

**The University Staff Association/Massachusetts
Teachers Association/NEA
and
The University of Massachusetts Board of Trustees**

University's Proposal # 7 Article 22 – Layoff and Recall

Section 1. Definition of Layoff

A. Layoff shall be defined as the reduction of the work force due to lack of work, lack of funds, or curtailment of programs. Layoff may result from departmental “reorganization,” which shall mean the restructuring or redeployment of resources resulting from legitimate (demonstrated) economic and/or programmatic changes or needs resulting in the lack of work, lack of funds, or the curtailment of programs that are not and cannot be related to employee conduct or performance and shall not constitute discharge or termination for cause. The appointing authority agrees that no unit employee will be laid off in an arbitrary or capricious manner. Employees hired with a minimum commitment of thirty-five (35) weeks per year shall be laid off in accordance with their employment agreement. The terms of this Article shall not apply to employees paid from grant, contract, or institute funds. However, such employees shall receive a thirty (30) day notice of impending layoff unless a predetermined date for the end of employment has been established and shall be placed in the on-campus callback pool for ~~one~~^{two} (12) years pursuant to Section G. The terms of this Article shall not apply to probationary employees

E. Employees to be laid off will be notified of such layoff in writing, as soon as practicable, but in no event less than thirty (30) calendar days prior to the layoff. The Association will be sent a list, from the appointing authority, of the employees being laid off at the same time as the written notices are given to the employees. The University will provide, within five (5) calendar days, the ~~Form 30~~^{position description} and other information necessary for an employee scheduled to be laid off to make an informed decision on bumping options. **Employees have ten (10) calendar days from the date of layoff notice to invoke their 22G rights. Notification will be provided to the Union and Labor Relations of this decision.**

G. In the event an employee is scheduled to be laid off₂ or is on layoff status, as set forth in Article 22, and there exists a vacant position in the bargaining unit which has been certified for filling in an equal or lower-graded classification, provided the employee can perform the work **and is minimally qualified**, campus seniority shall prevail in permitting such an employee to fill such position. ~~Any employee, in such category, shall have their name forwarded for any vacant position prior to Article 17 being applicable.~~ **Should the employee in layoff status apply to any position(s) already posted, they shall notify their Human Resources Business Partner of their application while the position remains posted.** An employee may refuse an interview offered in accord with this provision and continue to have their name forwarded. An employee, who is offered a position through this process and declines it, shall not continue to have their name

forwarded. Should the University fail to inform an employee of their rights under this Article 22, Section G, within ten (10) days from the date of the notice of layoff, the employee's lay off date shall be extended one day for each day the University fails to meet its obligation.

If the employee in layoff status is not selected for an interview or hired for a position they have applied for, a separate letter will be submitted by the Department and reviewed by Central HR stating the specific reasons why the employee cannot perform the work. The letter must be approved by Central HR before proceeding to the internal or external posting process.

The letter must include:

- The position, its state title and the requisition number for that vacancy.
- A copy of the most recent Position Description for that position
- A narrative based on the Minimum Qualification required at hire found in the "Minimum Qualifications" section of the Position Description, which explains why the laid off employee[s] referred to your department cannot perform the work.