Purpose

Western Michigan University seeks to provide stable employment. However, situations may arise which require a reduction in the workforce. The University reserves the right and responsibility to make reductions in the workforce.

Application

This policy applies only to staff compensation system employees in regular, continuing positions. In addition to holding a regular, continuing position, an employee must have six or more months of University seniority and documented satisfactory performance.

The provisions of this policy are used whenever there is a temporary, ongoing, or indefinite reduction in the number of employees within a division, department, or work unit or the elimination of a regular University position or job title. This policy also applies whenever there is a reduction in full time equivalency to the extent that the employee is no longer eligible for University-paid benefits.

Nothing in this policy shall be construed to determine eligibility for unemployment compensation benefits. Eligibility is determined solely by the Michigan Unemployment Agency, based on statutes and agency regulations.

Application of this policy will be made in accordance with all applicable laws and statutes and all applicable University policies. For employees on approved leaves from the University pursuant to the requirements of law, such as family and medical leave or military leave, this policy shall be applied in such a manner to preserve, but not extend, those rights granted by law.

Procedure

Whenever the University deems it appropriate to reduce staff, divisional leadership will prepare a written plan that defines the extent of the reduction, including specific positions and incumbents. Those plans will be provided to WMU Human Resources to develop a communication plan for effected employees and to Institutional Equity for consideration of a fair and appropriate application of the personnel policies. Department heads must prepare a written reduction in force organizational plan. The organizational plan must include how the reduction in force division intends to utilize each of the steps below to reduce staffing.
The written reduction in force organizational plan is to be submitted to Human Resources and Institutional Equity for review. Following review, the reduction in force unit president or vice president must approve all reduction in force organizational plans prior to any implementation.

1. **Step one: temporary and probationary employees.** Temporary employees and employees with less than six months of University seniority who are performing the job duties within the work units defined in the reduction in force same or similar work as a regular, continuing employee should be terminated prior to any regular, continuing employee receiving layoff notice.

2. **Step two: reassignment.** During a reduction in force, essential open positions may be filled within the reduction in force unit or across reduction in force units without being subject to the posting requirements of the job opportunity program, by temporary reassignment or by permanent reassignment.

Employees temporarily reassigned or permanently reassigned under this policy must possess the necessary skills, knowledge, and abilities to perform the available work, and will not be subject to a six-month probation period. Employees refusing temporary or permanent reassignment during reduction periods will be deemed to have resigned their employment with the University.

1. **Temporary reassignment.** An employee may be temporarily reassigned to an essential open position for up to 18 months by the appropriate reduction in force unit president or vice president, or by agreement between the president/vice presidents. This temporary reassignment is limited to positions in the affected employee’s current grade or one grade lower. The position the employee vacates may not be filled during the reduction period. At the end of the temporary reassignment, the employee returns to the vacated position.

2. **Permanent reassignment.** A reduction in force unit president or vice president may authorize an employee to be permanently reassigned to an essential open position within the reduction in force unit or to another reduction in force unit (with agreement by both president/vice presidents) on a continuing basis if the permanent reassignment is the result of the vacated position’s permanent elimination. This permanent reassignment is limited to positions in the affected employee’s current grade or one grade lower.

3. **Pay changes.** Employees reassigned (temporarily or permanently) to a position within their current grade or one grade lower are not eligible for a pay change at the time of reassignment.

If further reductions are necessary, the following procedures must be used to identify those employees who will receive layoff notice.
3. **Step three: identifying employees for layoff notice.** Before layoff notice is given to any regular, continuing employee, the reduction in force unit president or vice president responsible for the reduction decision will:

   A. **Determine, by department or reduction in force unit, which positions are deemed subject to the reduction in force work plan.** If there are multiple positions within the unit with the same job title/pay grade, then the employees with the greatest skills, knowledge and ability to perform the available work will be retained. If all incumbents are equal in skills, knowledge and ability then **Determine, by department or reduction in force unit, the employee with the least University seniority in the affected job title/pay grade** will receive layoff notice provided the remaining employees in that job title/pay grade have the skills, knowledge, and ability to perform the available work. Include the name of the incumbent on the reduction in force organizational plan.

   B. **For each position selected When University seniority is not the determining factor, document:** (1) the criteria for selecting the employee who will receive layoff notice, and (2) the necessary skills, knowledge, and ability to perform the work of each employee in the affected job title/pay grade who has less University seniority than the employee to receive layoff notice.

