

**NON-SENATE ACADEMIC APPOINTEES/LAYOFF AND
INVOLUNTARY REDUCTION IN TIME**

I. REFERENCES AND RELATED POLICIES

UCSD Policy and Procedural Manual (PPM)

- 230-5 Non-Senate Academic Appointees/Grievances
- 230-6 Academic Personnel Affirmative Action Program

Academic Personnel Manual (APM)

- 035 Affirmative Action and Nondiscrimination in Employment
- 137 Non-Senate Academic Appointees/Term Appointments
- 140 Non-Senate Academic Appointees/Grievances
- 145 Non-Senate Academic Appointees/Layoff and Involuntary Reduction In Time
- 150 Non-Senate Academic Appointees/Corrective Action and Dismissal

Standing Orders of the Regents

- 103.2 Privilege of Hearing Before the Academic Senate
- 103.9 Tenure

UC Academic Senate Bylaw 337: Privilege and Tenure – Early Termination Cases

San Diego Division of the Academic Senate Bylaw 230: Privilege and Tenure

II. POLICY

- A. It is the University's policy to provide equitable and consistent treatment for academic appointees covered by this policy.
- B. Non-Senate academic appointees may be laid off or receive an involuntary reduction in time for good cause. Good cause is established when the University's actions as determined by the University are based on budgetary reasons, lack of work, and/or programmatic needs.
- C. This policy does not apply to corrective action or dismissal of non-Senate academic appointees resulting from misconduct, unsatisfactory work performance, dereliction of duty, or violation of University policy. (See APM 150, Non-Senate Academic Appointees/Corrective Action and Dismissal).

III. DEFINITIONS

- A. **Involuntary Reduction in Time.** An involuntary reduction in time occurs when the University reduces an academic appointee's percentage of effort prior to his or her established ending date because of budgetary reasons, lack of work, and/or programmatic needs.

Reappointment of an academic appointee following his or her established ending date at a lesser percentage of effort is not an involuntary reduction in

time.

- B. **Layoff.** A layoff occurs when the University terminates an academic appointee's appointment prior to his or her established ending date because of budgetary reasons, lack of work, and/or programmatic needs.

Non-reappointment of an academic appointee following his or her established ending date is not a layoff (see APM 137, Non-Senate Academic Appointees/Term Appointments).

- C. **Layoff Unit.** For the purposes of selecting an appointee for a layoff or reduction in time, a layoff unit is defined as an academic department, organized research unit, or program. If a department is formally comprised of divisions, each division is considered a separate layoff unit.

IV. ELIGIBILITY

- A. This policy applies to all academic appointees of the University who are not members of the Academic Senate, except as provided in IV B. and C. below. (See Appendix A for a complete list of non-Senate academic series.)
- B. For appointees covered by a Collective Bargaining Agreement Memorandum of Understanding (MOU), this policy applies only to the extent provided for in the MOU.
- C. This policy does not apply to housestaff (interns or residents) or student academic appointees.

V. RESPONSIBILITIES

- A. **Department Chair.** The department chair (or equivalent officer) is responsible for:
1. Determining the need for and the order of proposed layoff and involuntary reduction in time proposals.
 2. Ensuring that the proposed layoff or reduction in time is in compliance with University and campus policies and procedures.
 3. Ensuring that the layoff or involuntary reduction in time is proposed without regard to the academic appointee's race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994.
 4. Coordinating review of layoff and involuntary reduction in time proposals with the appropriate reviewing and/or approval

authorities.

5. Providing adequate notice of an approved layoff or involuntary reduction in time to the affected academic appointee, in accordance with Section VII, below.
6. Maintaining a roster of all academic appointees in the layoff unit who are currently on layoff status and notifying individuals on layoff status of open positions for which they may be qualified. (See Section VIII.G., below.)
7. In accordance with Section VI.B.1., when a non-Senate faculty appointee is selected for a proposed layoff, the Chair is responsible for making reasonable efforts to find the appointee other suitable employment at UCSD (see Appendix A for a list of non-Senate faculty titles).

B. Campus Reviewers. Campus reviewers are responsible for:

1. Evaluating layoff and involuntary reduction in time proposal to assess whether or not there is good cause for the proposed action.
2. Reviewing the order of layoff and involuntary reduction in time proposals.
3. Reviewing the proposed layoff or reduction in time for compliance with University and campus policies and procedures.
4. Assessing whether the layoff or involuntary reduction in time is proposed without regard to the academic appointee's race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994.
5. Providing a recommendation to the approving authority.

Specific campus reviewers of layoff and involuntary reduction in time proposals vary depending on the appointee's series and/or division. See [link to Authority and Review chart] for a list of reviewers by series and division.

C. Approval Authority. The approval authority is responsible for:

1. Evaluating layoff and involuntary reduction in time proposals to assess whether or not there is good cause for the proposed action.
2. Reviewing the order of layoff and involuntary reduction in time

proposals.

