1 PURPOSE

The procedures and process set forth in this layoff plan for University Support Staff (USS) employees have been developed pursuant to the provisions of the Wichita State University (WSU) Policy and Procedures. Should formal layoff procedures be initiated, the layoffs will be by organizational unit as described herein.

2 PREAMBLE

This layoff plan describes the rights of regular employees and responsibilities of the University in regard to reemployment, review of layoff scores, and the bumping process.

3 ORGANIZATIONAL UNITS

The organizational units within WSU as defined for purposes of layoff are as follows:

(a) Division of Administration and Finance
(b) Division of Academic Affairs
(c) Division of Campus Life and University Relations
(d) President’s Division
(e) Vice President and General Counsel
(f) Division of Research and Technology Transfer

4 GEOGRAPHIC AREAS

The geographical area is a description of any geographic areas to which the layoffs will be limited. This is not limited to Sedgwick County and should include the entire domain of WSU.

5 LAYOFF NOTICE

New hires and rehires with probationary status shall not be granted permanent status on or after the date the department has notified the Director of Human Resources of a proposed layoff. However, any new hire or rehire with probationary status in a position for which no employee subject to layoff meets the required selection criteria may be given permanent status. New hires and rehires with probationary status shall have their probationary period extended until it is certain that no employee with permanent status whose position is to be vacated by layoff or who otherwise would be laid off through the exercise of bumping rights is claiming the position held by the employee with probationary status.

Each employee serving a probationary period as a result of one of the following shall be considered to have permanent status for layoff purposes:

(1) Promotion of an employee who has permanent status;
(2) Reallocation of a position if the incumbent has permanent status; or
(3) Promotion from a University Support Staff position with at least six months of continuous service
Each employee who is in training status in a governor's trainee position, or in any identified training position, and who has at least six months of continuous service shall be considered to have permanent status for layoff purposes only.

5.1 SUBMISSION OF LAYOFF NOTICE
In cases of extenuating circumstances, advance notice of proposed layoff may not be feasible. However, every effort will be made to adhere to the proposed timetable. If there is an emergency funding shortage the University and all Organizational Units will give as much notice to all affected parties as they are able.

5.1.1 By the Organizational Unit
Any Department proposing a layoff shall give written notice of the proposed layoff to the Director of Human Resources, and a copy of the notice to the Division Vice-President, at least 60 calendar days before the proposed effective date of the layoff. In cases of extenuating circumstances, the 60-day notice requirement may be waived by the Director of Human Resources. However, in no case shall notice of layoff to the Director of Human Resources be less than 45 days prior to the proposed effective date of the layoff.

When submitting a layoff notice to the Director of Human Resources, the Department shall list the reason for the proposed layoff. As established by K.S.A. 75-2948, as amended, the reasons for proposing a layoff shall be limited to:

1. A shortage of work or funds;
2. The reinstatement of an employee returning from authorized leave; or
3. The abolition of a position or other material change in duties or organization.

Within 10 working days of the receipt of a proposed layoff notice, the Department shall be contacted by the Director of Human Resources with any questions regarding the layoff, and the proposed layoff shall be reviewed with the Division Vice-President. The proposed layoff shall be approved, modified and approved as modified, or rejected by the University within 15 working days of the receipt of the proposed layoff notice. The Department shall be notified in writing of the University's determination. (Authorized by K.S.A. 1995 Supp. 75-3747; implementing K.S.A. 1995 Supp. 75-2948; effective May 1, 1984; amended Jan. 18, 1994; amended Dec. 17, 1995; amended May 31, 1996.)

5.1.2 By the Director of Human Resources
In the notice, the Director of Human Resources shall specify:

1. The reason or reasons for the layoff
2. The class, classes, or class series in which the layoff is to occur - If the University chooses to permit employees to bump into lower classes in a class series in addition to any lower class in which an employee had permanent status, the notice shall also indicate the class series to be used for bumping.
3. The estimated number of employees to be laid off
4. The proposed effective date of each layoff
5. The position or positions to be vacated by layoff
6. The layoff scores of employees identified in the policy
7. A list of the University organizational units

The Director of Human Resources may designate an organizational unit within which the layoff is to occur and within which the employees are to be subject to layoff. If one or more organizational
units are designated by the Director of Human Resources, they shall be indicated in the layoff notice.

If a unit is used, the layoff shall be applied only to employees within the designated unit. If no unit is designated, the layoff shall be University-wide.

(8) A description of any geographic areas to which the layoffs will be limited

The Director of Human Resources may designate a geographic area within which the layoff is to occur and within which the employees are to be subject to layoff. If one or more geographic areas are designated by the Director of Human Resources, they shall be indicated in the layoff notice.

If an area is used, the layoff shall be applied only to employees within the designated area. If no area is designated, the layoff shall be University-wide.

(9) Any other information requested by the Director of Human Resources

(10) The Director of Human Resources also may limit the layoff to full-time employees or to employees employed on less than a full-time basis.

