Manager Resource Guide for SHRA (SPA) Layoffs

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If you have questions or need assistance with the layoff approval policy or process, contact your Employment Consultant in the Office of Human Resources. For contact information, visit HR Connect: http://hrconnect.unc.edu/.

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(Rev. 03/14/2016)
Manager Guide Overview

This guide is intended for managers who are determining whether layoffs may be necessary in their department under the University’s SHRA (SPA) Layoff Policy. An Employee Resource Guide for employees affected by layoff is also available via the Office of Human Resources Web site. Managers with employees affected by layoff are to follow the steps outlined in the policy and are also encouraged to read both guides for supplemental information.

The information contained in this guide is intended to summarize State and University policy. It should be understood that explanations in this summary cannot alter, modify or otherwise change the controlling policies or General Statutes in any way, nor can any right accrue by reason of any inclusion or omission of any statement in this guide. The most current information will always be found at the Office of State Human Resources and the Office of Human Resources Web sites.

Layoff Decision-Making

If, after exhausting other available options, the department determines that SHRA (SPA) positions must be abolished, managers must refer and adhere to the SHRA (SPA) Layoff Policy as they develop their request for layoff approval. The SHRA (SPA) Layoff Policy is available on the OHR Web site at http://hr.unc.edu/layoff-spa/.

A layoff might become necessary because of a reduction in work or funds, abolishment of a position, or other material change in duties or organization. A layoff may occur when a position changes so significantly that the employee is no longer able to perform the required duties.

A layoff decision should be reached after other applicable measures have been explored, and necessarily compels a thorough evaluation of the accomplishments of specific programs, the need for particular positions, and the relative efficiency of specific employees so that the University can provide the highest level of service possible with a reduced work force.

The determination whether to retain or lay off a particular employee should include an evaluation of the relative skills, knowledge and productivity of the employee in comparison to the services necessary. These factors are given more weight than other considerations, such as length of service. Consideration of equal employment factors should also be evaluated to avoid an adverse impact on workforce diversity.

It should be noted that Time-Limited, Temporary, Probationary or Trainee employees (during their first (12) months of training) who perform work in the same or a related SHRA (SPA) job classification must be terminated before any employee with a permanent appointment, regardless of whether the permanent employee has the skills to perform the tasks of the Time-Limited, Temporary, Probationary or Trainee.

Department management is encouraged to contact OHR as soon as potential layoffs are being considered. The Employment Consultant in OHR can provide guidance and consultation to departments in developing their Layoff Approval Requests.
Alternative Strategies to Layoffs

A layoff decision should be reached after other applicable measures have been explored, including but not limited to such actions as: delaying the filling of or elimination of vacant positions; limits on purchasing and travel; retraining of employees in needed skill sets; or job sharing and work schedule alternatives.

As departments examine other cost-saving alternatives prior to layoff, one approach may be to consider alternative staffing strategies. Departments can explore alternative staffing strategies with their Employment Consultant. When considering alternatives related to positions and organization design, departments should consult with their Classification and Compensation Consultant.

Reduction in Hours for a Position

In the event that a department needs to impose a permanent reduction in hours for a permanent SHRA (SPA) employee in order to avoid layoffs, the department may reduce the hours of a position shall consult with their Classification and Compensation Consultant in the Office of Human Resources before pursuing this option with the employee.

A permanent reduction in hours must include a corresponding reduction in pay and a possible reduction in benefits. (For example, if the reduction in hours would take an employee below 75% fulltime equivalency (FTE), the employee will lose participation and contribution to the Retirement System, employer-contribution to the employee’s State Health Plan premiums, reduction in leave earnings, etc.)

Departments may wish to consult with the Benefits Consultant in the Office of Human Resources assigned to work with the employee’s department about the impact of the change in FTE on the employee’s benefits and leave.

The Classification and Compensation Consultant in the Office of Human Resources must be consulted when reducing a position’s FTE.

Once the reduction in hours has been approved, the department processes a permanent change in FTE through an ePAR in ConnectCarolina. The effective date of the change in hours must be the first day of a biweekly pay cycle (normally, the first day of the next biweekly cycle, unless the employee has received greater notice of the change). Work with your Classification and Compensation Consultant to ensure the employee has appropriate notification in accordance with payroll deadlines.

Reallocation Downward

In the event that a department needs to reclassify a position to a lower competency level or a branch/role with a lower competency level market rate, the department may offer the employee the option of accepting the reallocation downward. A permanent reallocation downward generally includes a reduction in pay. The department shall consult with their Classification and Compensation Consultant in the Office of Human Resources regarding the proposed change and inform the employee if the change will result in an FLSA exemption status change.

