

## 33.99.15 Reduction in Force for Employees Other Than Faculty

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### Regulation Statement

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This regulation establishes the procedure for any reduction in force for nonfaculty employees of The Texas A&M University System.

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### Reason for Regulation

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This regulation establishes uniform A&M System reduction-in-force procedures.

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### Procedures and Responsibilities

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#### 1. GENERAL

- 1.1 Situations including, but not limited to, a lack of funds, lack of work, reorganization, or changes in research needs or technologies may require a reduction in the work force to ensure the continued quality and efficiency of the A&M System.
- 1.2 A reduction in force (RIF) may take the form of elimination of jobs, reduction in percent effort, or reduction in salary. Modifications in or the elimination of jobs due to changes in funding for a grant or contract, including but not limited to funds obtained from the Texas Advanced Technology or Texas Advanced Research programs, are not to be treated as reductions in force subject to this regulation.
- 1.3 The provisions of this regulation are not to be used to dismiss an employee if the sole cause for dismissal is either misconduct or lack of satisfactory performance (See System Regulation 32.02.02, *Discipline and Dismissal of Nonfaculty Employees*).
- 1.4 RIF decisions will be made without regard to the employee's race, color, sex, religion, national origin, age, or disability. An individual entitled to a veteran's employment preference in hiring under Texas Government Code, Chapter 657 is also entitled to a preference in retaining employment if a reduction in workforce occurs. However, this

preference applies only to the extent that a reduction in workforce involves other employees of a similar type or classification. *See* Tex. Gov't Code § 657.007.

## 2. PROCEDURES

2.1 The A&M System Member Chief Executive Officer (CEO) will determine when a RIF is needed. When such a determination has been made, the following steps will be taken to implement the decision.

2.1.1 An analysis will be performed to determine in which areas, activities, programs, or organizations reductions must be effected. If an entire activity is to be eliminated, steps described in Sections 2.1.2 and 2.1.3 below are not applicable.

2.1.2 Within the affected area, the job functions that will need to be performed after the reductions will be identified.

2.1.3 Present employees will be carefully evaluated as to their qualifications and ability to perform the job functions as determined in Section 2.1.2.

2.1.4 After the job functions and the individual employees have been evaluated, the determination as to which employees will be subject to the RIF will be made. The documentation used in the evaluation process, along with the explanation, will be sent through appropriate administrative channels to the CEO or his/her designee. If the CEO or the designee concurs with the recommendation, the department head or equivalent administrative head will notify affected employee(s) of the RIF decision.

2.2 A leave of absence will not be granted in lieu of dismissal.

## 3. PLACEMENT EFFORTS

Employees designated for dismissal will be given reasonable time off to interview for other jobs prior to the date of dismissal. Every reasonable effort will be made by human resources offices to place dismissed employees in comparable positions for which they are qualified. An employee who refuses to accept a comparable job may forfeit certain rights to unemployment compensation benefits.

## 4. APPEAL

An employee who receives written notice of a RIF may appeal within five (5) business days of receiving written notice of the RIF in accordance with System Regulation 32.01.02. The only grounds for appeal that will be considered are allegations that the RIF was unlawful under federal or state law.

## 5. EFFECT OF REDUCTION IN FORCE ON BENEFITS

See Chapter 31, System Policies and Regulations, *Compensation and Benefits*, as to the effect of a RIF dismissal on compensation, leave, and benefits.

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## **Related Statutes, Policies, or Requirements**

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Texas Government Code, Chapter 657

<http://tlo2.tlc.state.tx.us/statutes/docs/GV/content/pdf/gv.006.00.000657.00.pdf>

Policy 32.02, *Discipline and Dismissal of Employees*

<http://www.tamus.edu/offices/policy/policies/pdf/32-02.pdf>

Regulation 32.01.02, *Complaint and Appeal Process for Nonfaculty Employees*

<http://www.tamus.edu/offices/policy/policies/pdf/32-01-02.pdf>

Regulation 32.02.02, *Discipline and Dismissal of Nonfaculty Employees*

<http://www.tamus.edu/offices/policy/policies/pdf/32-02-02.pdf>

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## **Contact Office**

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System Human Resources Office

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