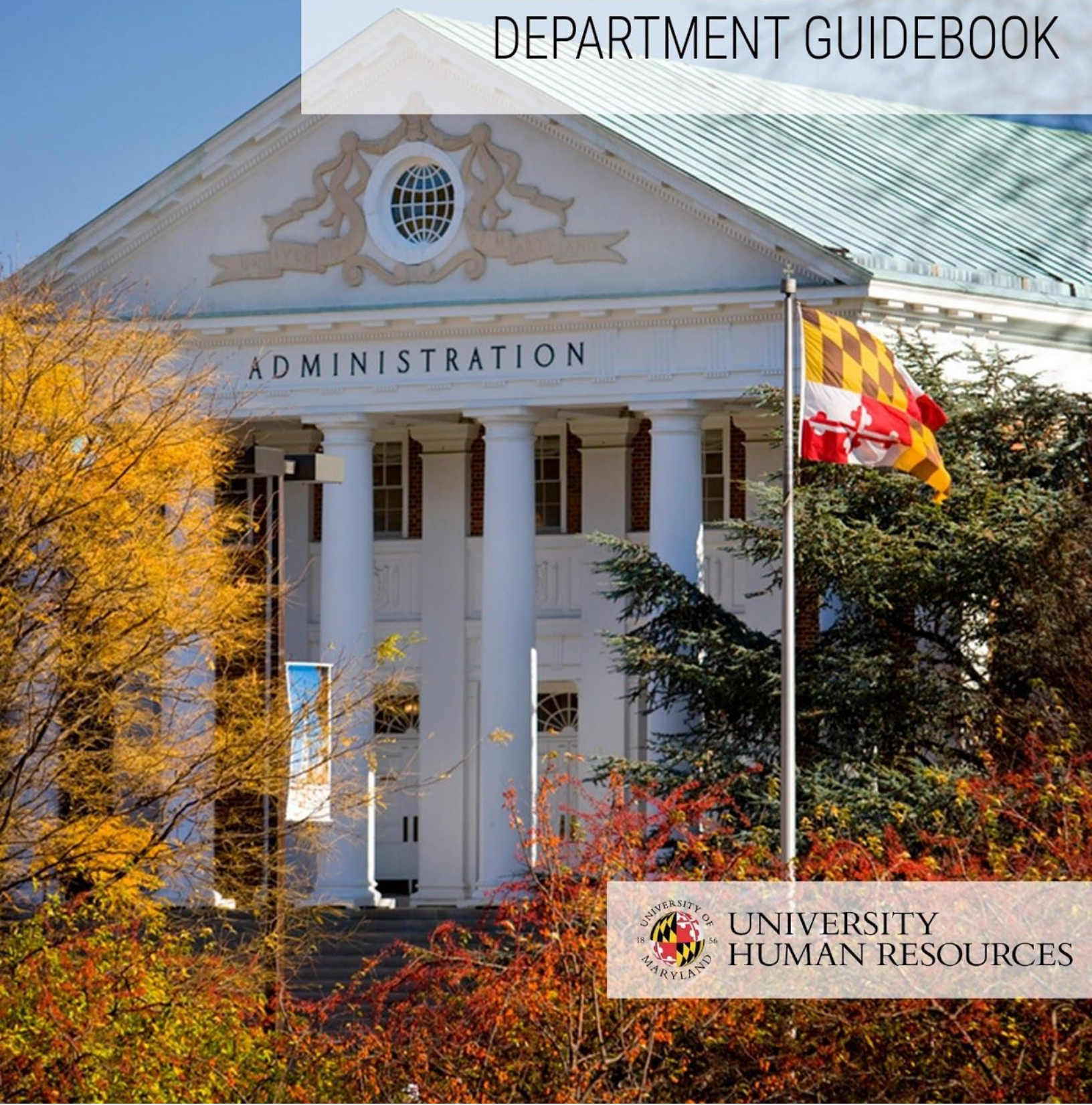


# Guidance For Implementing Layoffs

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## DEPARTMENT GUIDEBOOK



UNIVERSITY  
HUMAN RESOURCES





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# Introduction

A layoff may occur when the Department Head or Chairperson determines that a position is to be abolished or discontinued due to reduction or termination of funds, program change, change in departmental organization, stoppage, or lack of work. The following checklists are provided as a guide and quick reference tool to assist supervisors with the layoff process. If a staff member's time (FTE) is involuntarily reduced, it is considered a layoff, and the employee is entitled to layoff rights as specified in the appropriate staff policy or MOU. Please contact your Staff Relations Consultant for guidance on conducting a reduction on FTE.