3. Reviewing the proposed layoff or reduction in time for compliance with University and campus policies and procedures.
4. Ensuring that the layoff or involuntary reduction in time is proposed without regard to the academic appointee's race, color, national origin, religion, sex, gender identity, pregnancy, physical or mental disability, medical condition (cancer-related or genetic characteristics), genetic information (including family medical history), ancestry, marital status, age, sexual orientation, citizenship, or service in the uniformed services as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994.
5. Approving or disapproving the layoff or involuntary reduction in time and providing the department with written notification of the final decision.

The approval authority for layoff and involuntary reduction in time proposals is based upon the appointee's series and/or division. See Appendix A [link] for a list of approval authorities by series and division.

VI. PROCEDURES

A. Selection of Appointee for Layoff or Involuntary Reduction In Time

1. If there is more than one appointee in the same rank and series in the layoff unit, the order of layoff or involuntary reduction in time is based on the special skills, knowledge, and/or abilities essential to the layoff unit. The department chair makes this determination with input, if necessary, from the direct supervisor(s) of the affected appointee(s).
2. When there is no substantial difference in the degree of special skills, knowledge, or abilities essential to the layoff unit, the order of layoff or involuntary reduction in time will begin with the least senior academic appointee. Seniority is established on the basis of the number of months of full-time equivalent (FTE) academic service at UCSD.

B. Alternatives to and Postponement of Layoff

1. Reasonable Efforts to Find Suitable Employment

For non-Senate faculty appointees, the department chair should make reasonable efforts to find the selected faculty member other suitable employment at UCSD (see Appendix A for a list of non-Senate faculty titles). The department chair must document his or her efforts, and, if necessary, explain why these efforts were unsuccessful in the layoff or reduction in time proposal.

2. Leave of Absence Without Pay

If an appointee selected for layoff has a reasonable opportunity to transfer to another University position within 90 days of the proposed layoff date, and the layoff unit agrees, a Leave of Absence Without Pay for up to 90 days and without the right of reinstatement may be granted in order to avoid a break in service. In such cases, a layoff proposal for the appointee must be prepared and approved and must indicate that a leave without pay will precede the proposed layoff date. (A copy of the leave request should be submitted with the layoff proposal.) If the appointee has not transferred to another University position by the proposed layoff date, the layoff will become effective.

3. Non-Salaried Status

If there is a reasonable expectation that salary funding for the appointee will become available within 90 days of the proposed layoff date, and if the layoff unit agrees, the appointee may be placed on non-salaried status in his or her present title for up to 90 days. A layoff proposal for the appointee must be prepared and approved and must indicate that a change to non-salaried status will precede the proposed layoff date. If salary funding is secured prior to the proposed layoff date, the appointee will be returned to salaried status and the layoff proposal will be void. If funding is not secured by the proposed layoff date, the layoff will become effective.

C. Preparation of Layoff or Involuntary Reduction in Time Proposal

Upon determining the need for a layoff or involuntary reduction in time, and the order in which the layoff or involuntary reduction in time is to be accomplished, the layoff unit must prepare a layoff or involuntary reduction in time proposal using the form provided on the Academic Personnel Services Web site. [link] The proposal must sufficiently document the reason(s) for the layoff or involuntary reduction in time, describing the relevant budgetary reason(s), lack of work, and/or programmatic needs. If budgetary reasons are cited, documentation of the budgetary limitations must be provided.

When a layoff or involuntary reduction in time is proposed for an appointee in the Acting Professor, Adjunct Professor or Clinical Professor series for programmatic reasons the proposal must include documentation of consultation with the departmental faculty, including a vote on the decision by eligible voting faculty. The proposal will be submitted to the appropriate Committee on Academic Personnel for its review and recommendation, and the Committee on Academic Personnel will determine whether review by other committees of the Academic Senate is necessary.

Proposals must be submitted to the appropriate administrative reviewer and/or approval authority in a timely manner to allow sufficient time for processing, and adequate time to provide notice to the academic appointee in accordance with

Section VII, below.

Proposals affecting appointees in the Acting Professor, Adjunct Professor, and Clinical Professor series should be submitted no later than 120 days prior to the proposed effective date; all other proposals should be submitted no later than 60 days prior to the proposed effective date.

D. Approval of Layoff or Involuntary Reduction in Time

The approval authority for the layoff or involuntary reduction on time will notify the department of the final action.

If the layoff or involuntary reduction in time is approved, the department chair will provide notice to the appointee in accordance with Section VII, below.

E. Withdrawal of Layoff or Involuntary Reduction in Time Proposal

1. The department may withdraw a layoff or involuntary reduction in time proposal, or postpone the effective date for up to six months. If the layoff or involuntary reduction in time has been approved and the appointee has received written notification pursuant to Section VII below, the department must provide written notification of the withdrawal or of the revised effective date to the appointee and the approval authority.
2. If a proposal is withdrawn, or if the effective date is extended for more than six months, the approved proposal is considered void. If the department subsequently wishes to proceed with a layoff or involuntary reduction in time, a new proposal must be prepared.

