Implementing Procedures for PPM 230-7

Introduction:
On November 1, 2014, the UCSD policy regarding layoff and involuntary reduction in time (IRT) for non-senate academic appointees, PPM 230-7, was revised both in structure and in substance. The current version of the policy can be found at: [http://adminrecords.ucsd.edu/ppm/docs/230-7.html](http://adminrecords.ucsd.edu/ppm/docs/230-7.html). In compliance with the revised policy provisions, the following implementation guidelines provide instructions for preparation and processing of layoffs and involuntary reductions in time for non-senate appointees in Health Sciences.

Structural Changes
The procedural revisions of PPM 230-7 include a merger of three separate policy sections: PPM 230-7 (Non-Senate Academic Appointees – Layoff and Involuntary Reduction in Time); PPM 230-9.2 (Termination of Appointment for the Adjunct Professor Series); and PPM 230-9.3 (Termination of Appointment for the [Health Sciences] Clinical Professor Series). As a result of the merger, PPM 230-9.2 and PPM 230-9.3 were rescinded and PPM 230-7 was revised to include instruction for layoffs and involuntary reductions in time for all non-senate series. (See Appendix A for list of non-senate series appointments).

Substantive Changes
The substantive revisions of PPM 230-7 include revised responsibilities for department chairs and layoff unit heads. Additionally, the defined layoff unit has been amended in accordance with the terms immediately below.

Terms
- **Layoff**: Layoff occurs when the University terminates an academic appointee’s appointment prior to his or her established end date due to budgetary reasons, lack of work, and/or programmatic changes.
o Note: Non-reappointment of an academic appointee beyond the established end date is not a layoff.

- **Involuntary Reduction in Time (IRT):** IRT occurs when the University reduces an academic appointee’s percentage of effort prior to his or her established end date due to budgetary reasons, lack of work, and/or programmatic changes.
  o Note: Distinguishable from a voluntary reduction in time, in which the academic appointee requests a reduction in time for his or her own benefit.
  o Note: Reappointment of an academic appointee beyond the established end date at a reduced percentage of effort is not an involuntary reduction in time.

- **Good Cause:** A layoff unit may only proposes a layoff or involuntary reduction in time for good cause. Good cause may be established under the following circumstances:
  o Budgetary reasons – presence of budgetary limitation such that there is a lack of funds to sustain the current appointment or percentage of effort
  o Lack of work – assigned courses are no longer available/reassigned to alternate instructor (typically applicable to clinical instructors).
  o Programmatic Needs/Changes – change in unit programs such that assigned course/work is no longer offered or needed by department

- **Layoff Unit:** The layoff unit is the organizational unit that is considered for purposes of selecting an appointee for a layoff or IRT. Health Sciences generally defines the layoff unit as the department; however, when a department is comprised (formally or informally) of divisions or sections in which a division/section chief has been appointed, the division or section constitutes the layoff unit. (See Appendix B for layoff unit designation by department)
  o Note: the only substantive change to the selection of appointees for layoff or IRT relates to the layoff unit. Prior to the 2014 revision, departments considering appointees for potential layoff or IRT typically evaluated similar appointees within a single lab or supported by a specific funding source to determine the order of layoff. The 2014 revision of PPM 230-7 established that the layoff unit is now the department or division (for departments with divisions or formally appointed division/section chiefs).

- **Layoff Status:** An appointee who is laid off or receives an involuntary reduction in time is on layoff status for up to twelve (12) months immediately following the layoff or IRT. Layoff status entitles the appointee to eligibility for recall and/or preferential re-employment.

- **Recall:** re-employment of a qualified academic appointee on layoff status to a vacant position in the same title or series (as the same or lower rank as the appointment at time of layoff or reduction) and in the same layoff unit.