# Policy/MOU Application

The chart below provides high-level information about the MOU provisions and USM policies that govern layoffs for bargaining-unit and non-bargaining employees. Click on the hyperlinks to view the full document/policy. Terms such as “seniority”, “displacement rights”, and “reinstatement rights” are defined in the MOU and/or policy.

| Employee Classification     | Applicable Policy/MOU  | Key Policy Provisions   |
|-----------------------------|--|---|
| Nonexempt<br>Non-bargaining | <a href="#">VII-1.30 – Policy on Layoff for Nonexempt Staff Employees</a>                  | <ul style="list-style-type: none"> <li>Employee may exercise displacement rights</li> <li>Layoff is based on seniority</li> <li>90-day notice period required</li> <li>Employee has reinstatement rights</li> </ul>   |
| Nonexempt<br>Bargaining     | <a href="#">Nonexempt and Exempt MOUs</a> , scroll to Article 22. Layoff                   | <ul style="list-style-type: none"> <li>Employee may exercise displacement rights</li> <li>Layoff is based on seniority</li> <li>90-day notice period required</li> <li>Right to notice period extension if required to work during 90-day notice period</li> <li>Employee has reinstatement rights</li> </ul>   |
| Exempt<br>Non-bargaining    | <a href="#">VII - 1.32 - Policy on Layoff and Recall of Regular Exempt Staff Employees</a> | <ul style="list-style-type: none"> <li>Layoffs consider job function and seniority</li> <li>90-day notice period required</li> <li>Period of notice of layoff may be shorter than 90 days if the layoff is due to a reduction in funds and the notice by the funding source of reduction or termination of funds is provided to the USM institution is less than the required 90 calendar days’ notice.</li> <li>Employee has reinstatement rights</li> </ul> |
| Exempt<br>Bargaining        | <a href="#">Exempt MOU</a> , scroll to Article 22. Layoff                                  | <ul style="list-style-type: none"> <li>Layoffs consider job function and seniority</li> <li>90-day notice period required</li> <li>Right to notice period extension if required to work during 90-day notice period</li> <li>Employee has reinstatement rights</li> </ul>   |

# Layoff Process Checklist

- STEP 1**
- ☐ Department Head or Chairperson determines that a position is to be abolished or discontinued due to reduction or termination of funds, program change, and change in departmental organization, stoppage, or lack of work.
  - ☐ Potential Considerations when determining which positions will be impacted:
    - ☐ Layoff decisions are conducted without regard to prior complaint history or protected class (e.g. race, ethnicity, religion, ancestry or national origin, sex, marital status, gender identity, disability, genetic information, age, sexual orientation, protected veteran, etc.).
    - ☐ Work that is unnecessary for business operations.
    - ☐ Work that can be reasonably absorbed by other workers.
    - ☐ How difficult the position is to fill.
    - ☐ Consult with the UHR Staff Relations consultant assigned to your department if you have questions.
  - ☐ Determine which collective bargaining agreement/personnel policy governs the affected classifications. Consult with the UHR Staff Relations consultant assigned to your department if you have questions.
  - ☐ Department Head or Chairperson consults with unit HR Business Partner and provides necessary information (see Step 2).