VII. NOTIFICATION OF LAYOFF OR INVOLUNTARY REDUCTION IN TIME

- A. An appointee must receive written notification from the department chair at least 30 calendar days in advance of the effective date of the layoff or involuntary reduction in time, unless a longer notice period is required (see Appendix A). The notice period will begin on the date upon which the written notification is delivered to the appointee. Appointees should be given as much additional notice as possible. Appropriate pay in lieu of notice may be given.
- B. A notification of layoff or involuntary reduction in time may not be issued until the layoff unit receives final approval from the approval authority.
- C. An appointee who receives notification of layoff or involuntary reduction in time may receive a copy of the proposal and any supporting documentation from the approval authority upon written request.

VIII. LAYOFF STATUS, RECALL, AND PREFERENTIAL REEMPLOYMENT

- A. **Layoff Status.** An appointee who is laid off or receives an involuntary reduction in time will be placed on layoff status for up to 12 months immediately following the date of layoff or involuntary reduction in time. During periods of layoff status, academic appointees are eligible for recall and/or preferential re-employment

into vacant positions in accordance with Section VIII.D., below.

Layoff status may be less than 12 months if (1) the specified ending date for a term appointment would have expired prior to the end of the 12-month period; or (2) the appointee is rehired in the same or an equivalent position.

- B. **Recall.** For the purposes of this policy, a recall is defined as re-employment of an academic appointee in a vacant position for which he or she is qualified during a period of layoff status, in the same title or series (at the same or lower rank), and in the same layoff unit. An open recruitment is not required when a layoff unit recalls an academic appointee on layoff status.
- C. **Preferential Re-employment.** For the purposes of this policy, preferential re-employment is defined as re-employment of an academic appointee in a vacant position for which he or she is qualified during a period of layoff status, in the same title or series (at the same or lower rank), in a department other than the appointee's original layoff unit. Preferential re-employment provides an academic appointee on layoff status with priority consideration for vacant positions following an open recruitment.
- D. Preference for re-employment in vacant positions will be granted in the following order:
 - 1. Appointees who have been laid off
 - 2. Appointees who have received an involuntary reduction in time and are currently on layoff status
 - 3. Appointees who have received official written notification of an approved layoff or involuntary reduction in time which will become effective within 6 months
- E. If more than one qualified person is on layoff status, the order of recall will be in inverse order of layoff or involuntary reduction in time (the first person laid off or receiving an involuntary reduction in time is first to be recalled).
- F. Subject to approval by the approval authority, a position that requires special skills, knowledge, or abilities may be filled by an individual who possesses the required skills, knowledge, and/or abilities ahead of an appointee on layoff status who does not possess the skills, knowledge, and/or abilities.
- G. Each layoff unit will maintain a roster of all appointees in the unit on layoff status. The layoff unit is responsible for notifying individuals on the roster of open positions in the layoff unit for which they may be qualified.
- H. The layoff unit is not required to conduct an open search for a position if it is recalling an individual on layoff status or re-employing an individual who has received official notice of a layoff or involuntary reduction in time which will become effective within 6 months.
- I. It is the responsibility of the individual on layoff status to keep the layoff unit informed of his or her current contact information and to advise the hiring

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department of his or her layoff status when applying for vacant positions outside of the layoff unit.

- J. Re-employment during a period of layoff status provides continuous or uninterrupted service for the limited purpose of applying University policies concerning seniority, sick leave, vacation, holidays, other leaves, reduced fees, and salary advances resulting from advances or promotion. However, benefits and credits for service, including those related to any retirement system, do not accrue during periods on layoff status.
- K. An appointee on layoff status may be eligible to participate in employee benefit programs as allowed by the University's Group Insurance Regulations.

IX. GRIEVANCES

- A. Layoff and involuntary reduction in time decisions may be grieved in accordance with the policy and procedures set forth in PPM 230-5, Non-Senate Academic Appointees/Grievances.

If a non-Senate academic appointee with a term appointment grieves a layoff or involuntary reduction in time decision, and the grievance is not resolved by the effective date of the approved action, the layoff or reduction in time will occur as scheduled.

If a non-Senate academic appointee with a term appointment grieves a layoff decision and the grievance is not resolved by the ending date of the existing appointment, the layoff becomes a non-reappointment effective on the specified ending date. The notice of layoff will also serve as notice of non-reappointment, if such notice is required.

- B. Standing Orders of the Regents 103.9 provides non-Senate faculty members the opportunity for an early termination hearing before the UCSD Senate Committee on Privilege and Tenure (see Appendix A for a list of non-Senate faculty titles). A non-Senate faculty member may select only one grievance mechanism, either PPM 230-5 or an Academic Senate hearing. If a non-Senate faculty member elects an Academic Senate hearing, good cause will be defined as set forth in this policy.

If a non-Senate faculty member has a term appointment, and the Senate hearing on the early termination has not commenced by the specified ending date of the appointment, the layoff becomes a non-reappointment effective on the specified ending date. The non-Senate faculty member has 30 calendar days from the specified ending date of the appointment to grieve the non-reappointment pursuant to APM 137 and PPM 230-5. The notice of layoff will also serve as notice of non-reappointment, if such notice is required.