



Procedure for Layoff for Unclassified and Classified Personnel

(Approved by the President on February 18, 1993)

I. PURPOSE

To establish procedures to implement the Board of Regents Policy on Layoff for Unclassified and Classified Personnel.

II. PROCEDURE

The Maryland Biotechnology Institute will follow these procedures in connection with any layoff of Classified or Unclassified personnel implemented under BOR Policy VII-1.30.

III. DEFINITIONS

For purposes of this procedure, the terms “unclassified,” “associate staff,” “academic administrator,” and “classified staff” shall have the definitions given in BOR Policy VII – 1.30, which are:

“Unclassified” employees are defined as 91) all unclassified professional employees appointed under the policies and procedures of the former Board of Trustees of State Universities and Colleges; (2) all “associate staff” employees appointed under the Personnel Policies and Rules for Associate Staff of the University of Maryland; and (3) all “academic administrators” appointed under the policies and procedures of the former Board of Regents of the University of Maryland.

“Classified” employees are defined as those appointed under and subject to either the Personnel Policies and Rules for Classified Employees of the former University of Maryland or COMAR 06.01.01.44 and 44-1 for employees of the Board of Trustees of State Universities and Colleges.

A “Classification” is the title of the position held by a classified employee.

A “Unit” is an MBI Center or administrative office identified in the “MBI Department Designation for Layoff,” which has been approved by the Chancellor and made part of the “University of Maryland System Department List for Lay-Off and Reinstatement.” The MBI Department Designation for Layoff in effect as of the date hereof is attached as Appendix Z to this policy, and is subject to modification from time to time.

“Unit Head” refers to the MBI Directors, the President, Provost, and Vice-President.

As used in this procedure, “job series” means a group of two or more classes in the same occupational area which requires the application of the same knowledge, skills, and abilities at varying levels of proficiency or responsibility.

The President may designate a designee to perform one or more of her/his duties under this procedure.

IV. UNCLASSIFIED PERSONNEL

- A. Period of Notice – Only after consultation with the Personnel Manager and approval of the President, the Unit Head shall notify those employees who are to be laid off at least 30 calendar days before the effective date of the layoff. The Unit Head shall provide the

UMBI Policies and Procedures

Personnel Manager with a list of the employees notified. In cases in which grant funds are reduced or terminated with less than 30 days notice, the Unit Head shall notify the affected employee(s) within five working days following the Unit's receipt of the notice and shall specify the period which shall coincide with the date of fund termination or reduction.

- B. Displacement – No unclassified employee who has been notified of layoff shall have the right to displace another employee in any employment category within UMS service.
- C. Effect of Layoff for Employees in an Administrative Capacity on Faculty Tenure. The layoff of an unclassified employee from an unclassified administrative position shall not affect any tenure rights which that employee may hold.
- D. Restoration in the Same Unit – Within one year of the effective date of being laid off, an associate staff employee hired prior to April 25, 1992, shall have the right to be restored to the position from which the employee was laid off, or to another position requiring the same duties and qualifications, in the Unit from which the employee was laid off provided that a position becomes available. Associate Staff employees hired after April 25, 1992, unclassified professional staff, and academic administrators shall have no restoration rights.

V. CLASSIFIED PERSONNEL

- A. This procedure applies to all regular full-time and part-time classified employees and to regular full-time and part-time classified employees who are on approved leaves of absence without pay.
- B. The Unit Head shall notify the President in writing of the number of positions to be abolished, discontinued, or vacated, together with the reasons for them, and the list of names of employees to be laid off. After consultation with the personnel Manager, the President shall review the written notice and certify that the order of layoff is appropriate. The Unit Head shall notify employees who are to be laid off at least 90 calendar days before the effective date of the layoff. Notices of layoff shall be in writing and shall be acknowledged in writing by the employee.
- C. This procedure shall apply the listing entitled "Job Series for Purposes of Layoff for the Institutions of the Former University of Maryland," maintained and made available by the Chancellor pursuant to BOR Policy VII – 1.30. A copy of the list is attached to this procedure as Appendix B.
- D. Sequence of Layoff
 - 1. The Unit Head shall lay off employees who are serving an original probationary period, and who are in the classification in which the layoff is to occur, in accordance with Section E of this procedure.
 - 2. The Unit Head next shall lay off regular employees who have completed an original probationary period, and who are in the classification in which the layoff is to occur, in order of seniority, with the employee having the lowest number of seniority points being laid off first.
- E. Seniority Points
 - 1. The Personnel Manager shall compute seniority points for employees to be laid off in accordance with BOR Policy VII – 1.30 and shall give notice of those

