

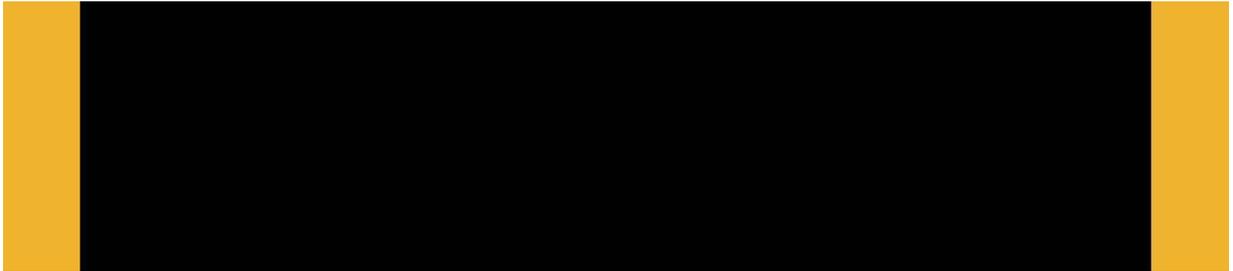


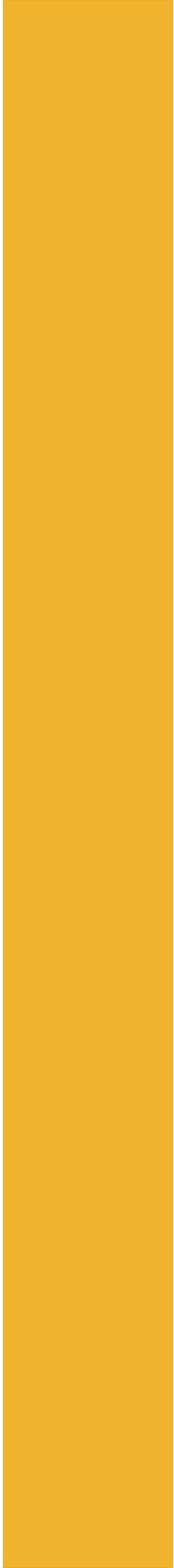
# Layoff Resource Guide

*For Supervisors*

March 2009

Updated June 2014





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This guide is designed to assist you with the layoff process. As a supervisor, you have to communicate effectively with the employees being laid off, and with those who will continue to work in your department.

This guide is intended as a general resource, and should be used along with the UM policies on layoff, seniority, and the Transition Assistance Program (TAP).

## Human Resource Services-MU

The University of Missouri’s Human Resource Services (HRS) department and staff are ready to assist you with any questions you may have during the layoff process. Please be sure to consult with your Human Resources Professional when planning for any layoffs.

### Human Resource Services

Front Desk                      882-7976                      Location 1095 Virginia Avenue Room

For assistance, please go to the [Human Resource Services website](http://hrs.missouri.edu/about-us/index.php) at <http://hrs.missouri.edu/about-us/index.php> to find out which of our staff members can help you.

## Planning for Layoff

Once you have determined that layoffs will be necessary in your department, you need to determine which positions will be eliminated. Your Human Resource Professional can help you with determining seniority, if applicable.

After the positions have been identified, you need to decide on the effective date of the layoff. UM policy requires that you give a minimum of two weeks' notice. It is better to give as much notice as possible, to allow the employees to plan for this change. HR Policy allows a department to provide an employee two weeks' pay in lieu of notice. This may be used when there is no work for the employee, or if there is a legitimate business concern about having the employee at work. Pay in lieu of notice is an exception—in most cases employees who have been notified of layoff continue to work until the effective date of the layoff. If you are considering using pay in lieu of notice, please discuss it with your Human Resource Professional.

You need to have a meeting with each employee to notify them about the layoff. At this meeting, you also need to give the employee a layoff letter and the relevant UM policy information. Sample documents are included in the appendix of this guide.

## Communicating the Layoff

A copy of the layoff letter must be sent to Human Resource Services to be placed in the employee's personnel file. A copy of the layoff letter should also be sent to the Total Rewards Office, attention: Claudia Nelson.

