of the second full academic year of service if the appointment is not to be renewed at the end of that year or, if the appointment terminates during an academic year and is not to be renewed, at least six months in advance of its termination; c) at least 12 months before the expiration of an appointment after two or more full academic years of service.

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Step 4: Complete the information on the Request to Layoff Classified Staff form on page 7 of this implementation guide. The administrator should *not* inform any staff member of potential layoff. The person to be laid off is determined by category and number of retention points by Employment Services (HR). Employment Services (HR) will review the position elimination/reduction request and respond to the unit administrator.

Step 5: Following determination by Employment Services (HR) of which person or persons in each classification is/are to be laid off, Employment Services (HR) will prepare appropriate notices for the affected classified employees and give them to the unit administrator for delivery. The notice must be delivered at least 2 weeks (14 calendar days) before the effective date of the layoff.

4. Layoff Policy: Implementation of FSH 3930

- a. Classified positions may be eliminated when there is insufficient work or insufficient funds or in the event of a reorganization of a unit.
- b. If the elimination of a position results in the layoff of a classified employee or employees, layoffs occur within the unit, according to category and retention points. When determining retention points, any month for which there is no evaluation will be counted as a satisfactory month and given points per the table above.
- c. Early consultation among the unit administrator and Employment Services (HR) is essential to ensure the correct identification of positions to be eliminated, and that the assignment of category and retention points is supported by the records maintained by HR. Any employee who would like to have their retention points audited, should contact The Office of Civil Rights and Investigations (OCRI), 885-4285.
- d. Effect of Layoff:
 - 1) At the time Employment Services (HR) prepares the notice of layoff, Employment Services will also make every effort to place the employee in a position of the same classification and market rate. If another position is not available, the employee's name is placed on a layoff roster. An employee who resigns or retires voluntarily, is terminated for cause, or fails to satisfactorily complete the required probationary period is not eligible to be placed on the layoff roster. Further, employees with contingency language in the offer letter, the job posting and advertisement, the job description or other written documentation acceptable to Human Resources that indicates the continuation of the position is contingent on work and/or the continuation of funding and who are in a classification affected by a layoff have no preference for reemployment and their names are not placed on the layoff roster.³

³ comparable to IDAPA 15.04.01.146

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- e. A reduction of a position constitutes a layoff and will be handled in the same manner as a position elimination. If a unit decides to reduce a classified position, Employment Services (HR) will produce a list of all classified employees within that UI classification code and then within the UI/HR position title in the unit, assign retention points within categories, as defined in the UI classified staff layoff policy, and the employee with the smallest number of retention points will be offered the reduced position. If eligible, the employee who takes the reduced position will be placed on the layoff roster and have re-employment rights to a non-reduced position. The only exception to this process will be if the incumbent chooses to remain in the reduced position; this will be allowed.

- f. Reemployment from the layoff roster:
 - 1) An employee whose name is on the layoff roster and who is qualified for a vacant position must be offered reinstatement to a position in the UI classification code and UI/HR position title from which he or she was laid off, or in a lower UI classification code in the same series, or in a UI classification code in which the employee has held certified status with UI, before any other person may be promoted, transferred, reinstated, or hired into a vacant position for that UI classification code by any UI unit. The employee will be eligible for qualifying positions that are posted after receiving notification of layoff.

 - 2) Category and retention points determine preference for reemployment from layoff rosters. Persons on the layoff roster in category (1) are to be reemployed before any persons in category (2) and so on. (See definitions) Within a category the employee with the largest number of "retention points is to be offered reemployment first. If two people are in the same UI classification code with the same UI/HR position title and category and have the same number of retention points the offer of reemployment will first be made to the person who has been on the list the longest.

 - 3) Laid off employees will remain on the layoff roster until they decline three qualifying offers of employment or for one year, whichever occurs first unless the conditions of 4.d.1 from above have occurred. At the University's discretion, employees on the layoff roster may be offered positions at locations different from the one they worked at before layoff. Any such offer will not be considered a qualifying offer of employment for purposes of this paragraph if the location is beyond 70 miles from the location worked at the time of the layoff. In addition, offers to fill positions for which the employee is certified, but is at a lower market rate or temporary positions are not qualifying offers. An employee may accept a non-qualifying offer and remain on the layoff roster until a qualifying offer is accepted or 12 months, whichever occurs first.