Once the reallocation downward has been approved, the department processes the action through an ePAR in ConnectCarolina. The effective date of the change must be the first day of a biweekly pay cycle (normally, the first day of the next biweekly cycle, unless the employee has received greater notice of the change).
The layoff of a permanent SHRA (SPA) employee comes with its own financial liabilities that must be considered when determining the overall budgetary savings and time frame of layoff decisions. The following information is provided to assist departments in this aspect of the layoff process. Additional details on the available benefits are included in the Employee Resource Guide.

**Continued Financial Obligations:** SHRA (SPA) permanent employees separated by layoff may be eligible for:

- **Severance Pay** – Employees can receive up to four months base pay (based on length of state service) plus up to an equivalent amount in an age adjustment payment.

- **Health Insurance** – Coverage under the State Health Plan may be continued for up to one year following the date of separation, provided the employee had 12 or more months of consecutive state service and was covered under the plan at the time of the job’s elimination. The University will continue to pay the “employer contribution” towards the cost of healthcare as long as eligibility criteria are met during this one year period. Any required employee premiums, including dependent coverage, would continue to be paid by the employee. Payment arrangements are coordinated with the Benefits Consultant during the layoff information session.

  At the expiration of this one year, former employees may pay the premiums for their continued coverage and that of their dependents. There is no time limit as to how long this coverage may be purchased.

- **Career Transition Counseling Services** - Career Transition Counseling Services are offered to eligible employees through a partnership between the University and Lee Hecht Harrison. The services include a group workshop, personalized coaching, six months of access to Career Resources Network and lifetime access to Career Connections and Resources. Initial coordination between the employee and Lee Hecht Harrison will be handled by the OHR Layoff Coordinator. These career transition counseling services have been expanded through the Employee Assistance Fund established by the Chancellor’s Office in March 2009. Eligibility for the program has also been broadened.

- **Leave Payouts** - Employees receive payout of up to 240 hours of vacation leave, all of their remaining bonus leave, as well as any remaining balance of Holiday Equal Time Off. Nonexempt employees also receive payout for any remaining compensatory time off, on-call time off, and travel time off.

- **Longevity Payment** – Employees with at least 10 years of total state service receive an annual longevity payment. Separating employees receive a pro-rated amount for the months since their last longevity payment.

- **Discontinued Service Retirement** – Normally, an SHRA (SPA) employee who is subject to a mandatory reduction in force will be eligible for severance pay. In unusual circumstances, if an employee has 20 or more years of creditable State retirement service and is at least age 50 or older, it is possible they may be eligible for an early discontinued service retirement (DSR) option in lieu of severance pay. Specific eligibility for DSR requires that the cost of funding this benefit by the State is less than the cost of the severance pay that is extended to employees subject to a reduction in force. While the University’s experience is that this criterion is very rarely satisfied, OHR Benefits checks DSR eligibility for each employee.
subject to a reduction in force to ensure that all available benefit options are reviewed. In those rare circumstances where the DSR benefit may apply, the employee and their management will be directly informed by OHR. Even in the event of this eligibility, the approval of DSR remains subject to the availability of funding by the employee’s department.

**Age and Retirement Eligibility Not a Factor in Layoff Selection:** Consistent with the protections found in the Age Discrimination in Employment Act (ADEA), the age of an employee, as well as his/her eligibility for retirement, is not a factor in determining which employee(s) are to be laid off. Likewise, the cost of a particular employee’s severance package is not a factor in determining which employee(s) are to be laid off. However, the cost of an employee’s severance package may have a significant impact on the effective date of the layoff, especially if the purpose of the layoff is immediate budget reduction.

**Severance Pay Estimator:** A “Severance Pay Estimator” spreadsheet is available to download from the Office of Human Resources Web site. You can access the form directly at: [http://hr.unc.edu/files/2012/11/Severance-Calculator_07012011.xls](http://hr.unc.edu/files/2012/11/Severance-Calculator_07012011.xls). With this Excel spreadsheet, you can enter basic employee information to calculate the total estimated severance cost for each employee. The official severance pay calculation and the determination of whether a laid-off employee will receive severance pay are contingent on approval from the Office of State Personnel and the Office of State Budget Management. This is not an automatic benefit.

**Funding Considerations:** The following chart is provided as a guide for understanding the general sources of funds for layoff costs associated with leave, longevity, severance, and health insurance. Please contact your school or department finance office for precise funding sources related to your Layoff Approval Request.

