

LAYOFF POLICY AND PROCEDURES

(Issued by the President, October 1974; Revised by the President, January 1975) Amendments approved (78-79 CFA 12) by the Academic Senate, May 22, 1979; Approved by the President, June 12, 1979; Revised to conform with Collective Bargaining Agreement (83-84 FAC 8); Approved by the Academic Senate, May 29, 1984; Approved by the President, June 12, 1984. Revision (92-93 FAC 2) approved by the Academic Senate, February 23, 1993; Approved by the President March 5, 1993. Revised (03-04 BC-1) approved by the Academic Senate 10-7-03.

Introduction

This policy describes the procedures to be followed in the event that budget restrictions raise the possibility of faculty layoffs. Layoff decisions are governed by the provisions of Article 38 of the Collective Bargaining Agreement (hereafter called the Agreement) between the Board of Trustees of the California State University and the California Faculty Association. No action shall be taken under campus policy inconsistent with the Agreement or with the University Mission Statement.

Since faculty layoffs may threaten serious damage to university programs, it is important that every reasonable effort be made to avoid or minimize such layoffs. To this end, the Agreement recommends various voluntary measures and reassignment mechanisms (Sections 38.6 and 38.25). To the extent possible, these provisions shall be implemented at CSUEB.

The ad-hoc University Committee on Layoffs (described in Section 1.2), guided by the advice of appropriate faculty government bodies, and in consultation with the President, the Provost, and the College Deans, will shape specific layoff recommendations in any given year in accord with these Policies and the Agreement.

1. Avoiding or Minimizing the Need for Layoffs

- 1.1 The President, Provost, Deans and Faculty of the University shall assist in minimizing the need for faculty layoffs. It is University policy that as many of the provisions of Section 38.6 of the Agreement will be used as are appropriate, as well as any other actions which will accomplish the same goals. (See Appendix A for Section 38.6 of the Agreement and Appendix B for additional provisions listed in the 1974 Interim Layoff Policies and Procedures.)
- 1.2 The ad hoc University Committee on Layoffs, hereafter referred to as the "University Committee," shall be composed of seven faculty members selected as follows: The Chair of the Academic Senate who shall chair the University Committee and shall have a vote; six tenured faculty members, at least one selected from the Faculty Affairs Committee and at least one selected from the Committee on Budget and Resource Allocation. There shall be no more than one member from any single department. Members of the University Committee shall be nominated by the Executive Committee and elected by a majority vote of the Academic Senate at its first meeting in the Fall of each year. The seven representatives shall be so chosen that each college faculty is represented in the same proportion as its proportion of the regular members of the University Faculty. The President of the University will appoint an eighth member of the University Committee who shall be non-voting.

- 1.3 The President and the Provost shall provide the University Committee with all relevant data regarding the potential need for layoff. The Provost and College Deans shall collect all available information regarding projected retirements, leaves, sabbaticals and other employment alternatives of the faculty as described in Section 1.1 of this policy. These data shall be presented to the University Committee at the start of the university Committee's deliberations.
- 1.4 In the process of determining the need for layoff, the Provost and the College Deans shall review faculty allocations in consultation with the departments or programs concerned and shall present their analysis to the University Committee.
- 1.5 The University Committee will forward its recommendations on the need for layoffs to the President. If the President disagrees with the Committee's recommendation, s/he shall inform the Committee of the reasons for disagreement and will, time permitting, attempt to resolve any differences through further consultations with the Committee. When the final decision is made, the President will direct layoff mitigation actions (as outlined by the Agreement, Section 38.6) and/or continue the procedures for layoff as described in Section 2.
- 1.6 All temporary and permanent reassignments shall be made in accordance with Sections 38.25 through 38.29 of the Agreement.

2. Procedures for Determining Layoff

- 2.1 The layoff process will be initiated by direction of the President. The President's directive will, if required, establish deadlines by which various faculty committees and administrators must forward their recommendations on layoff. In a year in which layoff is anticipated, the University Committee (Section 1.2) shall be convened if possible no later than the beginning of April so that timely notice (as governed by the Agreement, Sections 38.19 and 38.20) can be given.
- 2.2 The University Committee shall review information pertaining to the need for layoffs, and shall receive all data relevant to the layoff recommendations it must make. Information generated by the Provost and College Deans will be reported to the Committee in a uniform format so as to facilitate analysis and comparisons among the colleges.
- 2.3 The University Committee, after having consulted with the Provost and the College Deans, and having taken account of the University Mission Statement and the guidance from appropriate faculty government bodies, will recommend reductions of allocations by department. Such recommendations will be governed by the academic and educational requirements of the University and its students. Within the limits of this basic principle, the University Committee shall attempt to minimize the number of tenured faculty to be laid off, and secondarily the number of tenure track faculty to be laid off, and shall attempt to minimize disproportionate effects on female and minority faculty.
- 2.4 The University Committee shall forward its recommendations to the President. If the President disagrees with the Committee's recommendation on reduction in the departments, s/he shall inform the Committee of the reasons for disagreement and

will, time permitting, attempt to resolve any differences through further consultations with the Committee. When the final decision is made, the President will direct each department affected to proceed with implementation by the Committees as described in Section 3.

