

Chapter 81: Reduction in Work Force

3335-81-01 Reduction in work force.

Should a reduction in the work force become necessary due to lack of funds, lack of work, reasons of economy, or reorganization for efficiency; the office of human resources shall lay off employees and/or abolish positions. The office of human resources shall determine in which classification or classifications layoffs shall occur and the number of employees to be laid off within each classification. Before abolishments, a statement of rationale and supporting documentation shall be reviewed, and approved, and on file with the office of human resources.

(B/T 5/6/83, 6/22/97, 10/29/2009)

3335-81-02 Reasons of economy or lack of work.

(A) The university shall determine:

- (1) Whether a current or projected deficiency in necessary funds exists to maintain current or to sustain projected levels of staffing and operations; or
- (2) Whether a lack of work exists or is projected that results in excessive current or projected staffing levels.

In the event that the university determines such a lack of funds or lack of work exists, the office of human resources shall be notified of such shortages, of the college/department in which such shortage exists or is projected, and of the amount of current or projected funds or work lacking.

(B) Upon the approval of the office of human resources, employees may be laid off for reasons of economy or lack of work. Before such layoffs, a statement of rationale and supporting documentation shall be prepared and on file in the office of human resources.

(B/T 5/6/83, 6/22/97, 1/2/98, 7/1/01)

3335-81-03 Abolishment of positions.

(A) The office of human resources, in response to documentation from the appropriate college or unit, shall approve what positions will be abolished using the following criteria:

- (1) Positions will be selected based on the needs of the department; and

- (2) Employees will be selected first based on certification status, and then by a combination of the following elements: skills and abilities applicable to the department's needs, documented performance, and length of OSU employment. Employees who are in an initial probationary period and not certified in any CCS title will be automatically laid off.
 - (3) If a unit abolishes more than one position within the same classification, the employee shall have the opportunity to discuss the rationale for the reduction of the employee's position with the supervisor and the human resource representative.
- (B) In cases of reorganization the department shall develop a written plan as required by the office of human resources.
- (C) Employees may be laid off as a result of the abolishment of a position or positions, provided that the office of human resources shall, in such layoff, follow the procedures applicable to the layoff of employees as set forth in this chapter.
- (B/T 10/29/2009)

3335-81-04 Order of layoff.

The order of any layoff shall be determined first by certification status, then by a combination of the following elements: skills and abilities applicable to the department's needs, documented performance, and length of OSU employment.

(B/T 10/29/2009)

3335-81-05 Displacement procedures.

- (A) An employee who was laid-off or whose position was abolished shall fill a vacancy or displace the employee with the fewest retention points provided in all instances that the employee meets the qualifications of that position, can perform the required duties, and has met expectations in the last three annual performance reviews. Employees who have not met performance expectations in the last three annual performance reviews and who have been given specific steps for improvement, or who are on major corrective action do not have displacement rights. Displacements will occur as follows:
- (1) Within the employee's classification.
 - (2) Within the next lower classification and each successively lower classification in the employee's classification series.

- (3) Within a classification that has the same or similar duties as the classification from which the employee was laid off.
- (4) Within the classification the employee held immediately prior to holding the classification from which the employee was laid off, provided:
 - (a) That the previous classification is of a lower or equivalent classification;
 - (b) The employee had achieved certified status in the former classification;
 - (c) The employee can perform the minimum required functions of the position at the time of placement.
- (5) If no vacancies are available or the employee is unable to displace due to having the fewest retention points in the classification series or lack of qualifications, then the employee will be laid off.
- (B) If, after exercising displacement, an employee is subject to further layoff action, displacement shall be in accordance with the current or most recent certified classification, at the discretion of the office of human resources.
- (C) Employees who elect to exercise displacement shall displace only those employees with fewer retention points. If an employee exercises displacement rights, the office of human resources shall first determine if a vacancy exists. If a vacancy exists and the employee meets the qualifications of the position, can perform the required duties, and has met expectations in the last three annual performance reviews, the employee will be placed in the vacancy. If no vacancy exists, displacement will occur in accordance with rule 3335-81-05 of the Administrative Code.
- (D) Employees shall notify the office of human resources of their intention to exercise displacement within ten days after receipt of notice of layoff.
- (E) No employee shall displace another employee whose position requires special minimum qualifications, as established by a position description, classification specifications, or by bona fide occupation qualifications, unless the employee desiring to displace another employee possesses the requisite minimum qualifications for the position.
- (F) If, as a result of layoff or displacement, an employee is serving in a new position or classification, such employee shall be paid according to the target hiring range assigned to the new position or classification.
- (G) If an employee declines placement into a vacant position for any reason, their displacement rights cease immediately; this provision may be waived at the discretion of the office of human resources.