### Layoff Letter

The layoff policy requires that employees be given notice of layoff in writing. There is a layoff letter template on the HRS website. This letter contains information that the employees need to have regarding layoff. There is information that you will need in order to complete the letter for each employee including:

- Last day worked
- Duration of layoff (3 months or 1 year, according to policy)
- Number of weeks of Transition Assistance pay
- Amount of accrued vacation to be paid out
- Project out the vacation balance to include any accruals that will happen after the employee is notified of layoff
- Employees who are given two weeks' pay in lieu of notice are entitled to vacation accruals for the two weeks
- Amount of compensatory time to be paid out if any

You also need to attach relevant HR policies and transition assistance program information to the layoff letter:

- HR Policy 117 Layoff
- Layoff Q&As
- Transition Assistance Program (TAP)
- TAP Q&As
- TAP Agreement

## The Layoff Notification Meeting—Logistics

Careful planning prior to the layoff notification meeting can help ensure that the meeting is successful. In a successful meeting, the employee is treated respectfully and the information about the layoff is communicated clearly and directly.

**Decide who will conduct the meeting.** This could be the immediate supervisor. Or it could be done jointly with the supervisor and the department head. Your Human Resource Professional can help you to prepare for this meeting, but does not usually attend the meeting.

**Decide when to hold the meeting.** Some people want to hold layoff notification meetings on Friday afternoon. From an employee's viewpoint, Friday afternoon is the worst possible time. If the meeting is held early in the week instead, the employee can begin to take action—applying for other jobs, contacting the benefits office, etc. — right away, instead of waiting all weekend.

**Decide where to hold the meeting.** The layoff notification meeting needs to be held in a private office or conference room. Don't hold this meeting in an open workspace or in an area where there will be interruptions.

**Schedule the meeting.** The actual layoff notification will happen in the first part of the meeting. Any additional time will be to answer the employee's questions. This meeting does not have to be very long—probably no more than 30 minutes. If you have more than one employee to notify of layoff, you need to meet with each of them individually. Be sure to allow enough time in between meetings so that you don't need to rush or have the meetings overlap.

### Other Considerations:

- Use the exit checklist when meeting with the employee to ensure that you discuss return of University property and other access.
- If an employee is given two weeks' pay in lieu of notice, you need to consider whether to continue the employee's email and other computer access. Access should only be discontinued if there is a legitimate business concern that the employee may use his or her access inappropriately. Discontinuing email can make an employee feel that the layoff was personal, rather than for budget reasons.
- Have University contact information to give to the employee.

Human Resource Services	882-7976
Total Rewards	882-2146
Employee Assistance Program	882-6701
MU Career Center	884-6317

## The Layoff Notification Meeting—Outline

Notifying employees that their positions are being eliminated and that they have been designated for layoff is difficult. The purpose of this section of the guide is to break down the layoff notification meeting into steps to help you plan out or script the meeting with the employee.

### Step 1: Greet the Employee

Make the employee comfortable. Keep it friendly but succinct.

*Example: Hi John. I'm glad you could meet with me on such short notice. Please have a seat.*

**Step 2: Opening Statement**

The opening statement should be brief and to the point. State the facts of the situation.

*Example: I have important news that impacts you. Our department has had substantial budget cuts/lost grant funding and this has resulted in the need to eliminate a number of jobs.*

**Step 3: Deliver the Message**

Tell the employee clearly that he or she is being laid off. Give the employee the effective date.

*Example: Your job is one of the jobs affected. Effective June 1, your position is being eliminated, and you will be placed in layoff.*

**Step 4: Provide Additional Information**

Give the employee the layoff letter and the copies of the policies and transition assistance program information. Go over this information with the employee.

*Example: John, here is a letter outlining the details of the layoff. I'd like to review it with you in case you have any questions.*

**Step 5: Listen and Respond to Any Questions**

Wait for a reaction from the employee. Listen to what he or she has to say. Respond to questions. Do not justify the decision, get angry, or get defensive. Do not try to sugarcoat the situation.

**Step 6: Discuss the Next Steps**

Clearly outline the employee's next steps.

- Meeting with a Human Resources Professional (this is optional for the employee)
- Returning University property on or by the last day worked (keys, ID badge, laptop, uniforms, etc.)
- Retrieving personal belongings (if the employee is not going to be working out the notice period)
- Tell the employee whether you will give a reference or not. If you will give a reference, you may want to provide a reference letter. If you will not give a reference, tell the employee you will not release information to outside employers other than verification of employment in the department, dates, and the job and duties performed.