5.2 NOTICE TO EMPLOYEE

Director of Human Resources shall give written notice of the proposed layoff to:

(1) Each employee in a position identified for layoff or who may be affected by layoff

(2) Each employee that may be laid off through the exercise of layoff bumping rights

(3) The Department and Division VP

The notice required under section By the Director of Human Resources shall be given at least 45 calendar days before the effective date of the proposed layoff.

(c) Written notice of layoff shall be deemed to have been properly given if, at least 45 days prior to the date of layoff:

(1) The notice is personally delivered to the employee by two or more persons or if it is personally delivered to the employee by one person and a written acknowledgement of receipt is obtained from the employee; or

(2) The notice is sent by certified mail, restricted delivery, to the residential address of the employee as shown on the agency's records. (Authorized by K.S.A. 1983 Supp. 75-3747; implementing K.S.A. 1983 Supp. 75-2948; effective May 1, 1984.)

6 LAYOFF SCORES

A layoff score shall be computed by the WSU Office of Human Resources (OHR) for each employee in the University who has permanent status and who either is in a class of positions identified for layoff or could be affected by the exercise of bumping rights.

Every employee for whom a layoff score has been calculated shall have the right to review the method used to determine the score. Such employee may provide the Director of Human Resources with information which may cause an adjustment to the score.
A layoff list shall be based on the order of the layoff scores. The person with the lowest layoff score shall be laid off first. If more than one person is to be laid off, the persons to be laid off shall be selected on the basis of the lowest layoff scores.

6.1 **COMPUTATION OF LAYOFF SCORES**

Layoff scores shall be computed by the following formula:

\[ A \times L = \text{Layoff Score} \]

where \( A \) and \( L \) have the following values:

- \( A \) = the average performance review rating for the most recent ratings for the employee during the last five years up to and including five ratings, if the employee has as many as five ratings. However, a rating resulting from a special performance review that is given for a rating period ending within 90 calendar days of any notice of the layoff to the director of Human Resources shall not be counted. Performance reviews completed for ratings periods ending on or after the date the director of Human Resources notifies the department in writing that a layoff is to occur shall not be considered in computing layoff scores; however, the director of Human Resources may designate a uniform earlier cutoff date to identify which performance review ratings are to be used in computing layoff scores.

- \( L \) = the length of service expressed in months

Length of service is defined as total time worked with the University or with the State of Kansas, including time spent on an appointment to a position pursuant to K.S.A. 75-2935(1)(i), and amendments thereto. Length of service shall exclude the following: (1) Time worked as a temporary employee in accordance with the provisions of K.A.R. 1-6-25; (2) time worked as a student employed by any board of regents institution; (3) time worked as a resident worker in an institution of mental health as defined in K.S.A. 76-12a01 and amendments thereto or in a state veteran’s home operated by the Kansas commission on veteran’s affairs; and (4) time worked as an inmate.

Length of service for a retired employee who has returned to work shall be calculated on the same basis as a new hire. The layoff scores shall be prepared in accordance with a uniform score sheet prescribed by the Director of Human Resources.

6.2 **IDENTICAL LAYOFF SCORES**

In case of identical layoff scores, and if some, but not all, of the persons with the same score must be laid off, preference among these persons shall be established that is consistent with current University affirmative action goals and timetables for addressing underutilization of persons in protected groups and as follows:
(1) Length of service with the state
(2) Length of service with the University
(3) Length of service in current position
(4) Higher number of favorable evaluations as defined as being satisfactory or above
(5) Veteran status, as defined in K.S.A. 73-201 and amendments thereto
(6) Professional education, certification &/or training relevant to the job position
(7) Orphan of veteran, as defined as a minor who is the child of a veteran who died while, and as a result of, serving in the armed forces
(8) Spouse of a veteran

7 LAYOFF CONFERENCE

The Director of Human Resources, and/or his or her representative, shall develop a schedule of individual conferences for each employee affected by the layoff. These conferences will begin as soon as possible after the employees have received their written notice of layoff. The first conference will be held with the employee having the highest layoff score and continue in turn with all other affected employees in descending order of layoff score. The Director of Human Resources, and/or his or her representative, shall schedule by phone and conduct in person all layoff conferences.

When an employee is unavailable for scheduled conferences, the Director of Human Resources will reschedule the conference. If an employee fails to appear at the rescheduled conference, the Director of Human Resources shall not be required to hold a layoff conference with the employee and the employee shall forfeit bumping rights. In extenuating circumstances and when deemed to be in the best interest of the University, group layoff conference sessions may be authorized by the Director of Human Resources.

During the layoff conference, each employee shall be given an explanation of all options which may be available to him or her through the exercise of bumping rights or other alternatives such as transfers or demotions in lieu of layoff. The employee shall also be given an explanation of the applicable regulations and procedures pertaining to layoff. The employee may defer the selection no longer than one full working day, unless a longer period of time is authorized by the Director of Human Resources.