- **Preferential Re-Employment:** provides priority consideration for re-employment of a qualified academic appointee on layoff status to a vacant position in the same title or series (as the same or lower rank as the appointment at time of layoff or reduction) outside the original layoff unit following an open recruitment
• **Seniority**: determined on the basis of the number of months of full-time equivalent (FTE) service in any academic series at UCSD

## Procedures

### Alternative Actions to/Postponement of Layoff

- **Other Suitable Employment**: The Department Chair should make reasonable efforts to find other suitable employment at UCSD for any non-senate faculty appointee who has been identified for a proposed layoff. These efforts must be documented in the Layoff Proposal, should layoff become necessary.
- **Leave Without Pay (LWOP)**: If there is a reasonable expectation that the appointee can transfer to another position within 90 days of the intended Layoff date, a LWOP for up to 90 days may be appropriate. Please note that the appointee must initiate the leave request.
  - This option prevents a break in service for the appointee.
  - The layoff-proposal must reference the LWOP request.
  - If a transfer does not occur within 90 days, the layoff will become effective immediately following leave period.
- **Non-Salaried Status**: If there is a reasonable expectation that funding will become available within 90 days of the intended layoff date to support the appointee in his or her current position, a reduction in time to non-salaried status may be appropriate.
  - Note: the layoff unit may initiate a reduction in time to non-salaried status (0% effort) for a period of up to 90 days prior to layoff; however, **when the layoff unit initiates the reduction in time (and the appointee has not independently requested it)**, such a preliminary reduction is considered an IRT in and of itself, and is subject to the procedures and notice requirements of PPM 230-7.
  - This option prevents a break in service for the appointee.
  - The layoff proposal must reference whether the reduction to non-salaried status (0% effort) was initiated by the appointee or the layoff unit.
  - If funds do not become available, the layoff will be become effective immediately following the period of non-salaried status.

### Selection of appointee for Layoff/IRT

- When there is more than one appointee in the same rank/series within the layoff unit, selection of appointee for layoff/IRT is determined by the **department chair**.
  - Selection is based upon chair’s analysis of appointees’ skills and abilities (in consultation with division/section chief and/or supervisor(s) of pool of relevant appointees)
  - When there is **no** substantial difference in the skills or abilities of the appointees, the layoff/IRT order is determined based on seniority*
Preparation of Layoff/IRT Proposal

- The Layoff Unit* is responsible for preparation of the Layoff/IRT proposal form, found on the Academic Personnel Services Website. The form must be completed in all applicable areas for timely processing and must be accompanied by appropriate supporting documentation, where applicable (see form for further instruction).

Review/Approval of Layoff/IRT Proposal

- The Proposal is reviewed as necessary by the academic review committee (i.e., CAP, SOMCAP, or PSSRP) that has reviewing responsibilities over appointments in the appointee’s series per the Authority and Review Chart. Upon submission of the Proposal to the AVC AA’s office, the form will be vetted and sent to the appropriate committee for review and recommendation. The Approval Authority will make the final approval decision in consultation with the recommendation provided by the appropriate reviewers.

Notice

- Appropriate notice for the Layoff or IRT ranges from 30 to 90 days prior to the effective date of the layoff/IRT based upon the appointee’s series (See Appendix A for appropriate notice periods based upon series). Notice is effective on the date of delivery of the written notice to the appointee (actual delivery of the written document). The required notice periods provided in PPM 230-7 state the mandatory minimum notice periods; Layoff units are always encouraged to provide as much notice as possible. Under no circumstance can the notice period be shortened; however, appropriate pay in lieu of notice may be given to the appointee.
  - Notice may not be provided to the appointee until the Approval Authority gives the final approval of the proposed layoff or IRT to the layoff unit.
  - Please contact your VC analyst with any questions on the preparation of the notice.

Timely Submission of Proposals

- Layoff/IRT Proposals must be submitted in a timely fashion to accommodate processing and review. Timely submission is calculated based upon the notice period required for the appointees’ series (see above). The Health Sciences AVC AA requests a minimum of six (6) weeks for review and processing in addition to the notice period required per policy based on the series of the appointee. Any expedited requests (i.e., a proposal which requests less than 6 weeks for administrative processing and review) will be evaluated on a case by case basis.
Withdrawal or Postponement of Layoff/IRT Proposal

- **Withdrawal:** The department/layoff unit may withdraw the Layoff/IRT proposal up to the effective date of the layoff/IRT. The layoff unit must submit a written request to withdraw the proposal to the HS AVC AA and include the original layoff/IRT proposal.
  - If the layoff unit seeks to withdraw the request after the appointee received the written notice, the appointee must be given written confirmation of the withdrawal request.
  - Withdrawal of an approved layoff/IRT proposal renders the proposal and approval void. Should the layoff unit wish to proceed following withdrawal, the layoff unit must initiate a new layoff/IRT proposal.

