

LaNora Tolman, Executive Officer
Phone: (907) 450-8042
Fax: (907) 450-8041
Email: latolman@alaska.edu



UNIVERSITY
of ALASKA
Many Traditions One Alaska

106C Butrovich Building
910 Yukon Drive
P.O. Box 757780
Fairbanks, AK 99775-7780

System Governance Office

MEMORANDUM

DATE: February 17, 2015

TO: Erik Seastedt, Chief Human Resources Officer

FROM: Monique Musick, Staff Alliance Chair 

RE: Staff Alliance response to proposed revisions to R04.07.110, Layoff, Recall and Release and R04.08.060.G. Grievance

Staff Alliance is grateful for the opportunity to respond to recommended changes to the layoff and grievance policies despite the changes being emergency in nature and subject to rapid implementation.

The fiscal necessity of these changes is unfortunate, but understandable. There are some concerns over some of the editorial changes being made at the same time, and we respectfully submit the following feedback for consideration.

Section A. Reasons for Layoff

2. A suggested edit would be to substitute “budgeted” for “anticipated” in this second clause. It provides clarity that the lack of sufficient funds is being evaluated in context of the official budget development process of the university and not based purely on outside trends or projections. Employees would have the benefit of seeing how much and where cuts were being made in the budget leading to the decision for layoffs.

Section C. Selection for Layoffs

1-a. Seniority should be defined, is it years of service as a vested employee or years of service in a unit? It is a little vague.

1-c. A number of staff raised concerns over the addition of language indicating “previously documented” performance. The reason is many employees have never had a written evaluation. While on the one hand this provides protection from being penalized for poor performance without cause, it makes it difficult to support claims of good performance either if there is no documented record of employee performance. If there were no compelling reason to change this we would not recommend making the change.

Page 2

2. While the intention is to add an additional layer of oversight to the layoff approval process, this change takes away the authority of the department head or administrative unit and makes it sound like the decision to layoff isn't made by the department, but by a Vice Chancellor and Human Resources officer. Since neither one of them would likely have a relation with the employee, it feels like the employee is being treated like a number. Departments need to be involved in the layoff process to ensure continuity in the institution's operations. We also need a clear definition of "authorized administrator" included in glossary.

Section D. Notice of Layoff

Many staff are expressing anger over the benefit being reduced right when it is most necessary. That said, the fiscal situation is understood, and it is recognized that this is being enacted in an effort to be more responsive, more flexible and to save money, thereby reducing the overall volume of layoffs necessary. While understandable fiscally, it has a severe impact on employee morale. It has also raised questions about the differences between exempt and non-exempt treatment. Others have asked if similar changes will be made to non-retention policy that still has the one month/six month notice.

3. We wish to add "or on administrative leave" to this clause. There may be a need to keep an employee on following their last day of work in order to ensure continuity in a department. This change would allow a little extra flexibility for a department to ensure critical service coverage.

Section E. Alternatives to Layoff

2. There is concern that this is a move solely for the purpose of reducing the amount of permanent status employees at the university. It adds to the sense of distrust and unease amongst staff. A term-funded position can be easily let go by having the contract not renewed. If that happens, that employee receives none of the layoff benefits that are part of these regulations (notice, tuition waiver, internal candidate, internal move before layoff date, etc.) leaving them even more vulnerable. Extensive use of term-funded positions for long-serving employees was already a contention point between staff and administrators of many large units of the university prior to this year, and is regularly brought up in governance meetings.

3. On first read it looked like this was an edit that made it easier for a layoff employee to move throughout the system. On second read it appears that it is only reducing duplicate language, but the response was really positive among staff that this regulation may make it easier to find a new position at the university—even in a different MAU. For folks at Statewide moving to a campus, from a community campus to a main one, or for persons willing to move locations to stay in the university's employment, we would support striking the limitations of transferring in the same university/MAU and encourage systemwide flexibility.

Why not consider potential layoff employees for movement to a position at a higher pay grade? There are a lot of people who work positions for which they are overqualified - they may have the education and/or experience to work a position that is higher than where they currently are.

Page 3

They should be given consideration for these positions as well as it is contingent upon qualifications and ability to do the work.

Section F. Conditions Governing Benefits and Privileges While in Layoff Status

3. If there is going to be a reduction in the length of time like this, we might want to counter with raising the number of credits to 15/semester and capped at 30 total. This would at least be in line with the desire for people to complete degrees in a reasonable period of time, since most degree programs at the baccalaureate level require a total of 120 credits.

Section I. Review of Layoff or Recall Decision

This revision has raised the most serious concerns. In particular the change in C-2 combined with this change does not lead to an impartial review—it is a review by the one who approved it in the first place. They would not be in a position to make an ethical review.

Removing the grievance process removes the only policy assurance that layoff decisions will be made in good faith and with adequate consideration. Subjecting layoff decisions to the possibility of investigation and a fair hearing encourages those with hiring authority to exercise care in the making of those decisions.

Layoffs are bad enough, but they could at least be tolerable if the process is perceived as fair and transparent. This transparency can only be achieved by including a credible process for challenging questionable layoff decisions.

In I-1, employees need to be assured they will have access to evidence for making a case for review after receiving layoff notice—especially if offered pay out in lieu of notice. Supervisors laying off an employee cannot block their ability to access and assemble supporting evidence (in their offices or on work computers etc.) to question the layoff decision.

In I-2 clarify that the reviewer is not the employee's immediate supervisor (in addition to resolving the conflict with C-2).

The changes made to the language in Paragraph I-5 took away the set response time of five days after receiving a request for review and left the review process wide open to any length of time. Reviews could drag on for months with this new language, which may unnecessarily impact an aggrieved employee, who rightfully filed a review that was found to be in his or her favor, especially for a non-exempt employees with only four weeks to work with.

The reviewer should be required to have a meeting with the employee to discuss the issue before any decisions are made. The employee should have the right to make their case in person—and to explain any materials that were submitted as the reviewer may not know or realize what context each piece of evidence has.

Page 4

Section G. Recall

If an administrative unit finds they're able to recall an employee, they should have the ability to determine their own most pressing need; whether it was the last person laid off or the very first person laid off. Having a vacancy for an extended period of time may end up being a greater deficit to a unit than a short vacancy of a theoretically more critical position. Departments should be able to exercise some judgment here.

Definitions

The definition of “administrative unit” is so vague it almost ceases to be a definition. It needs to be clear what is identified as an administrative unit.

Please define “authorized administrator.”

If we add in the clarification about administrative leave in Section D clause 3, we would want to add “or on administrative leave” to the definition J-3 as well.

Thank you for allowing Staff Alliance to respond to these regulation changes.

cc: Patrick Gamble, President, University of Alaska