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<thead>
<tr>
<th></th>
<th>State Receipt (Ledger 2)</th>
<th>F&amp;A/Overhead</th>
<th>Other Trust</th>
<th>Contracts &amp; Grants</th>
</tr>
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<td><strong>Severance</strong></td>
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<td><strong>Health Insurance continuation</strong></td>
<td>Central fringe pool (if eligible)</td>
<td>Dept (if eligible)</td>
<td>Severance pool (if eligible)</td>
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* Normally, career transition counseling services are not offered to employees affected by layoff if their positions are funded by contracts and grants (unless the department chooses to fund it). However, the Chancellor authorized the Employee Assistance Fund to provide enhanced career transition services to employees who are laid off and to cover costs for all eligible employees regardless of funding source.

(Rev. 03/14/2016)
Ensure funding is in place early in the process to cover leave payouts (including bonus leave), compensatory time payouts (for SHRA (SPA) non-exempt employees) and severance payments (for Ledger 2 and 3-xxxx accounts) for which the employee is eligible. The Office of State Budget and Management (OSBM) requires confirmation that funds are available and budgeted to pay severance.

**It is your School/Department’s responsibility to ensure funding is available and budgeted prior to notifying the employee of the approved layoff.** This is an integrated process between OHR, OSBM, Treasury, and Payroll. Therefore, failure to ensure funding is available and budgeted early in the process could result in payment delays to the affected employee at the time of separation.

**Notification of Layoff to Employees**

Before a reduction-in-force occurs and after receiving the Office of Human Resources’ approval, the director or department head provides the following information, in writing, to the employee(s) being laid off:

- The reason for the layoff
- The effective date of the layoff (must be at least 30 calendar days after the notification date to the employee)
- Direction to contact the Office of Human Resources for information on:
  - The University's policy on priority re-employment
  - Completion of necessary application forms
  - The availability of aid in seeking other employment
  - Access to services offered through the Employee Assistance Program
  - Eligibility to apply for unemployment insurance benefits
    - Other benefits information for separating employees
    - The amount of severance pay due, if any
- The right of permanent employees to appeal the layoff through the University’s SHRA (SPA) Grievance Policy

See a sample Layoff Notification Letter on page 11. A copy of the University’s SHRA (SPA) Grievance Policy must be attached.

It is recommended that the department contact their Employee and Management Relations Consultant for guidance on communications as they are going through the layoff approval process and before notifying affected employees.
SHRA (SPA) LAYOFF REQUEST FORM

The University of North Carolina at Chapel Hill
Office of Human Resources – Employment and Staffing

APPROVAL BY THE OFFICE OF HUMAN RESOURCES IS REQUIRED IN ADVANCE OF ANY COMMUNICATION TO EMPLOYEES POTENTIALLY AFFECTED BY A REQUESTED REDUCTION IN FORCE.

Employment & Staffing, Office of Human Resources, 104 Airport Drive, CB#1045

REQUESTING UNIT INFORMATION

School/Division/Dept: [ ] Department Number: [ ]
Dept HR Contact Name: [ ] Contact Phone Number: [ ]
Supervisor(s) of Employees Identified for Layoff: [ ] Contact Phone Number: [ ]
Proposed layoff date: [ ] Proposed notification date: [ ]
Current Form is Original Request: [ ] Date sent to OHR: [ ]

WORK UNIT

The work unit is a formally established and recognized unit, section, division, or department of the University in which employees perform a closely related set of functions or duties. Departmental management may define individual research projects headed by a Principal Investigator (PI) as a separate work unit for the purposes of the layoff policy. Any such assertion is subject to appropriate justification that demonstrates the unique nature of the research project and the skills of its assigned staff members as contrasted with other research projects supervised by either the same or differing PIs within the same overall department or center.

DEFINITION OF WORK UNIT (choose one):

[ ] ENTIRE DEPARTMENT [ ] SUBSET/SUBUNIT OF THE DEPARTMENT [ ] ONE OR MORE DEPARTMENTS COMBINED

Specify department(s) that compose defined work unit:

If work unit is other than entire department, provide justification for proposed definition:

BACKGROUND / JUSTIFICATION FOR REDUCTION-IN-FORCE

Branch/Role/Competency Identified for RIF: [ ] Reason for RIF: [ ]

Actions Requested (select all that apply) [ ] LAYOFF [ ] REDUCTION IN HOURS [ ] POSITION CHANGE

If requested action is a position change, provide branch/role/competency:

Steps taken to avoid RIF:

Employee(s) proposed for RIF: [ ] PID#(s) [ ]

Per University policy, departments must consider all five factors below when determining employees to be laid off.