- (H) If for any reason an employee declines to exercise their displacement rights into a position to which they are entitled, their displacement rights cease immediately.

(B/T 10/29/2009)

3335-81-06 Retention points.

- (A) The university shall compute retention points for each employee in a classification that is the subject of a layoff or displacement.
- (B) Each employee shall be assigned retention points for length of continuous service by awarding one retention point for each five hundred twenty hours (excluding overtime hours) of continuous service.
- (C) In the event two or more employees have identical retention points as computed by this rule, the employee having the shortest period of continuous service shall be laid off or displaced first. If two or more employees have identical retention points and identical dates of continuous service from which no break in service has occurred, the office of human resources shall determine the order of layoff by using a reasonable basis for such determination to include skills and abilities applicable to the department's needs and documented performance.
- (D) "Continuous service" is that service unbroken by a resignation or termination from the university. Continuous service for the purposes of retention points includes:
- (1) When an employee is reinstated after a resignation or termination to the same position within twelve months, full credit for continuous service will be given for the periods of actual employment;
 - (2) An authorized leave of absence does not constitute a break in service, and continuous service retention points shall continue to accumulate during the term of a leave of absence provided the employee returns to the university following the leave;
 - (3) When a laid off employee is reinstated or re-employed within one year from the date of layoff, the employee shall accrue continuous service retention points during the time spent on layoff and continuous service shall remain unbroken; and
 - (4) A disability separation does not constitute a break in service. However, continuous service retention points shall not accumulate during the period of separation.

- (E) Service as a student-employee, graduate associate or temporary employee shall not be credited as service for purposes of determining continuous service retention points.
(B/T 5/6/83, 6/22/97, 7/1/01, 10/29/2009)

3335-81-07 Jurisdiction.

- (A) The order of layoff and displacement shall apply within layoff jurisdictions. Each of the layoff jurisdictions, as defined in this section, is autonomous, and layoff, displacement, reinstatement, and reemployment procedures shall apply only within the jurisdiction affected by the layoff.
- (B) Layoff jurisdictions at the Ohio state university are as follows:
- (1) Columbus campus, excluding the medical center;
 - (2) Columbus campus – medical center;
 - (3) Lima campus;
 - (4) OARDC and ATI;
 - (5) Marion campus;
 - (6) Mansfield campus;
 - (7) Newark campus;
 - (8) Units located outside of Columbus in a county where a regional campus is located are part of that jurisdiction, otherwise, the jurisdiction is limited to that county only; and
 - (9) Units located outside of Ohio are each their own jurisdictions.
- (C) The layoff jurisdictions described in paragraph (B) of this rule do not apply to employees who are laid off for a temporary period of up to one hundred and ten consecutive days.
(B/T 5/6/83, 6/22/97, 10/29/2009)

3335-81-08 Notice of layoff and displacement.

- (A) The university shall give advance written notice of layoff or displacement to each employee subject to such layoff or displacement. Such written notification shall be issued by the office of human resources and hand delivered to the employee by the employee’s supervisor and the unit’s human resource representative or human resource designee at work or mailed

by certified mail to the last address on file with the college/department. If the notification is hand delivered, it shall be given at least fourteen calendar days before layoff and the day of hand delivery shall be the first day of the fourteen-day period. If the notification is mailed, it shall be mailed at least seventeen calendar days before layoff and the day of mailing shall be the first day of the seventeen-day period.

