

1 **ARTICLE 13**

2 **LAYOFF AND RECALL**

4 **13.1 Layoff.**

5 (a) Layoff. A layoff occurs as a result of adverse financial circumstances;
6 reallocation of resources; reorganization of degree or curriculum offerings or
7 requirements; reorganization of academic or administrative structures,
8 programs, or functions; or curtailment or abolition of one or more programs or
9 functions.

10 (b) Layoff Unit. The layoff unit may be at an organizational level of the
11 University, such as a campus, division, college/unit, school, department/unit,
12 area, program, or other level of organization as the University deems
13 appropriate.

14 (c) The sole instance in which only one employee will constitute a layoff
15 unit is when the functions that the employee performs constitute an area,
16 program, or other level of organization at the University.

17 **13.2 Layoff Considerations.** The selection of employees in the layoff unit
18 to be laid off will be determined as follows:

19 (a) No tenured employee shall be laid off if there are non-tenured
20 employees in the layoff unit. ~~No non-tenured but tenure-earning employees~~
21 ~~shall be laid off if there are non-tenured, non-tenure earning employees in the~~
22 ~~layoff unit.~~

23 (b) ~~No employee in a non-tenured position in the layoff unit with more than~~
24 ~~five years of continuous University service shall be laid off if there are any~~
25 ~~such employees with five years or less service. The date of layoff unit~~
26 ~~notification to the UFF shall be the date used to determine length of~~
27 ~~continuous University service.~~

28 (c) Where employees are equally qualified ~~under (a) or (b) above~~, those
29 employees will be retained who, in the judgment of the University, will best
30 contribute to the mission and purpose of the University, including its
31 commitment to diversity. In making such judgment, the University shall
32 carefully consider employees' length of continuous University service, and
33 shall take into account other appropriate factors, including but not limited to
34 performance evaluation by students, peers, and supervisors, and the
35 employee's academic training, professional reputation, teaching
36 effectiveness, research record or quality of the creative activity in which the
37 employee may be engaged, and service to the profession, community, and
38 public.

39 (d) No tenured employee shall be laid off solely for the purpose of creating
40 a vacancy to be filled by an out-of-unit person entering the bargaining unit.

41 (e) ~~The University shall notify the UFF Chapter in writing regarding the~~
42 ~~use of adjunct and other non-unit faculty in those departments/units where~~
43 ~~employees have been laid off.~~ The use of adjunct and other non-unit faculty in
44 departments/units where employees have been laid off may be the subject of
45 consultation meetings pursuant to Article 2.
46
47

Commented [C1]: UFF proposes replacing "may" with "shall" - BOT prefers SQ language

Commented [C2]: UFF proposed adding UFF approval - BOT prefers SQ language

Commented [C3]: Eliminating this language creates two categories of regular faculty: Tenured and non-tenured. If non-tenured employees are to be retained, the decision to keep TE faculty may be affected - but that decision can be made when evaluating those that are to be retained.

Commented [CP4]: Length of continuous service is already a retention consideration. - simplifies process to not have an artificial tier based on service length - stick to tenured or non-tenured

Commented [C5]: UFF proposes adding a "written justification" to replace "judgment" - BOT prefers SQ language

Commented [CP6]: Central administration is not informed of adjunct hiring decisions. If there is an issue, it may be raised, and if necessary, a consultation scheduled to discuss it.

48 **13.3 Alternative/Equivalent Employment.** Prior to giving a notice of
 49 layoff to the employee, the University shall make a reasonable effort to locate
 50 appropriate alternate or equivalent employment within the University for that
 51 employee and to make known the results of the effort to the person affected.
 52