1. University needs. Consider the continuing work to be performed by the work unit(s) and the number of positions in each branch, role, and competency level necessary to perform the continuing work. Once the position(s) to eliminate have been identified, management must consider all employees in positions with the same or related classification. “Same or related” classification means positions in the identified branch, role and competency level. In order to identify the affected employees, apply the remaining guidelines.

2. Type of appointment. Time-Limited, Temporary, Probationary or Trainee employees (during their first (6) months of training) who perform work in the same or a related SHRA (SPA) job classification must be terminated before any employee with a permanent appointment, regardless of whether the permanent employee has the skills to perform the tasks of the Time-Limited, Temporary, Probationary or Trainee.

Resources: Layoff Policy located on OHR’s website; http://hr.unc.edu
Policy includes links to this form and Manager and Employee Resource Guides.

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3. Relative skills, knowledge, and productivity of employees. Employees to be retained must demonstrate the skills and knowledge required for the continuing work of the work unit or be able to attain those skills and knowledge within a reasonable period of time in accordance with the operational needs of the work unit. Selection must be consistent with the employee’s most recent annual performance review and employee competency assessment as well as other relevant documentation.

4. Length of total state service of employees. Length of service shall be considered but may receive less weight in the determination. Eligible veterans must be accorded one year of state service for each year (or fraction thereof) of military service, up to a maximum of five years of credit.

5. Workforce diversity. In accordance with federal guidelines affecting equal employment opportunity, any application of the layoff policy must be reviewed by the affected department(s) and Human Resources to determine its impact on the workforce diversity within the work unit(s).

Indicate the factor that was used for final determination of employee(s) selected (check one):

1. [ ]
2. [ ]
3. [ ]
4. [ ]
5. [ ]

Justification for the use of this factor in the layoff determination:

Temporary employees, including those from placement agencies, and independent contractors performing work comparable to permanent positions selected for layoff must be terminated before employees in permanent positions.

If identified work unit has workers in the above categories (temporary/contractor), check here and fill out the attached worksheet at the end of this form.

IMPORTANT ATTACHMENTS

[ ] Organizational chart(s) of work unit with identified positions highlighted on chart

[ ] (OPTIONAL) Other supporting documentation as deemed necessary by the requesting department

UNIT CERTIFICATION

School/Division/Department Head - Please sign below to certify that the following requirements have been met:

1. Factors considered in recommending the employee(s) for layoff include: University needs, type of appointment, relative skills, knowledge and productivity, total State service and impact on workforce diversity within the work unit.
2. Current and anticipated vacancies for potential openings have been reviewed, and no opportunities for the identified employee(s) have been identified.
3. No recruitment activity is in progress or planned for position classification(s) identified for layoff.
4. No temporary employees are performing comparable work.
5. Vacant position(s) in the same branch/role have been identified for abolishment in preparing this layoff request.
6. Position(s) identified for layoff will be abolished upon the effective date of the layoff.

Important Note: OHR must be notified immediately should funding become available to support identified positions prior to the effective date of the layoff.

Department Head

Signature: __________________________ Date: ______________

Next Level Approval (optional – if required by Dean/Division)

Signature: __________________________ Date: ______________

Resources: Layoff Policy located on OHR’s website: http://hr.unc.edu
Policy includes links to this form and Manager and Employee Resource Guides.

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Page 2 of 4
List all positions in the work unit comparison group for each branch/role identified for layoff.

Complete one worksheet for each branch/role.

- For all positions in the identified branch/role, include those with the same competency level only, including vacancies.
- Include all competency levels in identified branch/role if branch/role contains employees in probationary, time-limited or trainee positions.

<table>
<thead>
<tr>
<th>Layoff Abolish</th>
<th>Proposed Layoff Date</th>
<th>Position Number</th>
<th>Branch / Role</th>
<th>Competency Level</th>
<th>Perm Position Appt Status</th>
<th>Name of Incumbent (Name Temp if filling vacancy)</th>
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Please note that the statutory requirement is to provide employees with 30 calendar day’s notice once layoff is approved.
### TEMPORARY EMPLOYEES AND INDEPENDENT CONTRACTORS WORKSHEET

List all positions in the work unit that involve either temporary employees, including those from placement agencies, or independent contractors.

Provide description of duties performed, as well as all other information requested.

