

**Florida A & M University
Office of Human Resources**

HR OPERATING PROCEDURE

Procedure No. HR-8001

Subject: Layoff and Recall of A&P Employees	
Authority: Florida A&M University (FAMU) Rule 6C3-10.113, Florida Administrative Code (F.A.C.) and Articles 12 and 13 of the Board of Regents/United Faculty of Florida (BOR/UFF) Collective Bargaining Agreement	
Related References	
Purpose	Guide for Layoff of A&P Employees

I.

II. **Definition**

Layoff Unit--Is the campus, division, college, school, department, area, program, or other level of the University where the positions are to be abolished as determined by the President or President's designee. In designating the make-up of the layoff unit, the President or President's designee may consider special qualifications and relevant experience required for specific positions and exclude such positions from the layoff.

III. **Selection of Layoff Unit**

For an out-of-unit A&P employee, the layoff unit may be the campus, division, college, school, department, area, program or other level of the organization. For an in-unit A&P employee, the provisions of the BOR/UFF Collective Bargaining Agreement should apply in designating the layoff unit.

IV. **Selection of Employees to be Laid Off**

The University Personnel Office should determine which employee(s) will be laid off within the layoff unit as described herein:

A. In-Unit Administrative and Professional Employees

An A&P employee who is included in the BOR/UFF Collective Bargaining Agreement should be laid off in accordance with Article 13 of the agreement.

B. Out-of Unit Administrative and Professional Employees

1. An A&P employee who is not included in the BOR/UFF Collective Bargaining Agreement should be laid off in accordance with the selection criteria cited herein. Consideration should be given the following:

a. length of continuous University service;

- b. performance evaluation by supervisors;
 - c. education and training; and
 - d. professional reputation.
2. The considerations as cited in Section III. B.1. above, should apply unless the President or President's designee determines that an Affirmative Action employment program will be adversely affected by such layoff. In such case, the University should follow its Affirmative Action Plan.
 3. Layoff rights, as described in Section III. of this memorandum, are not applicable to the following employees who might otherwise qualify under the provisions of the aforementioned section:
 - a. An employee appointed for less than one academic year or appointed to a visiting appointment;
 - b. An employee appointed to positions funded from contracts and grants, auxiliaries or local funds.
 - c. An employee whose appointment expire after having received the required timely notice of nonrenewal/nonreappointment; and
 - d. An employee whose appointment expire without the requirement of a written notice of reappointment, including an employee serving on an appointment without a fixed term or an employee on a multi-year contract.

V. Notification

The University Personnel Office is be responsible for carrying out the notification process following approval of the layoff by the President or President's designee. That office should:

- A. Notify local UFF Chapter and UFF State Office no less than 30 days prior to taking layoff action if in-unit **A&P employees** are to be laid off. UFF may request consultation with the President or President's designee to discuss the layoff.
- B. Notify local UFF Chapter regarding use of temporary/OPS staff in departments or units where in-unit **A&P employees** have been laid off.
- C. Send formal written notice of layoff to employee by certified mail, return receipt requested or have hand-delivered to employee and obtain written documentation of receipt. Such notice should include:
 1. effective date of layoff;
 2. reason for layoff;
 3. reason for shortened period of notification, if applicable;
 4. statement of recall rights;
 5. statement of appeal/grievance rights and applicable deadlines for filing;
 6. statement regarding consideration for retraining under the provision of Article 22.4, BOR/UFF Agreement; and
 7. statement that employee will receive State University System (SUS) Vacancy Listing until recall period ends or reemployment offer is refused.
- D. Inform employee as soon as practicable.

VI. Reemployment/Recall Rights

- A. During the period following layoff when recall rights are in effect, the University Personnel Office should continue working with University administrators to try to place the affected employee (s), first within the University and, second, within the SUS, as described below.

- B. Recall rights are applicable to all employees to whom layoff rights accrue. Additionally, recall rights are applicable to those in-unit employees who have been given timely notice of non-reappointment for reasons which form the basis of layoff including such employees on "soft money" (e.g., contracts and grants, sponsored research trust funds and grants and donation trust funds) with five or more years of continuous University service.
- C. Recall and reemployment rights remain in effect for two years following the end of the appointment for **in-unit A&P employees** and one year for **out-of-unit A&P employees**.
- D. The names of laid off A&P employees should be placed on the mailing list for the SUS Vacancy Listing for the duration of the recall period or until the employee accepts or refuses an offer of employment within the recall period.
- E. The laid off employees should be offered reemployment in available positions at the University that are the same or similar to those from which employees were laid off if the employees have not already secured equivalent full-time employment at the University. If the offer of reemployment is accepted, such reemployment for in-unit A&P employees should take effect pursuant to the provisions of the BOR/UFF Collective Bargaining Agreement. For out-of-unit A&P employees, reemployment should take effect not later than 90 days following the date that the offer was made. If the offer of reemployment is not accepted within 15 days, the employee's name should be removed from the recall list and no further offers will be made.
- F. The laid off in-unit A&P employees should be considered for retraining pursuant to Article 22.4, BOR/UFF Agreement.

VII. Processing Leave Credits for Laid Off Employees

- A. An employee should be given the following options regarding unused annual leave credits:
 1. To receive a lump-sum payment for unused annual leave credits up to 352 hours unless the employee requests in writing that leave be retained pending reemployment after layoff.
 2. An Executive Service employee may receive a lump-sum payment for unused annual leave credits up to 480 hours or retain such leave as other SUS employees.
 3. A lump-sum payment upon layoff shall not constitute a break in service if the employee is reemployed by the SUS within one year from layoff.
 4. If reemployed within one year following layoff, all unused annual leave should be restored to the employee, provided the employee requests such action in writing and repays the full amount of any lump-sum payment received.
 5. An A&P employee who is not reemployed within one year following layoff and who elected to retain annual leave pending reemployment, should be paid for up to 352 hours of unused annual leave.
 6. An Executive Service employee may be paid for up to 480 hours of unused annual leave.
- B. An employee should be provided with the following options regarding unused sick leave:
 1. An employee with 10 or more years of creditable State service, may receive a lump-sum payment for unused sick leave in accordance with Section 110.122, F.S., or elect in writing to retain such leave pending reemployment after layoff.
 2. If reemployed within one year following layoff, the employee's unused sick leave should be restored to the employee, provided the employee requests such action in writing and repays the full amount of any lump-sum payment received.

3. An employee with 10 or more years of creditable State service who is not reemployed within one year following layoff and who elected to retain his/her unused sick leave at the time of layoff, should be paid for unused sick leave in accordance with Section 110.122, F.S.
4. For an employee with less than 10 years of creditable State service, the unused sick leave balance will be retained pending reemployment within one year after layoff. An employee with less than 10 years of creditable State service who is not reemployed within one year following layoff should forfeit the unused sick leave balance.

VIII. Documentation of Layoff Activity

The University Personnel Office should maintain a record with appropriate dates of whether an employee was laid off, placed in another position, recalled after layoff, resigned, retired or accepted a reduction in FTE.