

ARTICLE 33  
LAYOFF AND RECALL

33.1 Policy.

(a) Layoff. A layoff shall only occur as a result of adverse financial circumstances; the necessary reallocation of resources; or curtailment or abolition of one or more programs, degrees, or curricular functions.

(b) Layoff Unit.

(1) The layoff unit, as the Trustees deems appropriate, shall be an existing, recognized, stand-alone organizational level of the University, such as a campus, division, college, school, institute, program, center, or department. A layoff shall not occur in a unit unless:

- a. the unit has been in existence and recognized as a unit for at least twelve (12) months before the layoff has been announced; and
- b. the conditions required by Section 33.1(a) demonstrably apply to that unit.

(2) The Trustees or designee shall designate layoff units according to their administrative reporting structure rather than their funding source or structure.

(3) The sole instance in which only one (1) faculty member will constitute a layoff unit is when the functions that the faculty member performs constitute a stand-alone program or other level of organization at the University.

(c) The Trustees shall notify the UFF/UF and the UFF state office no less than thirty (30) days prior to taking such action. UFF may request a consultation with the President or designee pursuant to Sections 6.1 or 6.2 during this period to discuss the layoff.

33.2 Layoff Considerations. The selection of faculty members in the layoff unit to be laid off shall be determined as follows:

(a) No tenured/permanent status faculty member shall be laid off if there are non-tenured/non-permanent-status faculty members in the layoff unit.

(b) No tenured/ permanent status faculty member shall be laid off solely for the purpose of creating a vacancy to be filled by an administrator entering the bargaining unit.

(c) Layoff Order. Faculty members in layoff units shall be laid off in the following priority of layoff categories, with faculty members in the category listed first being laid off before faculty members in category listed second, and so on. No faculty member in a category listed later, below, shall be laid off if there are faculty members in a category listed earlier who have not been laid off.

Approved: Michael Mattione  
For the University of Florida  
Board of Trustees

Approved: Chris Snyder  
For the United Faculty of Florida

Date: 1-25-2008

Date: January 25, 2008

- (1) non-tenure-earning or non-permanent-status-earning faculty members with five or fewer years of continuous University service;
- (2) non-tenure-earning or non-permanent-status-earning faculty members with more than five years of continuous University service;
- (3) tenure-earning or permanent-status-earning faculty members, who have not attained tenure or permanent status, with five or fewer years of continuous University service;
- (4) tenure-earning or permanent-status-earning faculty members, who have not attained tenure or permanent status, with more than five years of continuous University service;
- (5) faculty members who have tenure or permanent status.

(d) The provisions of Sections 33.2(a)-(c) shall apply unless the Trustees determine that an Affirmative Action employment program will be adversely affected. When an Affirmative Action Program has been so affected, the Trustees shall notify UFF in writing.

(e) Where faculty members are equally qualified under Sections 33.2(a)-(c) above, those faculty members shall be retained who, in the judgment of the Trustees, will best contribute to the mission and purpose of University. In making such judgment, the Trustees shall carefully consider faculty members' length of continuous university service, and shall take into account other appropriate factors, including but not limited to performance evaluation by students, peers, and supervisors, and the faculty member's academic credentials, professional reputation, teaching effectiveness, research record or quality of the creative activity in which the faculty member may be engaged, and service to the profession, community, and public.

(f) The Trustees shall notify the local UFF Chapter in writing regarding the use of adjunct or other non-unit employees. The use of adjunct and other non-unit faculty in departments/units may be the subject of consultation meetings pursuant to Section 6.2.

(g) For two (2) years following the layoff, the Trustees shall not use adjunct or other non-unit employees, except for graduate students, to teach a course that was taught by a faculty member who has been laid off.

(h) For two (2) years following the layoff, the Trustees shall not employ a non-tenure-track employee to meet curricular needs that were met by a tenured or tenure-track faculty member who has been laid off.

33.3 Equivalent Employment. The Trustees shall make a reasonable effort to locate appropriate equivalent employment for laid-off faculty members.

33.4 Notice of Layoff.

(a) Faculty members shall be informed of layoff as soon as practicable. Where

Approved: Michael Atkinson  
For the University of Florida  
Board of Trustees

Approved: Chris Smidge  
For the United Faculty of Florida

Date: 1-25-2008

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circumstances permit, faculty members with three (3) or more years of continuous university service shall be provided at least one (1) year's notice and those with less service shall be provided at least six (6) month's notice. Faculty members who have received notice of layoff shall be afforded the recall rights granted under Sections 33.3 and 33.5, except for the faculty specified in Section 33.6.

(b) Formal written notice of layoff shall be sent by certified mail, return receipt requested, or delivered in person to the faculty member with written documentation of receipt obtained. The notice shall include effective date of layoff; reason for layoff; reason for shortened period of notification, if the notice designated in subsection 33.4(a) is not possible; a statement of recall rights; a statement of appeal/grievance rights and applicable deadlines for filing; a statement that the faculty member will receive the Vacancy Listing until the recall period ends or re-employment offer is refused; and a statement that the faculty member is eligible for consideration for retraining under the provision of Section 22.6 for a period of two years following layoff.

### 33.5 Recall Rights.

(a) For a period of two (2) years following layoff or for faculty members appointed to a fixed multi-year appointment, not to exceed the length of their last employment contract up to a maximum length of two (2) years, a faculty member who has been laid off and who is not otherwise employed in an equivalent full-time position shall be offered re-employment in the same or similar position at the University, should an opportunity for such re-employment arise.

(b) All persons on the recall list shall regularly be sent the position vacancy announcements. For this purpose, it shall be the faculty member's responsibility to keep the University advised of the faculty member's current address.

(c) If a vacancy occurs at another university within the State, the faculty member may apply for the position and shall be considered therefore in accordance with the normal hiring procedures of that university.

(d) Any offer of re-employment pursuant to this section must be accepted within fifteen (15) days after the date of the offer, such acceptance to take effect not later than the beginning of the semester immediately following the date the offer was made. If such offer of re-employment is not accepted, the faculty member shall receive no further consideration pursuant to this Article.

(e) Faculty members appointed to a fixed multi-year appointment, who are recalled, shall be offered re-employment not to exceed the length of their last employment contract. The Trustees shall notify the UFF/UF when an offer of re-employment is issued.

Approved: Michael Mattimore  
For the University of Florida  
Board of Trustees

Approved: Chris Smol  
For the United Faculty of Florida

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(f) A faculty member who held a tenured/permanent-status appointment on the date of termination by reason of layoff shall resume the tenured/permanent-status appointment upon recall.

(g) The faculty member shall receive the same credit for years of service for purposes of layoff as held on the date of layoff.

(h) Employee Assistance Programs. Consistent with the University's Employee Assistance Program, faculty members participating in an employee assistance program who receive a notice of layoff may continue to participate in that program for a period of ninety (90) days following the layoff.

33.6 Limitations. The following faculty members do not have recall rights:

(a) Faculty members who are appointed for less than one (1) academic year or appointed to a visiting appointment;

(b) Faculty members who are appointed to a position funded from contracts and grants or auxiliary funds;

(c) Faculty members whose appointment expires after receiving timely notice of non-reappointment;

(d) Faculty members whose appointment expires without the requirement of a written notice of reappointment, including a faculty member serving on a multi-year contract.

Approved: Michael Mattson  
For the University of Florida  
Board of Trustees

Date: 1-25-2008

Approved: Chris Frady  
For the United Faculty of Florida

Date: January 25, 2008