53 **13.4 Notice.** Eligible employees should be informed of layoff as soon as
 54 practicable and, where circumstances permit, ~~after employees with three six~~
 55 or more years of continuous UCF service, employees should be provided at
 56 least ~~one two~~ full semester/terms' notice (or ~~one year sixteen week~~'s notice for
 57 employees with an assignment greater than an academic year); ~~whichever is~~
 58 ~~greater. ¶Those in their first six years of continuous University service, the~~
 59 ~~remainder of a semester or term, or six weeks, whichever is greater. with less~~
 60 ~~service, with at least one full semester's notice (or six months' notice for~~
 61 ~~employees with an assignment greater than an academic year).~~ Formal
 62 written notice of layoff is to be sent ~~via email or~~ by certified mail, return receipt
 63 requested, or delivered in person to the employee with written documentation
 64 of receipt obtained. The notice shall include effective date of layoff; reason for
 65 layoff; ~~reason for shortened period of notification, if applicable;~~ a statement of
 66 appeal/grievance rights and applicable dates for filing; ~~and~~ information on
 67 how to access the University Vacancy Listing. The University shall copy the
 68 local UFF Chapter as well as the UFF state office on the layoff notice
 69 provided to the employee. The UFF may request a consultation with the
 70 president or president's representatives pursuant to Article 2 to discuss the
 71 noticed layoff.
 72

73 ~~During their notice period, employees shall continue to have rights to~~
 74 ~~alternate or equivalent employment.~~ It shall be the employee's responsibility
 75 to check the Vacancy listing and notify the Academic Affairs if he or she sees
 76 a vacancy that he or she is interested in and qualified for. After the cessation
 77 of their employment, employees shall be provided a statement of their recall
 78 rights and the expiration of those rights.
 79

80 **13.5 Re-employment/Recall.**

81 (a) For ~~two~~ years (365 days) following layoff, an employee who has
 82 been laid off and who is not otherwise employed in an equivalent full-time
 83 position shall be offered re-employment in the same or similar position at the
 84 University should an opportunity for such re-employment arise. ~~If an~~
 85 ~~employee is laid off from a multi-year appointment, the employee shall be~~
 86 ~~eligible for re-employment in the same or similar position at UCF, should such~~
 87 ~~a position become available within one year following the layoff or before the~~
 88 ~~expiration date of the employee's last employment agreement, whichever is~~
 89 ~~shorter. Employees appointed to a multi-year appointment who are recalled~~
 90 ~~shall be offered re-employment not to exceed the time remaining on their~~
 91 ~~employment agreement at the time of layoff.~~ Any offer of re-employment
 92 pursuant to this section must be accepted within ~~fifteen~~~~fourteen~~ days after the
 93 date of the offer and shall take effect no later than the beginning of the
 94 semester following the date the offer was made. If an employee rejects an
 95 offer of re-employment, the employee shall receive no further consideration

Commented [CP7]: UFF proposed deleting this language: BOT rejects, retaining flexibility and keeping SQ

Commented [CP8]: This gives a better picture when there are tenured and untenured positions in the unit.

Commented [CP9]: Change in notice period to permit greater flexibility to react to financial considerations.

Commented [CP10]: Redundant = reason for layoff

Commented [CP11]: Two years is a long time to offer recall.

Commented [CP12]: Multi-year appointments moved to 13.6 Limitations – no rights offered to the 4 NAE positions.

Commented [CP13]: 15 days doesn't really fit the pay period/workweek.

96 pursuant to this Article. ~~The University shall notify the local UFF chapter when~~
97 ~~an offer of re-employment is issued to a laid-off employee.~~

Commented [CP14]: This is an unnecessary task.

98 (b) An eligible employee shall resume the same status upon recall, as
99 applicable.

100 (c) Upon recall or reemployment, under this section, the eligible employee
101 shall normally receive the same credit for years of service as held on the date
102 of layoff.

103 (d) Employee Assistance Programs. ~~Consistent with the University's~~
104 ~~Employee Assistance Program, e~~ employees participating in an employee
105 assistance program who receive a notice of layoff may continue to participate
106 in that program for a period of ninety days following the layoff.

107
108 **13.6 Limitations.** The provisions of ~~Sections 13.2 through 13.5 of this~~
109 ~~Agreement Article~~ shall not apply to employees who are funded by auxiliary
110 or C&G funding (soft money), who have visiting or provisional status, or who
111 have a multi-year agreement. ~~those employees described in Sections 12.2(b)~~
112 and in 8.5(c).

Commented [CP15]: This spells out what the exemptions are without having to look them up in the different sections and where numbering could easily get confused.