

1 **ARTICLE 13**

2 **LAYOFF AND RECALL**

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

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

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

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

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

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

Commented [CP1]: UFF is at SQ for this Article.

Commented [C2]: 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 [CP3]: 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 [CP4]: 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.

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 49 **13.3 Alternative/Equivalent Employment.** Prior to giving a notice of
 50 layoff to the employee, the University shall make a reasonable effort to locate
 51 appropriate alternate or equivalent employment within the University for that
 52 employee and to make known the results of the effort to the person affected.
 53

54 **13.4 Notice.** Eligible employees should be informed of layoff as soon as
 55 practicable and, where circumstances permit, ~~after employees with three six~~
 56 or more years of continuous UCF service, employees should be provided at
 57 least ~~one two~~ full semester/terms' notice (or ~~one years sixteen week's~~ notice for
 58 employees with an assignment greater than an academic year); ~~whichever is~~
 59 ~~greater. †Those in their first six years of continuous University service, the~~
 60 ~~remainder of a semester or term, or six weeks, whichever is greater, with less~~
 61 ~~service, with at least one full semester's notice (or six months' notice for~~
 62 ~~employees with an assignment greater than an academic year).~~ Formal
 63 written notice of layoff is to be sent ~~via email or~~ by certified mail, return receipt
 64 requested, or delivered in person to the employee with written documentation
 65 of receipt obtained. The notice shall include effective date of layoff; reason for
 66 layoff; ~~reason for shortened period of notification, if applicable;~~ a statement of
 67 appeal/grievance rights and applicable dates for filing; ~~and~~ information on
 68 how to access the University Vacancy Listing. The University shall copy the
 69 local UFF Chapter as well as the UFF state office on the layoff notice
 70 provided to the employee. The UFF may request a consultation with the
 71 president or president's representatives pursuant to Article 2 to discuss the
 72 noticed layoff.
 73
 74

75 ~~During their notice period, employees shall continue to have rights to~~
 76 ~~alternate or equivalent employment.~~ It shall be the employee's responsibility
 77 to check the Vacancy listing and notify the Academic Affairs if he or she sees
 78 a vacancy that he or she is interested in and qualified for. After the cessation
 79 of their employment, employees shall be provided a statement of their recall
 80 rights and the expiration of those rights.
 81

82 **13.5 Re-employment/Recall.**

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

Commented [CP5]: This gives a better picture when there are tenured and untenured positions in the unit.

Commented [CP6]: Change in notice period to permit greater flexibility to react to financial considerations.

Commented [CP7]: Redundant = reason for layoff

Commented [CP8]: Two years is a long time to offer recall.

Commented [CP9]: Multi-year appointments moved to 13.6 Limitations – no rights offered to the 4 NAE positions.

Commented [CP10]: 15 days doesn't really fit the pay period/workweek.

96 semester following the date the offer was made. If an employee rejects an
 97 offer of re-employment, the employee shall receive no further consideration
 98 pursuant to this Article. ~~The University shall notify the local UFF chapter when~~
 99 ~~an offer of re-employment is issued to a laid-off employee.~~

Commented [CP11]: This is an unnecessary task.

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

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

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

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

Commented [CP12]: This spells out what the exemptions are without having to look them up in the different sections and where numbering could easily get confused.