

## **ARTICLE 13**

### ***LAYOFF AND RECALL***

#### **13.1 Layoff.**

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

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

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

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

(b) No employee in a non-tenured position in the layoff unit with more than five (5) years of continuous University service shall be laid off if there are any such employees with five (5) years or less service. The date of layoff unit notification to the UFF shall be the date used to determine length of continuous University service.

(c) The sole instance in which only one (1) employee will constitute a layoff unit is when the functions that the employee performs constitute an area, program, or other level of organization at the University.

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

(e) No tenured employee shall be laid off solely for the purpose of creating a vacancy to be filled by an administrator entering the bargaining unit.

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

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

**13.4 Notice.** Employees should be informed of layoff as soon as practicable and, where circumstances permit, employees with three or more years of continuous UCF service should be provided at least two (2) full semesters notice (or one year's notice for employees with an assignment greater than an academic year); those with less service, with at least one full semester's notice (or six (6) months' notice for employees with an assignment greater than an academic year). Formal written notice of layoff is to be sent by certified mail, return receipt requested, or delivered in person to the employee with written documentation of receipt obtained. The notice shall include effective date of layoff; reason for layoff; reason for shortened period of notification, if applicable; a statement of appeal/grievance rights and applicable dates for filing; information on how to access the University Vacancy Listing and how to access it. The University shall copy the local UFF Chapter as well as the UFF state office on the layoff notice provided to the employee. The UFF may request a consultation with the president or president's representatives pursuant to Article 2 to discuss the noticed layoff.

During their notice period, employees shall continue to have rights to alternate or equivalent employment. It shall be the employee's responsibility to check the Vacancy listing and notify the Office of Faculty Relations if he or she sees a vacancy that he or she is interested in and qualified for. After the cessation of their employment, employees shall be provided a statement of their recall rights and the expiration of those rights.

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

(a) For two years following layoff, an employee who has been laid off and who is not otherwise employed in an equivalent full-time position shall be offered re-employment in the same or similar position at the University should an opportunity for such re-employment arise. If an employee is laid off from a multi-year appointment, the employee shall be eligible for re-employment in the same or similar position at UCF, should such a position become available within one year following the layoff or before the expiration date of the employee's last employment agreement, whichever is shorter.

Employees appointed to a multi-year appointment who are recalled shall be offered re-employment not to exceed the time remaining on their employment agreement at the time of layoff. Any offer of re-employment pursuant to this section must be accepted within fifteen (15) days after the date of the offer and shall take effect no later than the beginning of the semester following the date the offer was made. If an employee rejects an offer of re-employment, the employee shall receive no further consideration pursuant to this Article. The University shall notify the local UFF chapter when an offer of re-employment is issued to a laid-off employee.

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

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

(d) Employee Assistance Programs. Consistent with the University's Employee Assistance Program, employees participating in an employee assistance program who receive a notice of layoff may continue to participate in that program for a period of ninety (90) days following the layoff.

**13.6 Limitations.** The provisions of Sections 13.2 through 13.5 of this Agreement shall not apply to those employees described in Sections 12.2(a-d) and in 8.5(c).