

Layoff Resource Guide for Managers

Layoffs effective on or after 01/02/2022



University of Missouri System
COLUMBIA | KANSAS CITY | ROLLA | ST. LOUIS

Contents

Preface..... 3

Introduction 4

Helping Your Team through a Layoff 5

 1. Define the Reasons for a Departmental Change 5

 2. Identify Employees who will be Laid Off..... 5

 3. Review the Employee Resource Guide for those affected by a layoff 6

 4. Review the estimated cost of layoff 6

 5. Contact campus Office of Human Resources 6

 6. Prepare the Layoff Notification Letter 6

 7. Determine when to provide notification 6

 8. Prepare a communication plan..... 7

 9. Have a Personal Meeting with Each Employee Experiencing a Layoff..... 7

 10. Explain the Layoff Notice and what is included in their final regular paycheck. 8

 11. Explain the Transition Pay and Layoff Leave of Absence Benefits 9

 12. Provide a copy of the Employee Resource Guide to the employee 9

 13. Deactivate System Access on the Last Day in Office 10

 14. Process the Layoff Leave of Absence in the Payroll System 10

 15. Provide Support to the Other Employees on Your Team 10

Appendix A: Steps for Having a Layoff Meeting with Your Employee 12

Appendix B: Recognizing and Responding to Employee Reactions..... 13

Appendix C: Websites and Other Resources 15

Preface

This guide presents a summary of information drawn from university policies and procedures and the Transition Assistance Program document, as approved by the University of Missouri Board of Curators, and is designed as a resource for supervisors and managers in supporting employees affected by a layoff. The University reserves the right to add, amend or rescind any aspect of this guide at any time and for any reason. This guide is a reference resource only. Applicable Human Resources (HR) policies, Collected Rules and Regulations (CRR), and benefit Summary Plan Documents are the source documents of authority and control. If there is a conflict between the language in this guide and the language in any of the source documents, the language in the source documents apply. This guide does not create any contractual rights or alter at-will employment status.

Effective date – *updated 01/2022*

The provisions of Collected Rules and Regulations, Section 350.051: Layoff and Transition Assistance are effective on January 2, 2022 for eligible academic and administrative, service and support employees.

This guide is provided for employees whose layoff effective date is on or after the implementation of CRR 350.051.

Introduction

A layoff is difficult for employees. As a supervisor or manager, you are keenly aware of the stress, confusion and questions your employees' experience when news of a potential layoff begins to circulate. During and after layoffs colleagues often wonder how responsibilities and workload will change.

This guide aims to support you as you guide your team through a layoff. It is focused on supervisors and managers (referred to only as "supervisors" in the remainder of this guide for brevity's sake). A separate guide is available for employees, titled *Employee Resource Guide: Information for those affected by a layoff*. It is available on the [Transition Assistance and Separation Support](#) webpage.

Note: If you have a printed version of this guide, please refer to the footnotes at the bottom of each page which lists the full URL for each hyperlink in the text.

Helping Your Team through a Layoff

1. Define the Reasons for a Departmental Change

It may be easy for you to name the reasons for a layoff, but your employees may not have received the same information as you have in your position as a supervisor. Carefully consider the reasons and goals for a departmental change that could lead to a layoff, document your considerations and be as transparent as possible. Answer these questions:

- Why is the layoff necessary? What is the business reason?**
Examples: cuts in funding, technological changes, a poor financial forecast or reorganization.
- Can the department address these same business reasons through means other than a layoff?**
Examples: securing additional revenue or cutting expenses (including reducing employee hours).
- Are financial concerns part of the reason for a layoff? If yes, share information with your team ahead of time.**
Can team members suggest additional revenue sources or other ways to reduce operating expenses?
- What are the department's goals? And what skills, knowledge and abilities are necessary to meet the goals?**
A strong understanding of your department's mission, goals and objectives will help clarify the core functions of your team. It should help you identify how some job responsibilities might be consolidated and even how some might need to be expanded.