3. Procedures for Implementing Layoff

- 3.1 In a department where layoffs are to be made, the department chair and the department Promotion and Tenure Committee will constitute an ad hoc committee, hereafter referred to as the Department Committee, to recommend those to be laid off in the department. The department may elect tenured department members to replace non-department members of this Committee. The department chair shall chair the Department Committee. Each Committee member including the department chair will have one vote.
- 3.2 In each college, the dean and the college Promotion and Tenure Committee will constitute the College ad hoc Committee on Layoffs, hereafter referred to as the "College Committee." If a department's representative on the college Promotion and Tenure Committee is not a member of that department, then the department may elect one of its tenured members to replace the department's representative on the College Ad Hoc Committee on Layoffs. The dean shall serve as chair. Each committee member including the dean shall have one vote.
- 3.3 The Department Committee shall recommend in a letter to the President of the University which faculty members are to be laid off in the affected department. The order of layoff is governed by the Agreement, Sections 38.10 through 38.18. The recommendation should also reflect the priorities and criteria referred to in Section 2.3 of this document.
 - 3.3.1 Technical information such as length of service or seniority points will be provided to the Department Committees by the Provost and the College Deans and will be calculated in accordance with the applicable provisions of the Agreement.
 - 3.3.2 The seniority list provided to the Department Committees shall show the name of each faculty member, the date of initial continuous appointment, and the seniority points as of September 1 of the academic year in which the list is being drawn up. The information will be circulated among the departmental faculty. If any faculty member questions any of the information, the question is to be resolved by the College Dean.
 - 3.3.3 Exceptions to the order of layoff may be made in accordance with the Agreement, Section 38.18. Any recommendation for such an exception shall be accompanied by appropriate documentation regarding the specialization of the affected employee and the relationship of that specialization to the department's program.
- 3.4 Any faculty member designated for layoff in such a recommendation shall be notified of this fact by the department chair, as well as of the opportunity to direct an appeal in writing to the Department Committee within seven calendar days.

This notice shall include relevant criteria for the layoff. At the end of seven calendar days or at the conclusion of the Department Committee's deliberations on an appeal or appeals, whichever comes first, the Department Committee will forward its recommendations to the President through the appropriate dean and College Committee.

- 3.5 The department chair shall inform the person or persons recommended for layoff, as described in Section 3.4, of the transmittal of the Department Committee's final recommendation to the dean and the College Committee, as well as of the opportunity to direct an appeal in writing to the College Committee within seven calendar days. If there is no appeal, the dean of the college shall transmit the department's recommendation to the President. If there is an appeal, the College Committee shall consider the appeal. The dean shall transmit the appeal and the College Committee's recommendations regarding the appeal to the President with the Department Committee's recommendation.

4. Notice of Layoff

The requirements for notice of layoff are prescribed in Section 38 of the Agreement. Beyond the legal requirements, the University will attempt to give as much advance notice of layoff as possible.

An employee who has received notice of layoff may accept layoff at any time prior to the effective date of which s/he was notified, without waiving reemployment rights or tenure status.

5. Recall Rights and Procedures

Part-time temporary faculty, full-time temporary faculty, and faculty members in a terminal year who have been laid off have no reemployment rights (California Administrative Code, Title V).

Tenured faculty and probationary faculty have recall rights in accordance with the Agreement, Sections 38.30 through 38.33.

Further information on Layoffs can be found in the Collective Bargaining Agreement, Article 38, available on the web at: http://www.calstate.edu/LaborRel/Contracts_HTML/CFA_CONTRACT/article38.shtml

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APPENDIX A

Collective Bargaining Agreement - Section 38.6

The following voluntary programs to avoid layoff shall be made available pursuant to this Agreement and program requirements. Such programs shall include but not be limited to:

- a. leaves of absence without pay, pursuant to Article 22;
- b. voluntary reduced timebase;
- c. temporary reassignment, full or partial;
- d. visiting appointments on another campus;
- e. extension appointments to augment reduction in timebase;
- f. voluntary retirement;
- g. early entry in the PRTB, pursuant to Article 30;
- h. difference in pay leaves, pursuant to Article 28;
- i. sabbaticals, pursuant to Article 27.

APPENDIX B

Provisions listed in the 1974 Interim Layoff Policies and Procedures

1. Avoiding or Minimizing the Need for Layoffs

All academic and administrative employees of the University shall assist in minimizing the need for faculty layoffs. In particular, it is University policy that as many of the following suggestions as may be appropriate, and any others which will accomplish the same goal within the stated philosophy of this document, will be used when and where appropriate.

- A. Facilitate early retirement, e.g., senior faculty might be willing to elect early retirement if the benefit provisions were adequate, or, they might work on a half-time basis, earning half-time retirement credit, until they desire to retire fully from the system.
- B. Encourage sabbaticals, creative leaves, leaves of absence, etc.; wherever possible, use such leaves to protect the positions primarily of faculty and secondarily, probationary faculty.
- C. Encourage faculty to apply for fellowships and grants. The Research Office will identify and make known sources of funds to support leaves of absence.
- D. Encourage movement, both "borrowing" and transfer, of qualified faculty between departments.
- E. Explore the altering of the academic year of faculty to include summer teaching.
- F. Use qualified faculty to fill openings on the administrative staff.
- G. Use Continuing Education courses for faculty who are willing to use this to fill out a partial workload.
- H. Develop external degrees or courses off-campus to fill out a faculty workload.
- I. Explore means to enable faculty to teach at more than one institution to fill out a faculty workload.
- J. Reduce faculty appointments to 2/3 time in one academic quarter per year. This must be done on a voluntary basis, and can be rotated throughout a college or department to minimize its impact. This procedure would be especially appropriate if it appears that the layoff will be of short duration.
- K. Develop plans, e.g., through sabbatical leave policies, to assist in the "education" of faculty to qualify them to fill positions in other teaching service areas.
- L. Develop a program to increase public awareness of University programs and the advantages of enrollment at the University.