- (B) Each notice of layoff or displacement shall contain the following information:
- (1) The reason for layoff or displacement;
 - (2) The effective date of layoff or displacement as follows:
 - (a) If the employee chooses displacement and a vacancy exists, the effective date is within a reasonable period of time to allow for a move to the position, not to exceed thirty days;
 - (b) If the employee chooses displacement and no vacancy exists, the effective date of the displacement or layoff will not exceed sixty days;
 - (3) The employee's retention points as computed pursuant to this chapter;
 - (4) The employee's option to appeal to the state personnel board of review and the time within which to file an appeal;
 - (5) A statement advising the employee of the displacement procedures and the length of time within which the employee may displace another employee;
 - (6) A statement advising the employee of the reinstatement procedures;
 - (7) Any additional information with respect to the limits of the applicable layoff jurisdiction of the employee as specified by rule 3335-81-07 of the Administrative Code;
 - (8) A copy of the displacement and/or reinstatement procedures and/or office of human resources web site address with this information.
 - (9) In cases of multiple reductions in the same unit and in the same classification, a specific date the employee has the opportunity to discuss the rationale for the reduction of the employee's position with their supervisor and human resource representative.

(B/T 5/6/83, 6/22/97, 10/29/2009)

3335-81-09 Reinstatement.

- (A) Certified employees who are laid off from the university can exercise their reinstatement rights within their jurisdiction by written notification to the office of human resources if a position is posted in the classification from which they were laid off. If more than one employee indicates reinstatement interest in a position, the employing unit shall consider skills and abilities applicable to the employing unit's needs and documented performance.
- (B) An employee may exercise reinstatement rights for twelve months beginning from the layoff effective date. During this period, jurisdictional units may not hire or promote into any classification for which a laid off employee has indicated an interest in reinstatement; this does not apply to reclassifications. Reinstatement is contingent upon successful pre-employment screening.
- (C) A laid off employee must notify the office of human resources of their reinstatement interest before the posting end date.
- (D) An affected employee's reinstatement rights will cease immediately upon the earliest of:
 - (1) Securing another OSU position;
 - (2) Retiring from the university;
 - (3) Refusing a reinstatement position; or
 - (4) At the end of twelve months following the layoff effective date.
- (E) In the event that the university offers a severance benefit, and the employee accepts the benefit, reinstatement rights will cease.
- (F) Unsuccessful completion of any pre-employment screening for a specific reinstatement position will result in denial for the position. An additional reinstatement opportunity may be granted at the discretion of the office of human resources.
- (G) Employees who have completed their probationary periods at the time of layoff are not required to serve probationary periods when they are reinstated to the same classification.
- (H) Employees who are certified in a classification and are serving a probationary period in a new classification at the time of layoff must serve a new probationary period upon reinstatement.

(B/T 10/29/2009)

3335-81-10 Appeal of layoff or displacement.

An employee may file a written appeal of layoff or displacement with the state personnel board of review. Such appeal must be filed or postmarked no later than ten days after the employee receives notice of the layoff or receives notice that another employee has exercised the displacement procedures for the aggrieved employee's position.

(B/T 5/6/83, 6/22/97)

3335-81-11 Holiday, overtime and vacation payment.

Payment for earned but unused vacation, any holiday pay due, and any overtime and/or compensatory time will be issued in accordance with university policies. However, when a specific return to work date has been established and upon request from the employee, vacation and compensatory time due will not be paid unless required by law. In instances of job abolishment where no return to work is anticipated, all vacation, holiday pay and overtime must be paid out at the time of the layoff.

(B/T 5/6/83, 6/22/97, 10/29/2009)

3335-81-12 Layoff during leave.

- (A) Employees on vacation or any type of leave of absence may be laid off or displaced as any other employee and retain their ability to be reinstated.
- (B) An employee who is laid off during a leave of absence will have their reinstatement time limit postponed until the regular return date from the leave, not to exceed eighteen months from the original layoff effective date. (B/T 10/29/2009)