5. Interpretation of specific circumstances

If during the implementation of a layoff this policy and interpretive guidelines do not address the specific circumstances raised, Employment Services (HR) will consult the Rules of the Idaho Division of Human Resources and Personnel Commission for guidance. These rules will be applied in so much

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as practical, as required by the Regents of the University of Idaho policy applicable to UI classified staff, RGP II D1b⁴.

Attachment A List of "units" and unit administrators

1. College of Agricultural and Life Sciences
Includes Cooperative extension and R&E centers
2. College of Art and Architecture
3. College of Business and Economics
4. College of Education, Health and Human Sciences
5. College of Engineering
6. College of Law
7. College of Letters, Arts and Social Sciences
8. College of Natural Resources
9. College of Science
10. Vice Provost for Academic Initiatives
11. Dean of Students
12. Strategic Enrollment Management
13. UI Center Boise
14. UI Center Idaho Falls
15. UI Center Coeur d'Alene
16. Office of Research and Institutes not within Colleges
17. College of Graduate Studies
18. Division of Finance and Administration
19. Provost and Executive Area, Academics
20. Presidential Area
21. Athletics
22. University Advancement
23. Library
24. ITS
25. Vice Provost for Faculty

⁴ b. Classified Employees -- University of Idaho

Classified employees at the University of Idaho are subject to the policies and procedures of the University of Idaho for its classified employees. Such policies and procedures require approval by the Board, and should be, in so much as practical, parallel to the provisions provided for state of Idaho classified employees in Chapter 53, Title 67, Idaho Code.

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Request to Layoff Classified Staff

Complete items 1-3, sign, date and send or deliver to Brandi Terwilliger, Director of Human Resources, mailstop 4332, at least four weeks prior to intended date of position elimination. Forms may be sent electronically to brandit@uidaho.edu.

1. Attach a copy of the approved plan for reduction of employees in the unit.
2. Identify the classified position that is to be **eliminated**. (Use a separate request form for each classification affected by the plan.)

OR

Identify the classified position that is to be **reduced**. _____

If the position is to be reduced, what percentage of the position will remain? _____

3. Desired effective date of anticipated layoff: _____

Signature of Unit Administrator

Date

Print: Name Unit Administrator, phone number

Email address

(For HR Use Only)

Human Resource Services will:

- Identify employees within the unit that fall under the classification to be eliminated or reduced.
- Assign retention points to all unit employees in that classification and determine the order in which employees are to be laid off.
- Prepare formal layoff notification letters and return them to the unit administrator with this form.

Name of employee to be laid off: _____

Category: _____ Retention Points: _____ Effective Date of Layoff: _____

Department: _____ Unit: _____

Human Resources

Date

Attachment (Letter to employee)

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**SUMMARY OF CLASSIFIED STAFF LAYOFF PROCESS FOR
UNIT ADMINISTRATOR**

- STEP 1:** Develop a plan for reduction of positions and send to the Provost or appropriate Vice President. Identify any positions to be excluded from the reduction plan.
- STEP 2:** Provide termination notice to temporary hourly employees (24 hours notice) and Exempt employees (notice to President's Office by April 02) per the reduction plan.
- STEP 3:** Complete the Request to Layoff Classified Staff form for each classified staff position classification to be reduced or eliminated. Send to HR as soon as possible, BUT AT LEAST 4 WEEKS BEFORE DATE OF EFFECTIVE LAYOFF.
- STEP 4:** HR will return completed "memos for affected employees" within the classification to be reduced or eliminated for unit administrator to distribute.
- STEP 5:** HR will return to unit administrator the Request to Layoff Classified Staff form identifying the employee to be laid off due to position elimination or reduction; a layoff notice for the affected employee will be included. NOTICE MUST BE DELIVERED AT LEAST 2 WEEKS (14 CALENDAR DAYS) BEFORE THE EFFECTIVE DATE OF LAYOFF.
- STEP 6:** Employee identified for layoff should contact HR for additional information regarding the layoff roster and current position vacancies.