**Step 7: Close the Meeting**

When ending the meeting, refer the employee to Human Resource Services for assistance. Thank the employee. If you are willing to provide a reference or support, let the employee know.

*Example: John, thank you for your service in our department. If there is anything that I can do to assist you with finding another position, please let me know.*

## **DOs and DON'Ts for Talking with Employees**

### **DO:**

- Be prepared.
- Maintain confidentiality.
- Speak to the employee in a private place.
- Get right to the point.
- Recognize the employee's contribution to the department and the University.
- Briefly and truthfully explain the reason for the layoff.
- Listen to the employee. Allow him or her to respond.
- Restate the information if necessary.
- Help put the employee in contact with Human Resource Services.
- Give the employee the layoff letter.
- Clarify all the dates: date of layoff, length of layoff, scheduled termination date.
- Clarify vacation and/or compensatory time payouts.
- Discuss preferential hiring in the department.
- Listen without being defensive.
- Be available to address the employee's concerns about the layoff.
- Honor the employee's personal space.
- If you feel at risk during the conversation, remove yourself from the conversation.

### **DON'T:**

- Engage in personal small talk.
- Allow the meeting to be interrupted.
- Use humor.
- Defend, justify or argue about the decision.
- Identify others who are being laid off.
- Make comparisons between employees.
- Try to minimize the situation.
- Personalize the employee's response.
- Say that you disagree with the decision.
- Get into the role of counselor for the employee.
- Promise anything you cannot deliver.
- Read the layoff letter to the employee.
- Advise in areas outside your expertise (benefits, COBRA, etc.).

## **Employee Reactions**

Employee reactions are going to be unique and specific to each employee. This section is designed to familiarize you with some possible employee reactions and help you to respond appropriately. If you need additional assistance, please contact Human Resource Services or the MU Employee Assistance Program.

*Statement:* I can't believe this is happening to me.

*Response:* I realize this is a difficult moment for you. Our department has had substantial budget cuts and we needed to eliminate a number of jobs.

*Statement:* Are you telling me I am fired?

*Response:* No, you are not being fired. You are being placed in layoff.

*Statement:* Why me?

*Response:* Our department has had substantial budget cuts and we needed to eliminate a number of jobs.

*Statement:* Why did you pick me?

*Response:* Your position has been eliminated because of substantial budget cuts. We identified your position because of (department seniority, etc.).

*Statement:* What did I do to deserve this?

*Response:* Your position is being eliminated as part of our budget reductions, not because of anything that you did or did not do.

*Statement:* Are you getting rid of Jones too? He's much worse than I am.

*Response:* I know this must be difficult for you, but we're here to discuss your situation. I cannot discuss others in the department.

*Statement:* Am I the only one being laid off?

*Response:* I know this must be difficult for you, but we're here to discuss your situation. I cannot discuss others in the department.

*Statement:* How about a transfer? Or at least wait until next year?

*Response:* Before deciding on your position, we looked at all possible alternatives. There are not any current possibilities for transfer or delay. You can apply for any other open positions at MU that you are interested in.

*Statement:* I don't accept this. I am going to the President/Chancellor/News.

*Response:* You can do what you feel you need to do. The realities of the budget reductions require drastic changes.

*Statement:* I don't accept this. I'm going to file a grievance.

*Response:*

1. You can do what you feel you need to do. The realities of the budget reductions require drastic changes.
2. Any agreement to accept transition assistance will waive your right to file a grievance about the layoff.

*Statement:* I think you are discriminating against me because of my age/sex/race.

*Response:* That's not the case. Your position is being eliminated due to our budget reductions.

*Statement:* I'm going to sue you.

*Response:*

1. You can do what you feel you need to do. The realities of the budget reductions require drastic changes.
2. Any agreement to accept transition assistance will waive your right to sue about the layoff.

*Statement:* You're going to regret this. (or other threatening statements)

*Response:* There is no appropriate response. If you feel that your safety is at risk, end the conversation and remove yourself from the situation. Contact HRS and/or MUPD if you are concerned about what an employee might do.

*Statement:* I have so many projects. Can I work one more month?

