



Office of Human Resources

REDUCTION-IN-FORCE (RIF) RESOURCE GUIDE FOR MANAGERS

June 17, 2020

This resource guide is to support and assist managers as they work through the RIF process with dignity and respect for the employees impacted and for the employees remaining in the department. Information about decision factors, the review process, notification to the employee, and how to offer guidance and support to all your employees during this transition is included.

The procedures for a RIF are very specific and the steps must be followed. Managers must consult with the designated Employee Relations representative prior to any communication or action pursuant to a potential reduction in force. In addition to following these procedures, managers and supervisors are asked to be sensitive to the span of reactions and emotions associated with a RIF action to those impacted directly and indirectly.

WHAT IS A REDUCTION IN FORCE (RIF) AND WHEN IS IT APPROPRIATE?

A RIF action, either a position elimination or a reduction in FTE, may occur due to any of the following reasons:

- Reduction or lack of funds
- Change in business needs or programming
- Change in departmental organization or structure
- Stoppage or lack of work

Maintaining positions to perform core business operations and the ability to provide services and contributions to the organizational mission of UTD, while functioning within available resources, should be the primary consideration in the evaluation and decision process for a RIF.

Management is responsible for evaluating business needs based on current and projected workloads, volume and level of services provided, and functional changes to operations in their decision process using the factors below. The factors to consider as noted in this guide are to identify positions that are essential to the mission of UTD; however, there may be other unique factors of significance deemed relevant and appropriate to consider by the business unit and which conform to any applicable legal or regulatory mandates. Such additional factors must be discussed with Human Resources prior to final determination.

Under certain circumstances, it may be possible to avoid a RIF by reassigning an employee to another vacancy within the department. This option must be discussed with HR prior to any action taken.

It is important to note that the RIF process is not an alternative to avoid engaging in the progressive discipline process for employees who are not performing satisfactorily. A RIF is not a performance management tool, but rather an action based on business needs to cut costs or better align resources so the department can meet its goals and objectives within available resources.

THE RIF PROCESS

The RIF process ensures decisions and actions are carefully examined for impact to the assigned workforce and business operations and that possible alternatives are considered prior to implementation of the RIF plan.

Step 1:

It is strongly recommended that unit leadership first discuss their proposed RIF plan with their designated Employee Relations representative. This will help identify any areas of concern before you begin submitting documentation and so the review process can go smoothly and as quickly as possible. If it is determined that eliminating or reducing the FTE of a position(s) is appropriate and necessary, the RIF request document (a template will be provided to you) must be completed and submitted to the designated Employee Relations representative in HR before any action can take place.

Step 2:

HR is available to give guidance on the process and in reviewing the RIF plan document. Managers are advised to consult with HR prior to submitting the request to ensure all

aspects of the request are included. The RIF plan request is first reviewed by HR to ensure the decision process was applied in a fair, equitable and consistent manner and that the justification provided supports the requested action. Any concerns or questions will be discussed with department/unit leadership prior to moving to Step 3.

Step 3:

Once the HR review is complete, HR will forward the RIF plan request to the Office of Institutional Compliance, Equity and Title IX Initiatives (ICET) for an impact analysis. ICET will review to ensure a fair and equitable decision process was applied and that the action requested is not an adverse impact due to an act of discrimination, retaliation or harassment.

Step 4:

When the ICET review is complete, the request will be sent to the CHRO for final review and then forwarded to the President/Provost for executive approval. The final RIF plan request must be approved by HR, ICET and the President/Provost prior to taking any action or informing the employee of the pending action. Once executive approval is granted, HR will contact the Dean/VP and manager(s) to discuss the notification process and timeline.

An employee who is subject to a RIF must receive at least 60-calendar days advance written notice before the RIF action is effective.

WHAT IS INCLUDED IN THE RIF REQUEST PLAN?