2. Identify Employees who will be Laid Off

If the goals and business reasons you have identified in the previous section led you to conclude that a layoff is necessary, there will come a time in the process where the individual employee(s) must be identified for layoff. Document fair and objective criteria you will use to make your decisions. The business reasons you have already deliberated upon should help; as well as objective criteria about the employees you supervise (e.g., documented performance, length of service or length of time in a position). Ask your campus human resources office for help, and answer these questions:

- What employees have the skills, knowledge, and abilities that are necessary to meet the department's goals?**
Try to minimize disruption by keeping position incumbents in place whenever possible. If you use this criterion, make sure that you have documentation of your employees' job skills, knowledge and abilities before using these factors for layoff.
- What are the job classifications of your employees?**
Part-time, temporary or probationary employees should be considered for layoff before full-time, non-probationary employees.
- What is the relative length of service of your employees?**
If employees have substantially equal skills, knowledge, ability, and training to perform your department's necessary functions, determine layoffs of non-management employees in reverse order of seniority—i.e., most recently hired, first to be laid off.

University policy ([HR 117: Layoff](#)) first considers seniority by position within the department (for employees in similar positions), next, departmental seniority and, finally, University (not campus) seniority.

How should performance appraisals factor in decision making?

In order to consider performance appraisals, there should be a difference between ratings in most circumstances. It is not considered significant for one employee to have a higher “reliably delivers” rating than another employee’s “reliably delivers” rating.

How should disciplinary actions factor in the decision making?

An employee’s official disciplinary record (this does not include informal counseling or anecdotal notes) may be used to distinguish between employees for layoff. However, in order to use the disciplinary record, it must follow the guidelines outlined in [HR 601: Discipline](#), in the HR Policy Manual.

3. Review the Employee Resource Guide for those affected by a layoff

Obtain a copy of the relevant layoff resource guide for employees. Reading through this prior to meeting with employees will help you understand what the policies and benefits are, as well as typical questions they may have. However, when receiving questions from employees, they should always be referred to the campus, MU Health Care, or system human resources office.

4. Review the estimated cost of layoff

Ensure you are aware of the impact on your budget. Consult with your finance officer for questions. In general, the cost of a layoff can be estimated as follows:

1. Vacation	# of unused hours X hourly pay rate	= cost of vacation
2. TAP payout	# of TAP days X daily pay rate	= cost of TAP
3. Benefit cost	Flat benefit rate per year/52 X # of weeks Plus benefit rate per salary X #1 & #2 above	= cost of benefits

5. Contact campus Office of Human Resources

Before you meet with an employee, contact your campus, MU Health Care, or system HR office. They will work with you and provide support to you and your employees throughout the layoff process.

6. Prepare the Layoff Notification Letter

Obtain a copy of the approved template letter from campus, MU Health Care, or system human resources office. This template letter has been approved in advance from the Office of General Counsel. Complete the letter and ensure the HR office verifies the accuracy of the information **before meeting with the employee**.

7. Determine when to provide notification

For administrative, service and support staff, what notice period is appropriate?

Each department leader will determine the layoff process appropriate for that department’s goals. Supervisors should consult with their department’s leader to understand if the department is providing:

- Two weeks’ notice (i.e., the employee will report to the office for the two weeks after written notice of layoff is given), or
- More than two weeks’ notice (this is encouraged to allow the time available for the employee to secure other campus employment), or

- Two weeks' pay in lieu of notice (i.e., the employee's last day in the office is the same day the employee receives their written notice of layoff).
- For Non-Tenured Track (NTT) employees**
Review [CRR 310.035](#), to determine how much notice is required. Information needed to determine notice requirements include:
 - Most recent employment contract terms
 - Benefit eligible service date
 - Most recent years of consecutive positive annual evaluations
 - Funding
- For other academic employees**
For other eligible academic employees, verify with your campus human resources office and/or Provost's office to determine if there are notice requirements.