- STEP 2**
- ☐ HR Business Partner (or designee) informally provides notification of layoff needs by calling Staff Relations at 301-405-0001 and a Staff Relations consultant is assigned to handle the request.
  - ☐ Staff Relations consultant provides [Layoff Information Form](#) and guidance to HR Business Partner (or designee). This form assists the Staff Relations consultant in reviewing the request and is the preferred method. The department can also provide the information in memo format.
  - ☐ Units provide HR Business Partner (or designee) with a list of the impacted employee(s), layoff justification, and the following documentation:
    - ☐ Current Organizational Chart and Proposed Organizational Chart
    - ☐ Last 2 PRDs for the impacted employee(s)
    - ☐ Disciplinary Documentation (if applicable)
  - ☐ HR Business Partner (or designee) includes unit layoff lists and justifications on Layoff Information Form and submits to Staff Relations consultant.
- STEP 3**
- ☐ Staff Relations consultant conducts a layoff assessment.
  - ☐ Department prepares memo requesting approval of layoff.
  - ☐ Layoff request reviewed and certified by UHR AVP.
  - ☐ Staff Relations consultant notifies the HR Business Partner of layoff certification.
  - ☐ Following Staff Relations' notification, HR Business Partner notifies the requesting Department Head/Chairperson.
- STEP 4**
- ☐ Department Head/Chairperson schedules individual meetings with each employee to be laid off and provides each employee with the [Employee Layoff Guide](#). We strongly recommend having someone else present as an observer to the meeting (i.e. HR Business Partner or other administrator, see next section on Best Business Practices and Tips for Conducting Layoff Meeting).
  - ☐ Immediately following the meeting with the employee the Department Head/Chairperson (designee) forwards the layoff documents to the employee

electronically. The documents include the layoff letter, layoff guide, and associated policy or MOU article. The documents should also be mailed to the employee via certified mail.

- ☐ Department Head/Chairperson meets with the rest of the staff after the layoff action to address issues such as workload and redefinition of roles, while protecting the confidentiality of laid-off employees.
- ☐ Department must be sure to notify the department payroll representative of the employee's last day. Follow up to ensure that the employee's pay is stopped effective the day noted in the layoff letter.

## Best Practices for Layoff Meetings

*(Consult the [Conducting Layoff Meetings: Detailed Guidance](#) for more guidance on how to prepare for and conduct a layoff meeting, including suggested scripts and how to conduct a follow-up meeting with remaining employees.)*

- ☐ Schedule a meeting (Virtual or face-to-face as appropriate). We strongly recommend having someone else present in the virtual meeting as an observer. This could be the HR Business Partner or another department administrator. The observing participant should never be a laid-off employee's peer.
- ☐ Greet the employee and explain the purpose of the meeting.
- ☐ Discuss the major points of the layoff notification letter with the employee, re-stating the reason for the layoff indicated in the letter. Do not debate the decision.
- ☐ Provide the employee with the [Employee Layoff Guide](#) which includes information on unemployment insurance benefits and other important materials.
- ☐ Allow for any questions, but do not answer anything you don't know. Refer to the [Layoff FAQs](#) prepared by UHR. Defer to the HR rep or tell the employee you will follow up with an answer. Encourage the employee to contact any of the available resources listed in the Layoff Guide.
- ☐ Since the COBRA enrollment form must be completed within 60 days of the employee's last day on the payroll if the employee desires continuation of health benefits, urge the employee to contact UHR's Employee Benefits (refer them to the contacts section of the [Employee Layoff Guide](#)).
- ☐ Unless you choose to extend the employee's access to campus, please make arrangements for the employee to turn in their office/building keys, ID badge, and, if applicable, all purchase cards, laptops, other hardware and software, and any other University property. Urge the employee to cancel their parking permit as soon as possible in order to limit additional charges, if applicable.

- ❑ As appropriate, once the layoff notification meeting has concluded, you can allow the employee to use administrative leave to stop working for the day without loss of pay or charging their accrued leave.
- ❑ After the employee is notified, the department leader should schedule a virtual meeting with the rest of the staff in the employee's unit and/or department to address issues such as workload and redefinition of roles, while protecting the confidentiality of the laid-off employee (i.e. not sharing the details of the employee's specific situation). If multiple employees in the same unit/department are being laid off, the department leader should wait to hold the meeting with remaining employees until after the last employee is notified of their layoff. In this case, the department leader should request that each employee being notified not discuss the layoff with other employees to allow for notifications to occur without information being shared in advance.





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