*Response:* No, the budget reductions require that your position end \_\_\_\_\_.

*Statement:* What about my benefits?

*Response:* There is information about your benefits included in the layoff information. For any other questions, you need to contact Total Rewards.

*Statement:* Is there a chance of being rehired if there are openings?

*Response:* Yes, and I encourage you to check the HRS job list on a regular basis and stay in contact with Human Resource Services.

*Statement:* Are other employees with less seniority being retained?

*Response:* I know this must be difficult for you, but we're here to discuss your situation. I cannot discuss others in the department.

*Statement:* Couldn't you have accomplished this with attrition?

*Response:* We need to cut our budget immediately and cannot afford to do it gradually.

*Statement:* I was just promised a secure future/another position in the University.

*Response:* You may have been given this impression in past discussions. There has been a significant change in our financial outlook that necessitates this layoff.

## Communicating with the Rest of the Staff

It can be a difficult time for the employees who remain employed after a layoff in their department. They might have questions, concerns about job security, or a negative attitude. Keeping the lines of communication open with your remaining staff is important so that they can stop focusing on the layoffs and focus on their work.

### **You should:**

- Schedule meetings with the remaining staff after the notification has occurred.
- Communicate often about the budget and the department's plan for the future.
- Acknowledge the feelings and concerns of the employees.
- Be honest about situations that are not resolved. Follow up as soon as possible.
- Communicate what the University is doing to assist the laid off employees.
- Eliminate non-essential work.
- Communicate how the work will get done.
- Have clear objectives and goals for your employees to focus on.
- Be available.

### **You should not:**

- Place blame.
- Get defensive.
- Put down the laid off employees.
- Use inappropriate humor to try and release tension.
- Give any information you are not sure about or make any promises you cannot keep.

You will also need to meet individually with the employees who may be taking on additional job responsibilities. Acknowledge their feelings and concerns. If possible, keep them involved in the decision making process when making new assignments.

People who are left in the department after a layoff occurs can experience clusters of emotions like fear, insecurity, uncertainty, frustration, resentment, anger, sadness, depression, guilt, un-fairness, betrayal, and distrust. The Employee Assistance Program (EAP) is available to meet with employees in your department who may need assistance dealing with the layoffs in the department. These meetings are free to the employees, and are confidential.

# Appendix

## Sample Layoff Letter

**TAP version of the layoff leave letter effective 3/1/09**

Please place on department letterhead

Date

Name and  
Home Address of Employee

Dear [Employee]:

Due to [reason for layoff], your position as [employee's title] with [the department] is being eliminated. As we have discussed, the effective date of this action will be [insert the day after the last day in pay status in the department].

You have completed [# of continuous benefit eligible years of service] years of service, and in accordance with policy, you:

\_\_\_\_\_ Will be placed on a layoff leave of absence for one year, beginning on \_\_\_\_\_, the day after your last day in pay status.

\_\_\_\_\_ Will be placed on a layoff leave of absence for three months, beginning on \_\_\_\_\_, the day after your last day in pay status.

During the layoff leave period, you are eligible to continue participation in the medical, dental, life, accidental death, and long-term disability benefits programs in which you are currently enrolled. In order for coverage to continue, you will be responsible for paying your portion of the benefits costs. Contact Faculty and Staff Benefits at (573) 882-2146 for more information regarding continuation of benefit programs.

**[Note: delete the following paragraph for employees in EEO codes 101-1 and 101-2]** You are eligible for preferential hiring during your layoff leave of absence. This means that if you submit an application for vacancies in [department] and meet the stated qualifications, you will be considered along with other qualified employees in [department] who apply. It is your responsibility to check the Staff Job List on the HRS website and submit applications for all jobs for which you want to be considered. If preferential hiring rights apply, no other applicants outside the department may be considered for the vacancy.

For information regarding employment opportunities at the University, contact Human Resource Services (MU) at (573) 882-7976. You may also access the web site at <http://hrs.missouri.edu/find-a-job/staff/index.php>.

You are also entitled to participate in the Transition Assistance Program (TAP) and are eligible to receive [X] weeks of TAP assistance (a minimum of four weeks; maximum of 26 weeks, based on years of service). Transition assistance payments will be paid in accordance with your regular pay schedule. The Transition Assistance Program, the Questions and Answers, and the TAP agreement form are attached for your reference. No transition assistance payment can be made until the agreement form has been signed by you and returned to the department.