8. Prepare a communication plan

Preparing a communication plan is important for both the employee(s) being notified of the layoff, as well as the remaining employees. A communication plan includes talking points, draft email correspondence (if needed), and a prioritized timeline of key stakeholders who will be notified of the layoff.

The goals of a communication plan include:

To provide support to the employee(s) being laid off

- To ensure the employee retains their dignity
- To provide as much advance notice as possible
- To provide information on support and resources such as EAP and Layoff Guides

To provide support to the remaining employees

- To provide a consistent and positive message to the remaining employees to keep morale and productivity high
- To acknowledge resistance, anger, or sense of loss
- To show how a loss will be balanced by the advantages of the change
- To clarify the reasons for a change
- To describe how the change will take place (interim plans if needed)

9. Have a Personal Meeting with Each Employee Experiencing a Layoff

If you need to lay off more than one employee at a time, have a personal meeting with each employee. Be patient and understanding. Prepare for the meeting. A successful meeting is one in which the employee feels treated with compassion, dignity, and sensitivity. To help with your meeting's success, answer these questions:

- Schedule the meeting with the HR Partner**
Human Resources should be included in layoff and separation meetings to help facilitate the discussion, maintain documentation, and provide support to leaders and employees.
- When should I schedule the meeting?**
When possible, avoid significant dates such as birthdays, anniversaries, family celebrations, holidays and religious holidays. Select a day not immediately prior to a weekend, holiday or scheduled vacation for either you or your employee. That way, any of your team members will be able to ask subsequent questions. Typically, the best time to schedule a meeting is early in the week, preferably Monday or Tuesday.

- What should I bring to the meeting?**
 - Layoff Notification Letter – HR will provide you with a template.
 - Employee Layoff Resource Guide – If you need to print a copy, the guide is available on the UM System's [Transition Assistance and Separation Support](#) webpage.
 - University of Missouri Transition Assistance Payment Agreement and Release (TAP Agreement) – Bring this agreement to the meeting. The employee should leave the meeting understanding that they have 30 calendar days to sign and submit it. Failure to do so will result in disqualification from layoff and transition pay benefits.
- How long should the meeting last?**

Generally, such meetings last about 20 minutes. Within the first few minutes of the meeting, make sure you explain that the employee is being laid off and deliver their written layoff notification letter. The success of the meeting is less about how long it takes and more about helping the employee understand the process and support programs available to them. Assistance programs are described in the next section.
- What University property do I need to collect?**

Property may include building, office, desk or storage keys, ID badges, uniforms, University credit cards, laptops, phones or other electronic equipment. So that you can be clear and concise in the meeting, plan ahead of time what items you will need to collect, how they will be collected and when you will collect them.
- What should I say?**

Every employee-supervisor relationship is unique, but [Appendix A](#) may provide some ideas of what to say.
- How do I help my employees emotionally?**

See [Appendix B](#), which provides common reactions and recommended responses. Refer employees to the [Employee Assistance Program](#) if they are experiencing depression, stress, anxiety, or other concerns.

As a supervisor who is delivering difficult, stressful news, do not forget to take care of yourself. This can be an emotionally and physically draining time. Remember that the Employee Assistance Program is available to you, too.

10. Explain the Layoff Notice and what is included in their final regular paycheck.

If an employee on your team is laid off, the University is required to do the following for:

- Administrative, Service and Support (staff) employees
 - Give written notice at least two weeks in advance of the layoff, or
 - Give written notice that the employee is receiving two weeks' pay in lieu of notice, in which case your employee's last day in the office will be the day the employee receives the written notice.
- Non-Tenured Track (NTT) employees
 - Per [CRR 310.035](#), NTT employee must be given at least three, six or 12 months advance written notice of the appointment end date. Review CRR 310.035 to determine how much notice is required.
 - Non-regular academic employees who receive one year of notice are not eligible for layoff benefit and transition assistance.

The effective date of layoff is specified in the employee’s written notice. If the University chooses to provide two weeks’ pay in lieu of notice, the payment will be in the employee’s final regular paycheck. When payment in lieu of notice is utilized, the “effective date” of the layoff is at the end of the two (2) week period. The status of the employee who receives payment in lieu of notice is the same as though the employee was actually working those last two (2) weeks.