<table>
<thead>
<tr>
<th>Independent Contractor/ Direct Hire Temporary/ Placement Agency Temp</th>
<th>Name of Employee or Independent Contractor</th>
<th>Detailed Description of Duties</th>
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</table>
Sample layoff notification memo

DATE: [Date]

TO: [Employee Name]
   [Address]
   [City, State Zip]

FROM: [Director, Department Head or Supervisor]
       [Department, CB]

RE: Notification of Separation Due to Layoff

Due to [reason for event, i.e., loss of budget, reorganization, ending of grant, etc.] and after evaluating alternative measures, I must inform you that your employment with the department will end on [date: must be at least 30 calendar days after the date of the employee receiving this notification].

Layoff Information Session

The Layoff Coordinator in the Office of Human Resources will be contacting you shortly to arrange for a layoff information session. At this meeting, the Layoff Coordinator will review the applicable policies and benefits available to you, including your eligibility for:

- Severance Pay
- Priority Re-employment Consideration
- Health Insurance Continuation
- Termination or Continuation of Other University Benefits
- Career Transition Counseling Services
- Leave Payout

The Layoff Coordinator will also provide additional resources for seeking reemployment.

Additional information on the Office of State Human Resources policy on layoffs is available here:

http://oshr.nc.gov/policies-forms/separation/reduction-in-force-policy

Appeal Rights

Permanent SHRA (SPA) employees who have completed their probationary period have the right to appeal this decision under the University’s “SHRA (SPA) Grievance Policy” (“Grievance Policy”). To be eligible, you must submit your appeal to the Employee & Management Relations Division of the University’s Office of Human Resources within 30 calendar days of receiving this layoff notification. A copy of the Grievance Policy is attached for your convenience. You may also obtain a copy of the Grievance Policy through the Employee & Management Relations Division or at the Office of Human Resources website at http://hr.unc.edu/. If you have questions about your appeal rights, please contact the Grievance Coordinator in the Employee & Management Relations Division at (919) 843-8676.

On behalf of the University, I thank you for your service to the State and wish you the best in your future employment.

cc: Department Personnel Files
    Dean/Director
    Layoff Coordinator, Employment and Staffing Services Department, Office of Human Resources
    Employee and Management Relations Consultant, Office of Human Resources

Attachment: SHRA (SPA) Grievance Policy

Employee Signature: ___________________________ Date: ___________________________
(Signature only acknowledges receipt of notification)

Supervisor Signature: ___________________________ Date: ___________________________
(Rev. 03/14/2016)
# Department Manager Checklist

The following checklist was developed to assist managers with the layoff process.

<table>
<thead>
<tr>
<th>If Task Completed</th>
<th>Department Management Task</th>
<th>Manager’s Notes and Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>☑</td>
<td>1. Determine which position(s) shall be abolished or modified and which employee(s) shall be laid off subject to the advance approval of the Senior Director of Employment and Staffing in the Office of Human Resources.</td>
<td></td>
</tr>
<tr>
<td>□</td>
<td>2. Contact your department’s Employee and Management Relations Consultant for guidance on communications.</td>
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| □                 | 3. Prepare a request for layoff approval. The department head (or his/her designee) must submit a written request for approval of each proposed layoff to the Employment and Staffing Department in the Office of Human Resources for review and approval by the Senior Director of Employment and Staffing. At least a 30-calendar-day period applies prior to the planned separation notification date. The request for layoff approval must contain the following information:  
  - the reason(s) for the layoff  
  - anticipated date(s) of separation  
  - name(s) of the employee(s) to be laid off and justification for the decision  
  - a list of all vacant positions in the unit which are in the same branch/role and competency level with a status of recruitment activity for these positions  
  - what efforts department has made to avoid the layoff of the selected employee(s)  
  - a management contact  
|                   | 4. Await a final decision from the Senior Director of Employment and Staffing. The Employment and Staffing Department will notify the department manager of the decision and provide instructions for layoff notification.                      |                             |
| □                 | 5. Upon approval of layoff decision, you are encouraged to contact your department’s Employee and Management Relations Consultant for guidance on communications.                                                                 |                             |
| □                 | 6. Provide written layoff notification to the employee(s). The layoff effective date must be at least 30 calendar days after notification and must fall on a business day. The employee must acknowledge receipt by signing the letter. |                             |
| □                 | 7. Immediately forward a copy of the layoff notification letter to the Layoff Coordinator in the Office of Human Resources. A copy of the letter must be received before the employee layoff information session can be scheduled.                                    |                             |
| □                 | 8. Abolish the position once all applicable payouts are processed.                                                                                                                                                        |                             |