

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.

(c) The sole instance in which only one 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.

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 years of continuous University service shall be laid off if there are any such employees with five 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) 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.

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

(e) 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.

48 **13.3 Alternative/Equivalent Employment.** Prior to giving a notice of
49 layoff to the employee, the University shall make a reasonable effort to locate
50 appropriate alternate or equivalent employment within the University for that
51 employee and to make known the results of the effort to the person affected.
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53 **13.4 Notice.** Employees should be informed of layoff as soon as
54 practicable and, where circumstances permit, employees with three or more
55 years of continuous UCF service should be provided at least two full
56 semesters notice (or one year's notice for employees with an assignment
57 greater than an academic year); those with less service, with at least one full
58 semester's notice (or six months' notice for employees with an assignment
59 greater than an academic year). Formal written notice of layoff is to be sent
60 by certified mail, return receipt requested, or delivered in person to the
61 employee with written documentation of receipt obtained. The notice shall
62 include effective date of layoff; reason for layoff; reason for shortened period
63 of notification, if applicable; a statement of appeal/grievance rights and
64 applicable dates for filing; information on how to access the University
65 Vacancy Listing. The University shall copy the local UFF Chapter as well as
66 the UFF state office on the layoff notice provided to the employee. The UFF
67 may request a consultation with the president or president's representatives
68 pursuant to Article 2 to discuss the noticed layoff.
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70 During their notice period, employees shall continue to have rights to
71 alternate or equivalent employment. It shall be the employee's responsibility
72 to check the Vacancy listing and notify the Academic Affairs if he or she sees
73 a vacancy that he or she is interested in and qualified for. After the cessation
74 of their employment, employees shall be provided a statement of their recall
75 rights and the expiration of those rights.
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77 **13.5 Re-employment/Recall.**

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

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

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

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

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103 **13.6 Limitations.** The provisions of Sections 13.2 through 13.5 of this
104 Agreement shall not apply to those employees described in Sections 12.2(b)
105 and in 8.5(c).