The RIF document must include the following information in as much detail as possible to accurately reflect the situation creating the requested action. **A template will be provided for you to complete and submit.** The plan must include the following:

- A description of the planned change to the fundamental structure of the unit
- The reasons such changes are required
- How work will be absorbed by remaining employees
- The anticipated benefits and results, including any cost savings
- Which positions will be affected
- A decision matrix for how a particular position was chosen for RIF action
- An organizational chart (current and proposed) showing the changes in the unit

FACTORS TO CONSIDER IN THE DECISION PROCESS

Nondiscrimination:

Any decision regarding reduction in force, termination, and/or reemployment shall be made without regard to a person's race, color, religion, sex (including pregnancy), sexual orientation, gender identity, gender expression, national origin, age, disability, genetic information, or veteran status.

Key Decision Factors

When identifying positions that will no longer be needed to fulfill the operations of the business unit, managers must first assess and determine which positions are necessary to meet current and projected workloads, volume and level of services provided and functional changes to operations.

- Where multiple positions in the same job classification and/or role exist within the unit, but only a subset of those positions are identified for the RIF, each employee in that classification or role in the unit must be evaluated against the same factors as part of the decision process.

Additional factors to consider with multiple positions in same job classification and/or role:

Performance

- Consistently meets or exceeds performance expectations as documented through the annual appraisal process.
- The primary component for determining employee performance should be the two previous year's annual performance appraisals. If the employee has been employed for less than two years, the annual appraisal on file and/or probationary reviews would be considered.
- Any disciplinary action or performance improvement plan for either job performance, attendance or personal conduct during the past 2 years;
- Documented subpar or unsatisfactory performance communicated to the employee, at least 2 months prior to initiation of RIF request with HR, but not rising to the level of disciplinary action or a performance improvement plan; or
- Any other documented indicators of performance deficiencies at least 2 months prior to initiation of RIF.

It is important to note that the RIF process is not an alternative to avoid engaging in the progressive discipline process for employees who are not performing satisfactorily. A RIF is not a performance management tool, but rather an action based on business needs to address

financial deficits or better align resources so the department can meet its goals and objectives within available resources.

Higher level of value-added competency

- Evaluation of each employee's relative qualifications and proficiency levels in the knowledge, skills and abilities required to successfully perform the job.
- Employee has a unique skill set or strong competency level that offers an overall greater benefit to UTD than other employees in the same classification or role.
- Exemplary performance or contributions above other employees in the same classification or role must be provided for review.

Institutional Seniority

- Seniority is based on the UTD hire date and not solely based on length of time in position.
- If performance and competency levels are comparable among the employees whose positions are being considered for the RIF, employees with the least amount of service at UTD will be selected.
- In the case where a RIF may be related to a consolidation, unit transfer or acquisition, the potentially affected employee's hire date with their previous unit may be used for seniority consideration purposes.

5. Veteran Status Preference

As part of the review and analysis process, all employees who hold positions identified for a RIF will be reviewed by HR to determine if the veterans' preference applies.

- In accordance with Texas Government Code, Section 657.002, an individual who is entitled to a veteran's employment hiring or appointment preference is also entitled to a preference in retaining employment if the state agency or institution of higher education that employs or appoints the individual reduces its workforce. This applies only to the extent that workforce reductions by the state agency or institution of higher education involve other employees of a similar type or classification.
- In accordance with Texas Government Code, Section 657.002, a state agency or institution of higher education must provide employment preference to individuals who qualify for a veteran's employment preference in the following order of priority:
 - A veteran with a disability.
 - A veteran
 - A veteran's surviving spouse who has not remarried.

- An orphan of a veteran if the veteran was killed while on active duty

6. Former Foster Child Preference:

As part of the review and analysis process, all employees who hold positions identified for a RIF will be reviewed by HR to determine if the former foster child preference applies.

- Texas Government Code Section 672.002 An individual may qualify for a former foster child employment preference, which gives the individual a preference in employment over other applicants for the same position who do not have greater qualifications, if the individual meets the following conditions:
 - The individual was under the permanent managing conservatorship of the Department of Family and Protective Services on the day preceding the individual's 18th birthday, and
 - The individual is under the age of 25.
- Texas Government Code Section 672.002 states an individual entitled to the former foster child employment preference that is aggrieved by a state agency's hiring decision or a workforce reduction that affects the individual may appeal the agency's decision by filing a written complaint with the agency's governing board. The governing board is required to respond to a written complaint no later than 15 business days after the date the governing body received the complaint. The governing board may render a different hiring decision if the governing board determines that the former foster child employment preference was not properly applied.