7.1 SUPPORT RESOURCES

At the layoff conference, each employee shall be informed of their right to seek reemployment opportunities with the University (see Reemployment Rights). Support resources shall be available to the affected employee for up to three years after the effective date of the layoff unless the affected employee requests in writing that the employee does not want placement assistance. The support resources may include information regarding career counseling, unemployment benefits, alternate assistance availabilities, early retirement benefits (if applicable) and information regarding the employee assistance program services (EAP).

7.2 RIGHT OF ADVISOR/WITNESS

The employee may invite an advisor/witness to attend and participate in all meetings where the layoff of the affected employee is being discussed. The role of this person is to assist the employee in understanding all information pertaining to the layoff procedures, including but not limited to, the layoff notice, computation of layoff scores, re-employment rights and bumping procedures. The advisor/witness is not a representative or legal counsel for the employee. The employee and/or the advisor/witness may take notes if needed. Responsibility for any decisions remains the decision of the employee. The employee assumes the loss of confidentiality regarding employee information.
8 BUMPING RIGHTS

Bumping procedures shall begin as soon as possible after layoff notices have been given.

A regular employee, or an employee considered permanent for layoff purposes may bump into other positions at Wichita State University as follows:

The employee may bump another employee within the same class or any lower class in which the employee previously had permanent status, providing that class is on the same or lower salary range.

The employee to be bumped must have a lower layoff score, not be scheduled for layoff, and have the lowest layoff score in that class of anyone not scheduled for layoff across organizational units and/or geographical areas identified for layoff.

The employee may transfer or demote into a position anywhere at the university occupied by a probationary employee if the employee is interested in and qualified for that position.

When the layoff is limited to full-time or less than full-time employees, permanent employees may bump employees with the same full-time or less than full-time status as provided above.

Any employee who is not scheduled for layoff, but whose position will be vacated during the layoff and bumping process, and who refuses to accept a transfer or demotion to another position, may request to be laid off voluntarily. Any employee who has been granted a voluntary layoff shall have reemployment rights.

9 REEMPLOYMENT RIGHTS

Employees who are laid off, demoted or transferred in lieu of layoff have preferential hiring rights for reemployment into Wichita State University jobs. The Director of Human Resources will place the name(s) of those employee(s) on the reemployment list unless the employee requests in writing to not be placed on the list. Each employee will be eligible to apply for any vacancy to be filled until the date the employee is reemployed or for three years from the date of the layoff, whichever occurs first.

A regular employee who has been given a layoff notice and resigns prior to the effective date of the layoff, may request to be placed on the reemployment list for the class for which the layoff was proposed effective the date of the layoff. Ranking on the reemployment list will be based on the layoff score. The individual with the highest layoff score will be first on the list.

Employees are entitled to exercise their preference for any University Support Staff position that is at the same pay grade or a lower pay grade than the pay grade at which the individual was paid at the time the individual received the layoff notice.

When a position becomes available, the Director of Human Resources will contact any eligible employees on the reemployment list and make them aware of the vacancy. Any employees who are laid off, demoted or transferred in lieu of layoff may also review the vacant position announcement to identify any position in which there is an interest and contact the Director of Human Resources about utilizing preferential hiring rights.

If the minimum requirements of the position can be met, the employee will be required to interview for vacancies to allow the department to assess the ability of the employee to successfully perform the duties and responsibilities of the position and provide the individual an opportunity to determine whether the position is still of interest. If it is determined that the employee is not qualified to perform the duties and responsibilities of the position, or if the employee is no longer interested in the position, then the application is rejected and the employee goes back on the preferential reemployment list. Notice of rejection by either the department or the employee must be given to the Director of Human Resources within 2 business days. If, however, the
employee meets the requirements and is interested in the position, the position will be offered to the employee.

If more than one eligible employee who has been laid off, demoted or transferred in lieu of layoff applies for an open position, then they may compete for the position to determine the most qualified. The employee not selected will remain on the preferential reemployment list.

Employees who are laid off, demoted or transferred in lieu of layoff may remain on the preferential reemployment list for Wichita State University jobs for a total of 3 years from their date of layoff, demotion or transfer in lieu of layoff.

10 Layoff Records

Complete records of layoff actions proposed or completed will be maintained by the Director of Human Resources for a minimum of three years from the time the action was initiated. These records will include information relating to all employment decisions or actions taken by Wichita State University. Specific records and supporting documents will include but not be limited to copies of the following:

(a) The Layoff Plan for University Support Staff Employees as submitted, approved and or modified

(b) The layoff request(s) submitted to the Director of Human Resources along with correspondence relating to the approval, modification or rejection of layoff request(s)

(c) The layoff score worksheet(s)

(d) The notice of layoff letter(s) sent to the employee(s)

(e) The Reemployment List and letter given to employee(s)

(f) Records relating to layoff conference

11 Summary

Wichita State University recognizes the potentially devastating impact to employees affected by a layoff. The University will exhaust all available alternatives before administering any layoffs. If faced with a layoff, all employees affected will be assisted in exercising their rights and options with a primary objective of maintaining their employment with the University.