   C. Contact Human Resources to generate the appropriate layoff notice for affected employees.

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**Step four: required layoff notice compensation period**

- All regular, continuing employees identified for layoff must be given written notice. The required layoff notice period is listed below. A reassignment may be made any time during the layoff notice period.

   A. The University reserves the right to require the employee to work part or all of the layoff notice period. An employee who does not accept work during the layoff notice period, provided there is no change in the employee's pay, will be deemed to have resigned their employment effective the date of non-acceptance.

   B. A leave of absence will not be granted in lieu of layoff notice.

   C. Employees on layoff notice are not eligible for any pay increases.

   D. An employee on layoff notice may continue to apply as an internal applicant for positions posted through the **job opportunity program**. All provisions of the job opportunity program apply. If an employee on layoff notice accepts another position at the University during the layoff notice period, the remainder of the required layoff notice is forfeited on the effective date of hire into the new position. All recall rights to the position from which they were laid off are also forfeited effective the date of hire into the new position.
The length of University seniority on date of layoff notice will determine the amount of layoff notice compensation and the corresponding required notice prior to layoff follows - employees subject to the reduction will not need to work following the effective date:

- Less than six months, no notice required
- Six months One year or more, 90 days of notice compensation
- At least six months, but less than one year, four weeks notice
- At least one year, but less than two years, eight weeks notice
- At least two years, but less than five years, 12 weeks notice
- At least five years, but less than 10 years, 16 weeks notice
- At least 10 years, but less than 20 years, 26 weeks notice
- Twenty or more years, 52 weeks notice

E. If an employee in the same job title/pay grade requests layoff in lieu of the affected employee, the vice president may opt to recall the affected employee and give layoff notice to the alternate employee. The alternate employee would be afforded all applicable provisions of the reduction in force policy, with the exception of bumping rights. If the recalled employee refuses to return to work, the alternate employee would continue employment and the affected employee would continue on layoff notice. The elective layoff process does not apply to step five of the reduction in force procedure, bumping. The approved reduction in force organizational plan should be updated to reflect the name of the employee on elective layoff.

**Step five: bumping** Once an employee in a regular, continuing position receives layoff notice they may, using their University seniority date, replace the employee holding a regular, continuing position, with the least amount of University Seniority first in the same job title, then in the same pay grade in their reduction in force unit.

Employees must contact Human Resources if they wish to invoke their bumping rights. Human Resources will determine whether a regular, continuing position exists for which the employee is eligible to bump based on the employee's University seniority date, job title, and pay grade. If Human Resources is able to identify such a position, the employee requesting to bump must possess the necessary knowledge, skills, and abilities to perform the job identified. The displaced employee may then be eligible for layoff notice in accordance with the required layoff notice period in step 4 above.

**Effective date of layoff**

An employee, who has not obtained another University position through the provisions above, will be considered laid off and separated from employment with the University effective the last day of the layoff notice period.

**Recall period**

The duration of the recall period is twelve months following the effective date of layoff.
During the recall period, an employee may continue to apply as an internal applicant for positions posted through the job opportunity program. All provisions of the job opportunity program apply. If an employee accepts another position at the University during the recall period, all recall rights to the position from which they were laid off is forfeited effective the date of hire into the new position.

During the recall period, any employee who is offered a regular, continuing position (for which they did not apply through the job opportunity program) meeting either of the provisions below, and who refuses that position, will forfeit all recall rights and will be deemed to have resigned from the University.

1. The position offered is in the same grade and pay rate as the position from which they were laid off.
2. The position offered is one grade lower and at least 90% of the pay rate as the position from which they were laid off.

Employees accepting a position under the above provisions, which is not the position from which they were laid off, retains their recall rights during the recall period to the position from which they were laid off.

Procedure

An employee laid off or temporarily reassigned to another position under the provisions of this policy will be recalled to the position from which they were laid off before temporary or new regular employees are hired, provided:

A. The recall occurs within the duration of the recall period.
B. The employee has retained the knowledge, skills, and ability to perform the work.
C. The employee accepts the position offered within seven calendar days and is able to report to work within two weeks.
D. Employees not recalled within the recall period may continue to apply as an internal applicant through the job opportunity program for one year after the recall period ends.

Reduction in Force: Benefits
The following provisions apply to Western Michigan University benefits which are affected when an employee receives layoff notice.