Per HR117, the layoff policy, you will be paid your accrued vacation in a lump sum with your last regular pay check or as soon as possible thereafter. Effective [last day worked], you will have accrued [vacation accrual balance]. Vacation time does not continue to accrue during the layoff leave of absence. [If applicable, add: In addition, any accrued compensatory time will be paid to you on your last regular paycheck or as soon as possible thereafter.]

Sick leave and personal days are not available to you during the layoff leave of absence, nor do they continue to accrue during this period. Sick leave and personal days will be available to you if you obtain another benefit eligible position at the University prior to the end of your layoff leave of absence.

[Note: the following paragraph applies to service/ maintenance employees only; delete for others] While seniority does not continue to accrue during the layoff leave of absence, you will continue to maintain seniority in [department] for one year from the beginning of your layoff leave. See the Service-Maintenance Collection of Policies, Section VIII Seniority, for further information. You may wish to contact the Missouri Division of Employment Security (DES) at 1-800-320-2519 for information related to your eligibility for unemployment benefits. You may visit the DES website at <http://www.moclaim.com>.

Attached are copies of the University of Missouri's Transition Assistance Program (TAP), TAP Questions & Answers, the TAP agreement form, the Layoff Policy HR117 and Layoff Questions & Answers. Please let me know if you have any questions or if I can offer further assistance in helping you through this transition.

Sincerely,

Department Supervisor Name

Enclosures: HR Policy HR117 and Layoff Q & A's  
Transition Assistance Program, Q & A's, and TAP Agreement form

cc: Human Resource Services, 1095 Virginia Avenue, Rm. 101  
Personnel file – Employee ID #  
Faculty/Staff Benefits, 1000 W Nifong Blvd

Rev. 08/2012

**UNIVERSITY OF MISSOURI**  
**TRANSITION ASSISTANCE PROGRAM**  
**FOR ADMINISTRATIVE, SERVICE & SUPPORT EMPLOYEES**  
**March 1, 2009**

**INTRODUCTION**

The Transition Assistance Program provides short term temporary income and benefits to employees subject to involuntary layoff. Transition assistance applies to all Administrative, Service and Support employees. Individuals not covered by HR 117 Layoff do not have seniority and preferential hiring rights. Other layoff provisions remain in effect. The following transition assistance program will apply to layoffs occurring between March 1, 2009 and June 30, 2015.

**ELIGIBILITY**

All regular Administrative, Service and Support employees (as defined in HR 101 Employee Status) who have successfully completed their probationary period are eligible for transition assistance. Employees whose positions are discontinued because of a reduction in the workforce are eligible for transition assistance, regardless of funding source. Non-regular (as defined in HR 101 Employee Status) and probationary employees are not eligible.

In some cases, it may be several weeks between the time the employee is notified of layoff and the actual date of layoff. To qualify for transition assistance, the employee must continue to perform his or her duties in a satisfactory manner after notice of layoff and prior to the effective date of the layoff. If the employee refuses to accept transfer or assignment to a comparable regular University position, the employee loses his or her right to transition assistance. In addition, the employee is not eligible for transition assistance if any of the following events occur prior to the effective date of layoff or, once commenced, is not eligible for the continuation of transition assistance if any of these events occur prior to the end of transition assistance: 1) death 2) retirement 3) termination, 4) receipt of Long-Term Disability (LTD) benefits or 5) acceptance of another regular benefit eligible position within the University. In order for an employee to be eligible to receive transition assistance payment, the employee is required to sign the University of Missouri Transition Assistance Payment Agreement and Release.

**NOTICE**

Employees will be given a minimum of two weeks written notice of layoff because of a workforce reduction. At the University's option, such employees may receive two weeks pay (prior to transition assistance payments) in lieu of notice. Issuance of layoff notice must be coordinated through campus Human Resource Services.

## **TRANSITION PAY**

An eligible employee will receive one week of pay (minimum of 4 weeks; maximum of 26 weeks) for every year of continuous regular employment, immediately prior to layoff. For regular employees who have a contract with a specified end date, transition pay shall not exceed the amount the employee would have earned through the contract end date. Transition payments will be made in accordance with the employee's regular pay schedule. Such payment and the employee's repayment obligations shall be in accordance with the University of Missouri Transition Assistance Payment Agreement and Release and shall not begin until the effective date of the agreement.