EMPLOYEE RIGHTS AND OPTIONS IF POSITION HAS BEEN ELIMINATED OR HOURS REDUCED

Positions subject to a RIF may not be posted or filled for a period of one year from the effective date of the RIF. It is also important to delineate between a RIF and an involuntary termination for cause. In an involuntary termination for cause, the unit makes the decision to terminate employment due to unsatisfactory performance and/or behavior. The position is open/available for the unit to fill. However, in the case of a RIF, the decision to separate employment is made due to economic or organizational issues beyond the individual's control, resulting in the position being eliminated or work hours reduced.

The [RIF policy](#) requires that an employee shall be offered reemployment if the eliminated position is reinstated within the next 360 calendar days, from the effective date of displacement. This is required regardless of performance prior to displacement.

Under the UTD RIF policy, employees affected by a RIF may apply for other suitable vacant positions within the University. Human Resources will notify the hiring manager of said position(s) of the availability of the affected employees. Such employees may be appointed to available vacant positions if they meet the minimum qualifications, without the necessity of satisfying normal job posting time limits or job pool size. This special consideration will continue for 360 days from the effective date of the RIF, or until regular University employment is secured, whichever comes first.

Any alleged violations of this policy or questions with respect to [nondiscrimination](#) should be directed to the [Office of Institutional Compliance, Equity and Title IX Initiatives](#) ("ICET"). You may contact ICET at ICET@utdallas.edu or at (972) 883-2306.

NOTIFICATION PROCESS

Informing an employee that their job is being eliminated or FTE reduced is one of the most difficult challenges a manager or supervisor may encounter. It is doubly hard for the affected employee to understand this action especially when they have no control over the decision. The following guidance is provided to support managers and the impacted employee during the RIF notification process.

Preparing for the meeting:

An employee who is subject to a RIF must receive at least 60-calendar days advance written notice before the RIF action is effective. HR will assist the responsible manager with evaluating the circumstances and preparing the RIF letter and related correspondence.

1. The manager conducting the RIF meeting should coordinate with HR in advance and use the designated memo template provided by HR for the written notification.
2. If possible, schedule the meeting with the employee in advance. If more than one employee is selected for the RIF, individual meetings should be conducted. Unless the employee is on extended leave or other restrictions are in place, the RIF meeting should be conducted in person. Notification via email, memo, TEAMS chat, text or other impersonal method is not appropriate.
3. Anticipate the employee's questions and prepare for a potentially difficult or emotional discussion. Practice and rehearse the message. The

designated Employee Relations Manager can assist you in preparing for the conversation.

4. Plan to offer a follow-up meeting with the employee no later than one week after the initial notification meeting. This is a time to check in with the employee and see if they have any additional questions about the decision or the transition process.
5. Determine what projects or tasks you will assign to the employee during the notice period. Will the employee carry out their usual tasks or will you assign alternative duties?

Conduct the notification meeting:

1. Be prepared for the meeting and practice what you will and will not say. The manager's role is to notify the employee of the decision and not debate over the justification of the action. Most importantly, the manager should stay calm and on message during the meeting.
2. **A member of the HR team must be present for the meeting.** This allows HR to begin working with the employee as soon as possible on their transition, to answer any additional questions they may have regarding benefits, final paycheck, or applying for other positions at UTD, and serve as a resource for the employee and the manager during the transition period.
3. Upon notification of a RIF, employees will react and respond in different ways and emotions will vary widely. Surprise, anger, and sadness are to be expected. Some employees, though most do not, may become aggressive, agitated or animated as they process what this action means to their personal and professional lives. The employee may indicate feeling betrayed or discriminated against. Any of these emotions are normal reactions depending on the individual and each person will react differently. Be patient and supportive. The employee is hearing the information for the first time and may not know what questions to ask while in the meeting. Acknowledging and validating an employee's feelings, emotions, and concerns demonstrates a level of respect for their perspective of the situation.
4. **It is not helpful to debate feelings or tell the employee you understand how they feel. Do not turn this meeting into a conversation about how bad you feel or how hard this is for you.** Your focus should be on the employee and supporting their needs. An honest and compassionate conversation is necessary so the employee maintains their dignity and self-respect at all times.
5. The Employee Relations representative will address questions about benefits, vacation pay out, final paycheck, etc.. RIF'd employees will also receive a resource guide with additional information.
6. All RIF'd employees will have the option to access NextJob, an outplacement service offered by UTD to assist them in their job search. The Employee

Relations representative will discuss this resource with the employee.

7. The designated Benefits Administrator and the Employment and Compensation Specialist are available to assist the employee with benefit questions and questions regarding their search for other positions at UTD.

Ensure a comfortable and welcoming meeting space

1. Maximum visual and audible privacy;
2. Face-to-face discussion in a private office or conference room
3. An interruption-free environment (i.e. silence phones, TEAMS and email notifications);
4. Comfort items should be available to the employee such as tissues and bottled water if
5. available

Conducting the meeting and follow up actions

1. Have all necessary documents and resource materials ready before you begin the meeting:
 - a. The written notification letter prepared with the assistance of HR
2. Discuss the major points of the letter with the employee; do not stray from the message. Be direct with the employee and avoid defensiveness.
3. Re-state the reason for the RIF indicated in the notification letter. Avoid blaming others; it is counterproductive and does not help the employee come to terms with the RIF.
4. Make it clear that though this is a decision we prefer not to make but the RIF decision is final. RIF meetings should not be held at the end of the workday or on Fridays if possible. This delays the employee from seeking resources as soon as possible.
5. You can express your care and concern for the employee, but be careful not to give false hope that you might create or have another position for the employee if that is not accurate.
6. Give the employee the opportunity to ask questions. Be prepared to answer the “*why me?*” questions. The answer to will vary and may be based on one or several factors (e.g., a reduction in budget combined with a strategic change in program direction).
7. Anticipate that the employee may try to assign the blame for the RIF to performance or personal issues. The employee may attempt to discuss staff members whose positions are not subject to the RIF. The manager should not engage in discussing other employees and make every effort to keep the discussion focused on the employee.
8. Assist the employee with easing through the transition in a dignified manner. Be especially sensitive in the time immediately following the notification meeting.

Give them time to process what has just happened.

9. Encourage the employee to speak with HR regarding any transitional issues such as applying for other University positions, continuation of benefits, etc. Help the employee remain positive about the university to ease the transition. The employee will receive a resource guide from the Employee Relations Manager offering additional information.
10. As appropriate, allow the employee to leave work for the day without loss of pay or charging accrued leave once the RIF notification meeting has concluded. Often employees need time to process the news they just received.

IF ASKED TO SERVE AS A REFERENCE

This is up to the manager. Consider whether to offer to be a reference as the affected employee seeks a new position.

There are three options:

- (1) Agree to be a reference,
- (2) Do not agree to be a reference but refer all inquiries to Office of Human Resources at employverify@utdallas.edu; or
- (3) Come to agreement with the employee about the terms of the reference. This should be discussed with HR so it may be noted in the HR file.

YOUR ROLE AS A LEADER IN TOUGH TIMES

- Employees in positions subject to elimination or a reduced FTE should be treated as valued resources. The employee is not leaving because of misconduct or performance. They are leaving because of financial constraints and/or organizational realignment.
- Encourage co-workers to engage with their impacted colleagues. These individuals are often the friends and social circle they will turn to for support.
- Treat the employee with dignity and respect at all times throughout the meeting and the transition period. Think of how you would like to be treated.
- Let the employee compose him/herself if needed and/or let the employee call a spouse, friend or other significant person if needed for comfort or support.
- Give the employee time to process the decision and the impact to their livelihood. Do not rush the employee in processing and understanding the situation.
- Consider how the remaining employees may feel about the action and that they may be scared that their position may also be impacted. Recognize the

impacted co-worker has been part of their day-to-day life. Do not promise that there will never be another RIF. Understand this is difficult for everyone, even those who are not losing their job or having their hours reduced.