**Annual leave**

1. The employee is ineligible for a lump sum allotment of annual leave during the layoff notice period unless actively performing work on behalf of the University.
2. Annual leave may be taken under the provisions of the Human Resources policies and procedures manual (Section 13) during the layoff notice period provided the employee is actively performing work on behalf of the University.
3. Management reserves the right to schedule an employee's annual leave during the layoff notice period.
4. As of the effective date of layoff, any remaining annual leave balance is subject to the annual leave-separation and retirement provisions in the employee handbook.
5. Employees who are subsequently rehired or recalled within one year from the layoff notice date will be restored to the length of service status from their original hire date held on the effective date of layoff for purposes of determining the lump sum allotment of annual leave. The employee's lump sum allotment of annual leave will be determined by the schedule in effect on the date of rehire or recall.

**Sick leave**

1. Sick leave will continue to accrue during the layoff notice period provided the employee is actively performing work on behalf of the University. Sick leave will cease to accrue on the employee’s last day worked whenever the employee is not actively performing work on behalf of the University. Sick leave will not accrue beyond the effective date of layoff.
2. Sick leave may be taken under the provisions of the Human Resources policies and procedures manual (Section 13) during the layoff notice period provided the employee is actively performing work on behalf of the University.
3. Upon effective date of layoff, sick leave balances are frozen. Sick leave balances are reinstated if an employee is recalled or rehired within one year of their layoff notice date, during the recall period.

**Group health and life insurance**

1. Group health and life insurance will continue throughout the layoff notice period. On the effective date of layoff, an individual may elect to continue, at their expense:
   - Health insurance coverage under the provisions of COBRA; and
   - Life insurance, by converting their group life insurance to an individual policy through the University's life insurance carrier.
2. Coverage will be discontinued when the employee who is on layoff notice is employed by another employer who provides a health, dental and/or life insurance plan.

3. An employee who is recalled to a benefits-eligible position and whose group insurance had been discontinued will have 31 days to enroll in University benefits.

Long-term disability

Long-term disability insurance will be discontinued on the effective date of layoff.

Retirement program

University contributions are discontinued on the effective date of layoff, but the employee may make contributions directly to the vendor.

Retirement eligibility

An employee must have reached the necessary age and accumulated the necessary years of service (see retiring from WMU in the employee handbook) as of the last day worked to qualify for University paid retirement benefits. If the employee is recalled or rehired within one year of their layoff notice date, the provisions and terms of their University retirement plan, including levels of University contributions, will be re-established according to their eligibility defined by the hire date prior to the layoff notice.

Tuition discount and tuition remission

1. **Tuition discount** benefits (for employees) continue throughout the layoff notice period and the recall period, under then-current tuition discount plan provisions (see Tuition Discount and Remission, Policies and Procedures Manual Section 16), provided:
   - The employee meets all other tuition discount eligibility criteria.
   - The employee held a benefits-eligible position at the effective date of layoff.
   - The employee registers for class(es) prior to the end of the recall period.
   - The first day of the semester/session for which the employee is registered occurs prior to the expiration of the recall period.
   - When the recall period ends, tuition discount benefits cease.

2. **Tuition remission** benefits (for spouse and dependent children) continue throughout the layoff notice period, the recall period, and beyond the end of the recall period, under then-current plan provisions (see Tuition Discount and Remission, Policies and Procedures Manual Section 16), provided:
   - The employee and dependent meet all other tuition remission eligibility criteria.
   - The employee held a full-time benefits-eligible position at the effective date of layoff.
The dependent initially registers for classes prior to the end of the employee's recall period.
The dependent continues enrollment at least part-time in consecutive academic years, beginning no later than the end of employee's recall period.

Reduction in Force: Definitions
1. **University seniority**—An employee’s university seniority shall be defined as the length of continuous regular employment with Western Michigan University since the last hiring date.

2. **Essential open positions**—Those positions authorized by the divisional vice president to be filled through temporary or permanent reassignment during a reduction period, and which are not subject to the posting requirements of the job opportunity program.

3. **Reduction in force unit**—Currently, the University consists of the following reduction in force units:
   - President
   - Vice president for development and alumni relations
   - Vice president for diversity and inclusion
   - Vice president for government affairs
   - Vice president for marketing and strategic communications
   - General counsel
   - Provost and vice president for academic affairs
   - Vice provost for academic operations and chief information officer
   - Vice president for research
   - Vice president for business and finance and chief financial officer
   - Vice president for student affairs

   Reduction in force units will be updated as needed to reflect changes in organizational structure approved by the president and WMU Board of Trustees.

4. **Job title/pay grade**—The staff compensation system job title or pay grade assigned to the position after it has been evaluated by Human Resources.