## **TRANSITION BENEFITS**

All eligible Administrative, Service and Support employees with a minimum of five years of continuous regular employment with the University (including those not covered under HR 117 Layoff), immediately prior to layoff, will be placed on a layoff leave of absence for one year from the effective date of layoff. All eligible Administrative, Service and Support employees with less than five years of continuous regular employment with the University (including those not covered under HR 117 Layoff), immediately prior to layoff, will be placed on a layoff leave of absence for three months from the effective date of layoff, provided, however, the layoff leave of absence may not exceed a contract end date, if any. During the layoff leave of absence, the employee will be eligible to participate in the University's benefit programs (medical, dental, life, accidental death and long-term disability). The University will continue to pay its portion of the benefit premiums during the layoff leave of absence.

Employees placed on layoff leave of absence are required to notify campus Human Resource Services if they obtain employment outside the University and/or if they become eligible for coverage under other benefit programs as a result of such employment. Participation in the University's benefit programs will not be continued if the employee becomes eligible for coverage under other benefit programs as a result of employment outside the University.

The qualifying event date for COBRA eligibility is the first of the month following the effective date of the layoff leave of absence. The COBRA benefit period will run concurrently with the layoff leave of absence. Once the layoff leave of absence has expired, COBRA benefits can continue, with full costs paid by the individual, for the remainder of the COBRA eligibility period allowed (not to exceed 18 months in total). The Faculty and Staff Benefits Office will mail information on COBRA benefits, including the timeframe for COBRA election.

## **OUTPLACEMENT SERVICES**

Outplacement services such as resume preparation help in developing job search strategies and interviewing skills will be made available to an employee through campus Human Resource Services, which will also provide contact information for the appropriate Division of Employment Security.

Transition Assistance Agreement

**UNIVERSITY OF MISSOURI  
TRANSITION ASSISTANCE PAYMENT  
AGREEMENT AND RELEASE**

I, \_\_\_\_\_, in consideration of the transition assistance payment to be paid to me by The Curators of the University of Missouri (hereinafter 'University') according to the University's Transition Assistance policy, hereby acknowledge and agree to the following:

1. The transition assistance payment does not constitute compensation paid for services regularly rendered and, like the time period I receive such payment, shall not be included as service credit or as such compensation in calculating retirement benefits, if any, to which I may be entitled.
2. I am not relying upon tax advice given by the University or any of its employees and I further acknowledge that I have been advised to and given an opportunity to consult with an attorney prior to signing this agreement. I have been provided at least twenty-one (21) days to consider whether to sign this agreement.
3. I hereby covenant and agree that in exchange for the transition assistance payment I receive, I waive, fully release and forever discharge the University, its governing board and all its agents, officers and employees, of and from any and every claim, demand, and cause of action of whatsoever nature which I now have, or may in the past have had, related either directly or indirectly to my employment by University or the ending of that employment, including, without limitation, any alleged claims of discrimination under the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, as amended, the Older Workers Benefit Protection Act, the Missouri Human Rights Act, the

Americans With Disabilities Act, the Equal Pay Act, 42 U.S.C. §§ 1981, 1983 and 1985, 18 U.S.C. § 1514A, the Family and Medical Leave Act, the Fair Labor Standards Act, and/or Workers' Compensation laws, and also including any claims for loss of income, loss of future earnings, loss of fringe benefits, loss of any increase in retirement benefits and costs or damages of any and every nature, including attorney's fees, allegedly sustained by or accruing to me in connection with my employment with the University or the ending of said employment.

4. I hereby waive any rights I may have to file an internal grievance to challenge the layoff and any other aspect of my employment.
5. If the University rehires me into a regular position during the period for which the transition assistance payment is provided, I understand that the transition assistance payment will be discontinued. Further, I agree that any amount paid to me in excess of the amount due under the University of Missouri Transition Assistance policy is a legal debt and obligation and that such amount may be offset against and deducted from my payroll check if the University rehires me.
6. None of the terms or conditions of this Agreement shall in any manner be altered, amended, waived, or abandoned, except by written agreement of the parties, and no delay by University in enforcing any of its rights hereunder shall be deemed a waiver of such rights.
7. This Agreement sets forth the entire understanding of the parties and supersedes any and all prior agreements, arrangements and understandings related to the subject matter hereof.
8. This Agreement shall be deemed to have been entered into under the laws of the State of Missouri and the rights and obligations of the parties hereunder shall be governed and determined according to the laws of that state.