- **Postponement:** The department/layoff unit may postpone the effective date of the layoff/IRT for up to six (6) months. The layoff unit must submit a written request to postpone the effective date of the layoff/IRT to the HS AVC AA and include the original layoff/IRT proposal.
  - If the layoff unit seeks to postpone the request after the appointee received the written notice, the appointee must be given new notice with the newly approved effective date.
  - An approved layoff/IRT may not be postponed for more than six (6) months beyond the effective date; further postponement renders the proposal and approval void. Should the layoff unit wish to proceed with layoff/more than six (6) months after the approved effective date, the layoff unit must initiate a new layoff/IRT proposal.

Issues after effective date of layoff/IRT

- **Layoff Status:** For up to twelve (12) months following the effective date of the Layoff/IRT, the appointee will remain in layoff status. Layoff status affords the appointee eligibility for recall* and/or priority consideration for open recruitments for which the appointee is eligible through preferential re-employment*.
  - Layoff status: status will conclude 12 months after the effective date of the layoff/IRT unless:
    - The appointee’s established end date (original appointment term end date) falls before the expiration of the 12-month period. In these instances, layoff status will end on the natural termination date of the original appointment.
    - The appointee is re-employed in the same or equivalent position at UCSD during the 12 month period. In these instances layoff status ends upon rehire.
  - Preference for re-employment of persons in layoff status for vacant positions is as follows: 1) laid-off appointees; 2) appointees who received an IRT and are currently in layoff status; and 3) appointees who have received written notice of an impending layoff/IRT which will become effective within six (6) months.
Where more than one person in layoff status is qualified for the open position, the order of re-employment will be inverse to the order of layoff/IRT.

- NOTE: Layoff Status is not a guarantee of re-hire to a vacant position. The skills and abilities of the applicant pool, as determined by the appointed search committee and appropriate reviewing authorities, will dictate the appropriate hire.

*See Definitions section for definition of term

**Responsibilities**

- **Approval Authority:** Final authority for approving layoff/IRT proposal. Review includes assessing proposal for: 1) good cause; 2) appropriate order; 3) procedural compliance; and 4) fair and impartial process implemented without discrimination.

- **Campus Reviewers:** Provides recommendation on layoff/IRT proposal to Approval Authority after assessing proposal for: 1) good cause; 2) appropriate order; 3) procedural compliance; and 4) fair and impartial process implemented without discrimination.

- **Department Chair:** (for all proposals, regardless of whether the Layoff Unit is defined as the Department or a Division/Section)
  - Final authority on determination of need and order (where applicable) of layoff/IRT proposals
  - Ensuring layoff/IRT process is compliant with University and campus policies and state and federal laws prohibiting discrimination
  - Providing proper notice to appointees subject to layoff/IRT
  - Advise AVC office of updates to layoff unit designations (Appendix B): provide timely updates of changes to division/section chief appointments as well as changes to division/section assignments. All notifications of changes should be directly reported via email to the department’s AVC analyst.

- **Layoff Unit Head:**
  - **Roster Maintenance:** the layoff unit will maintain a roster of all appointees in layoff status who were subject to a layoff/IRT by the layoff unit.
    - HS AVC AA will maintain the database from which this roster can be queried (see Appendix C for instructions on Layoff Roster Query). Contact your department’s AVC analyst for assistance.
  - **Notice of Eligibility:** The Layoff Unit must notify all appointees on Layoff Roster of open positions within the Layoff Unit for which they may be qualified. Layoff units are encouraged to send a notice of eligibility to all appointees on the layoff roster within the layoff unit within the applicable series. Notifications should be sent upon the layoff unit’s determination that a vacant position exists.
- Not applicable to positions filled through a waiver of open recruitment. The waiver process, by its nature, does not create an open position.
- Please contact your VC analyst with any questions on preparation and/or dissemination of the Notice of Eligibility.