- It is ok to express your sadness and regret that the RIF was necessary. You are human and your compassion will demonstrate your level of care for others.
- There is no need to escort the employee to their desk and out to their vehicle. This is not the UTD approach and gives a harsh and even misleading impression to both the impacted employee and their co-workers. Remember that an Employee Relations representative will be attending the meeting and can assist in deescalating tensions or redirecting the conversation if needed.
- In the unlikely event the employee reacts with significant anger or pointed threats, whether to themselves or others, take the necessary precautions and call for assistance for you and the employee. Depending on the circumstances, this could range from another member of management to the UTD Police Department at ext. 2222 or 911.
- Usually there is no need to remove access to programs or strip the employee of all of their "University identity." For example, instead of saying, "Give me your parking permit," tell the employee that once they turn their permit in, deductions will cease but suggest they might keep it until they pick up their personal property. The employee may wish to access any personal files/resume/ photos on their university computer. Any UTD work related information must remain as UTD property.
- There may be limited situations in which the access an employee has to UTD data, programs, systems, etc., may need to be limited once the notification has taken place. Please discuss this need with the Employee Relations representative prior to implementing the RIF.
- Employees will retain their UTD email address during the notification period.
- A RIF action does not affect an employee's eligibility for retirement. If the employee meets the criteria for UTD retirement upon their termination date they may opt to elect retiree status. ***Please do not initiate any discussions about retirement with the employee.*** They should discuss their retirement options with their designated Benefits Administrator in HR.

THE TRANSITION PROCESS

- Communicate the need for the employee to maintain acceptable minimal performance standards, if necessary. Set timeframes for completion of tasks.
- The employee subject to a RIF will not be required to take leave time for on-campus interviews and meetings with UTD's designated outplacement service (NextJob). However, leave time may be required for off-campus job interviews. Discuss the amount of time the employee may need to pursue other employment opportunities. If

the employee requires more than 6 hours per week, the appropriate benefit time should be charged.

- Arrange for the return of university and departmental assets: keys, laptops, software, passwords, identification cards, etc. These items should be returned at the agreed upon time. Advise the employee that access to the university's e-mail and other internal systems will continue throughout the notice period and access will end on date of termination.
- Identify and assess security risks. In the event the employee becomes threatening or begins to show signs of aggression, please contact the designated Employee Relations Manager to discuss appropriate action. If you believe the employee is an immediate threat to others, please contact the Police Department at ext. 2222 (in case of emergency 911).
- Be reasonable with your expectations if you are asking the RIF'd employee to train co-workers who will assume their tasks. This may be an uncomfortable situation for all and you may need to seek other alternatives for training.

WHAT TO TELL OTHERS

- Never make disparaging comments about an employee(s) who leaves the university. Details of the RIF are on a need to know basis only and you should take steps to protect the privacy of the employee(s).
- Hold a meeting with other employees in the department to provide general information. Open communication channels for employees who fear future RIFs. As a practical matter, conduct this meeting as soon as possible after the notification to the impacted employee(s).
- Never underestimate the effect of RIFs on the colleagues not directly impacted. Some may experience "survivor's guilt" and also need time to process and adjust to the news. Be honest with what you know to the extent that it is appropriate to share. Re-state business objectives and thank others for their continued support. Be as positive as possible without making promises or guarantees about future actions. Commit to being accessible to all employees and avoid defensiveness.

For assistance, please email employeerelations@utdallas.edu or contact:

Ellen Ammons – Lead Employee Relations Manager – ellen.ammons@utdallas.edu

Janette Bell – Employee Relations Manager – Janette.bell@utdallas.edu

Celeste Burnett – HR Manager at celeste.burnett@utdallas.edu