9. I have had adequate time to reflect on the advisability of entering into this Agreement and have entered into this Agreement knowingly and voluntarily.
10. This Agreement and Release shall not become effective or enforceable until seven (7) days following its execution by me and during such seven (7) day period, I may revoke the agreement by notifying the University in writing of such revocation.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

.....  
State of Missouri            )  
  ) ss.  
County of                    )

Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public, appeared \_\_\_\_\_, to me known to be the identical person who executed the Agreement, who, being first duly sworn, stated and duly acknowledged to be that he/she executed the same as his/her free and voluntary act and deed for the uses, purposes and in consideration therein set forth.

IN WITNESS WHEREOF, I have hereunto set my official signature and affixed by notarial seal, the day and year above written.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Return completed form to department with a copy to campus Human Resource Services.

# HR-117 Layoff

## Summary

Layoff is defined as the cessation of regular employment due to a permanent or temporary reduction in force. Employees laid off due to a reduction in force retain seniority accumulated to the date of layoff, for a period not to exceed one year, but do not continue to accrue seniority during the layoff leave of absence. In the event an employee who is notified of a layoff or who has been laid off transfers to another department, he/she continues to maintain seniority in the department where the layoff occurred for a period of one (1) year from the effective date of the layoff or the transfer, whichever occurs first. All things being equal, job security shall be commensurate with an employee's seniority. If the abilities, skills, training, and other relevant qualifications to fill existing positions are considered equivalent among affected employees, the employee with the longest seniority will be retained and the employee with the shortest seniority will be the first to be laid off.

The University reserves the right in any given instance, to determine if an employee possesses the relevant qualifications such as ability, training, and skill to fill the position.

## Definition of Seniority

For regular Administrative, Service and Support employees, other than Service and Maintenance Personnel, seniority consists of continuous service in the same department. If relative service among employees is equal, the employee with the greatest regular University service is the most senior employee. For Service & Maintenance personnel, see Understanding of Policies Article VIII. Seniority.

## Eligibility

Regular Administrative, Service and Support employees who have satisfactorily completed their probationary periods are covered by this policy with the exception of executive and managerial employees.

## Recall

The University shall, in its sole discretion, after a reduction in force, determine the occasion and the advisability of recall of part or all of the laid off employees. The University shall consider seniority, ability, and qualifications, as well as the nature of the jobs for which the employees will be recalled.

## Hiring Preference

Employees retain preferential hiring rights in the department in which they have been laid off. "Hiring preference" within a department shall mean that if laid off departmental employees meet the stated qualifications the department may only consider the laid off employee(s) and other employees in the same department for openings in that department. "Department" is defined as an organizational entity that has fiscal, programmatic and administrative responsibilities for employees.

## **Benefits**

Eligible Administrative, Service and Support employees with a minimum of five (5) years of continuous regular employment with the University immediately prior to layoff, will be placed on a layoff leave of absence for one year from the effective date of layoff. Eligible Administrative, Service and Support employees with less than five (5) years of continuous regular employment with the University immediately prior to layoff, will be placed on a layoff leave of absence for three (3) months from the effective date of layoff. During the layoff leave of absence, the employee will be eligible to participate in the University's benefit programs. The University will continue to pay its portion of the benefit premiums during the layoff leave of absence.

The period of leave of absence is excluded in computing length of service under the University of Missouri Retirement, Disability, and Death Benefit Plan; however, the leave of absence does not constitute an interruption of service. A layoff leave of absence does not count toward vesting in the University retirement plan.

Upon expiration of a layoff leave of absence, if the employee has not located a position, the employee will be terminated.

## **Notice**

Eligible Administrative, Service and Support employees will be given a minimum of two weeks written notice of layoff because of a workforce reduction. At the University's option, such employees may receive two weeks pay in lieu of notice. Issuance of layoff notice must be coordinated through campus Human Resource Services.