UMBI Policies and Procedures

points and displacement possibilities to the President. The President shall inform the Unit Head of the order of layoff in a classification according to seniority points.

2. The following is the formula for establishing seniority points as set forth in BOR Policy VII – 1.30.
 - a. One point shall be given for each complete month of credited service for the following:
 - i. University System (and/or predecessor organizations) and state service [including service as medical system University personnel as defined in the Education Article, Section 13-1B-01(r)]
 - ii. Service with the unit where the layoff is to occur; and
 - iii. Service in the job classification and its job series where the layoff is to occur.
 - b. For creditable service of less than a complete month, the employee shall be credited with .032 points for each day of creditable service.
 - c. For part-time employees, creditable service shall be determined by the funded percentage of the position.
 3. The combined totals of all points shall determine the order of layoff. If two or more employees in the same classification have the same number of seniority points, they shall take their standing in the order of layoff based upon the following criteria:
 - a. The Unit first shall compute each employee's total length of employment in combined State and University System service.
 - b. The employee who has the shortest service shall be laid off first.
 - c. If two or more employees have the same standing after the application of Section E(2) (a), the President will determine the employee (s) to be retained based upon a detailed written evaluation of the specific skills, knowledge, or abilities of each employee prepared by the Unit Head.
 4. The President will notify the Chancellor of those employees who have been laid off.
- F. Displacement. The Personnel Manager shall notify employees designated to be laid off of their rights pertaining to displacement. An election to exercise displacement rights must be made by giving written notice to the MBI Personnel Manager within 15 days of the notice to the employee of the layoff.
1. An employee designated for layoff shall be allowed to displace another employee with the least seniority in the same job classification, or if not available either
 - a. progressively to each lower level classification in the same job series; or
 - b. in any other job classification in which the employee held satisfactory regular status.

UMBI Policies and Procedures

2. The displacement as applied in III.F.(1) above shall be limited to the Unit in which the employee is currently employed.
3. An employee who elects not to displace another employee in accordance with Sections F and G of this policy shall be laid off.

G. Certification

1. Employees who are designated to be laid off will receive written notification of reinstatement procedures and will be certified by the MBI Personnel Manager to the MBI eligible lists for the classification from which the layoff occurred and to any classification in the series or comparable occupational area as that from which the employee was laid off. The employee will be entitled to priority for appointment to vacancies in the classification in which the employee was laid off, any lower level classification in that job series, or any classification for which the employee has completed an original probationary period.
 2. Employees who have been notified that they are to be laid off must notify the Personnel Manager in writing of their interest in being considered for positions at other UMS institutions. The personnel manager shall provide the necessary information to the other UMS institutions in which the employee has expressed an interest. BOR Policy VII – 1.30 requires that the other UMS institutions shall place such employees on the eligible list for classifications for which they are qualified, based on seniority points.
- H. An employee who is displaced under the provisions of Sections G and H of this policy is subject to the general provisions of this policy.
- I. Nothing in this policy shall be interpreted to prevent the layoff of an employee who files with the Unit Head a written request to be laid off.
- J. Nothing in this policy shall allow a classified employee the right to displace an unclassified employee, or the right to reinstatement to an unclassified position.

APPENDIX A

USM DEPARTMENT DESIGNATION FOR LAYOFF – 35

UMBI (August 21, 1995)

UMBI Central Administration

Center for Advanced Research in Biotechnology

Center of Marine Biotechnology

Medical Biotechnology Center

Center for Agricultural Biotechnology

Center for Public Issues in Biotechnology

Sea Grant College