## **Procedures**

Any department considering a permanent or temporary reduction in force should contact Human Resource Services to discuss the layoff policy and proper layoff procedures prior to notifying the employee(s). Contact Human Resource Services for information related to the impact of a layoff leave of absence on vacation, sick leave, personal days, and seniority.

## **See Also**

[HR 402 Vacations](#), [HR 403 Personal Days](#) and [HR 404 Sick Leave](#).

Date Created: 9/26/97

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# HR-117 Layoff Q&As

## **1. What does the phrase "all things being equal" mean?**

Departments retain the discretion to determine what composition of knowledge, skills, and abilities and the number of staff required for the proper functioning of a department; therefore, factors such as unique knowledge, skills, abilities, training, performance, or other relevant factors may take precedence over consideration of seniority in making decisions regarding layoff. When these factors impact the efficient operation of the department and/or an employee's ability to perform the job, a department may determine that all things are not equal and consider these attributes to justify the retention of a less senior employee.

## **2. Does an employee in a layoff leave of absence lose his/her accrued sick leave?**

If an employee is reemployed during the period of the layoff leave of absence, the sick leave will be reinstated; otherwise, the sick leave is lost after expiration of the layoff leave of absence.

## **3. What happens to an employee's personal days while he/she is on a layoff leave of absence?**

The employee retains personal days during the layoff leave of absence but any unused personal days are lost on the employee's anniversary date. Employees should be provided an opportunity to use the personal days prior to commencing a layoff leave of absence.

## **4. What if an employee has accrued compensatory time at the time of layoff?**

The compensatory time should be paid to the employee in a lump sum at the time his/her last check is issued.

## **5. When an employee is laid off, can a department pay the employee two (2) weeks' pay in lieu of notice?**

Yes. It is permissible at the department's discretion to provide for payment in lieu of two (2) weeks' notice. When payment in lieu of notice is utilized, the effective date of the layoff is at the end of the two (2) week period. The status of an employee who receives payment in lieu of notice is the same as though the employee were actually working those last two (2) weeks.

## **6. What are the relevant dates for calculating seniority in the event of a layoff?**

The relevant dates for calculating seniority are as follows:

- Department Seniority Date – The first day of regular continuous employment within a department.
- University Seniority Date – The first day of regular continuous employment at the University of Missouri.

A change in a regular employee's status (i.e., a break in service) may change his/her classification, department and University date.

**7. Generally, when you are in leave status you have the right to return to work upon expiration of the leave. Are employees in a layoff leave guaranteed a job when the leave expires?**

No. An employee does have departmental preferential hiring rights for the duration of the leave of absence and retains seniority in the department during this period. Upon expiration of a layoff leave, if the employee has not located a position, the employee will be terminated. For Service and Maintenance employees, see "Understanding of Policies" Article VII in the Employee Relations section of the manual.

**8. Can you require an employee to use vacation for the two (2) weeks' notice required pursuant to HR 117 Layoffs?**

No. The employee cannot be required to use accrued vacation during the two (2) week notice period.

**9. How will benefits be impacted during a layoff leave of absence?**

HR 117 Layoffs provides that an employee in a layoff leave of absence is eligible to continue participating in the following benefit programs: medical, dental, life, accidental death and long-term disability. Employees notified of a layoff should contact Faculty and Staff Benefits.

**10. If an employee is offered a comparable position in the same department while on layoff leave, must he/she accept the position?**

Failure to return to work when offered a comparable position in the same department and at least the same salary range will result in termination. The position must be 75% FTE or greater. An employee will not be terminated for refusing a nonregular position.

**11. What is the definition of executive and managerial employees as it pertains to this policy?**

Executive and managerial employees are those employees assigned to EEO Groups 101 and 102. Contact your campus Human Resource Services for assistance in identifying these employees.

**12. Can an employee elect to retain his/her accrued vacation during the layoff leave of absence?**

Generally, vacation is paid out lump sum as of the last day worked prior to the commencement of the layoff leave of absence. However, an employee may elect to delay the lump sum payout of vacation for 60 days.

**13. Is an employee covered by the layoff policy if his/her position is moved from one campus to another campus and the employee does not want to relocate?**

Yes. Moving a position from one campus to a different campus is a reduction of force at the original location and the employee would be covered by the layoff policy.

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