Employees will receive their final regular paycheck based on their normal pay schedule. This check includes:

- Pay for all hours worked through the last day with their department;
- Pay for any available compensatory time (non-exempt); and
- Two weeks’ pay, if they are receiving two weeks’ pay in lieu of notice.

If applicable, vacation accruals and usage will be calculated after the employee’s effective date of layoff and any remaining balance will be paid as a lump sum payment on the paycheck following their final regular paycheck (based on the normal pay schedule).

For additional details, refer to *Employee Layoff Resource Guide*.

11. Explain the Transition Pay and Layoff Leave of Absence Benefits

The University of Missouri grants short term, temporary income (transition assistance pay), transition benefit coverage (layoff leave of absence benefits) and other transition services to eligible employees who experience a layoff. These are included as part of the *University of Missouri Layoff and Transition Assistance Agreement*. The employee must submit the signed agreement by the established deadline in order to receive transition pay and continued benefit coverage. The initial payment to the employee is based on the date the signed agreement is submitted. If no agreement is submitted, employment will be terminated

If the employee has questions regarding benefits, please direct them to the HR Service Center for questions.

Assuming the employee submits the signed Agreement by the 30-day deadline:

Transition assistance payments and continuation of benefits will be provided based on the employee’s length of continuous years of benefit-eligible service.

Years of Service	Length of Transition Assistance Pay and Layoff Benefits*
Less than 10 years	4 weeks
10 years up to 11.99 years	5 weeks
12 years up to 13.99 years	6 weeks
14 years up to 15.99 years	7 weeks
16 years up to 17.99 years	8 weeks
18 years up to 19.99 years	9 weeks
20 years and more	10 weeks

*Or a maximum of \$25,000 TAP, whichever comes first.

12. Provide a copy of the Employee Resource Guide to the employee

Review important additional information such as:

- Job and Career Resources

- A number of university and non-university resources are available. Direct your employee to the appendices in the *Employee Layoff Resource Guide*.
- Unemployment Compensation
- Missouri employees who are laid off should contact the Missouri Department of Labor, Division of Employment Security, as early as possible.

13. Deactivate System Access on the Last Day in Office

Make a list of all system access (email, network, cloud or external websites) that the employee has, and that must be deactivated. Make arrangements to reset the phone password, change the voicemail greeting and set up an automatic email alert redirecting inquiries as appropriate. Be clear on when deactivation and other changes must take place.

If the employee is receiving two weeks' pay in lieu of notice, deactivate system access, reset the phone password, etc. on the same day the employee receives written notice of layoff. If the employee is not receiving two weeks' pay in lieu of notice, be sure to specify the appropriate deactivation date with everyone involved (e.g., executive assistants, IT specialists, etc.).

To retain information from the employees' OneDrive account, contact Division of IT's Information Security Office (isam@missouri.edu) as soon as possible. To ensure the data remains intact, contact DoIT prior to the employees' separation from the University.

14. Process the Layoff Leave of Absence in the Payroll System

If you or a colleague process layoff leaves of absence in the payroll system, refer to the ePAF handouts for instructions:

- When the employee accepts the *Agreement* (returns the signed agreement).
- When the employee declines the *Agreement* (fails to return a signed agreement by the 30-day deadline).

Your department's timekeeper should consult with HR and payroll specialists to ensure proper pay coding. The employee should not be required to use paid leave on the day of the layoff notice discussion or during the two-week period following the notice, whether or not the employee receives two weeks' pay in lieu of notice.

15. Provide Support to the Other Employees on Your Team

Reactions of employees who remain after a layoff vary greatly, but it is definitely an emotional time. It is not uncommon for employees to experience feelings of relief, fear, anger, cynicism, shock, and guilt. Your remaining team members may have questions such as, "Will I be next?"... "Why was I so lucky?"... "What will happen to my friends?" It is imperative that you speak with your team members in a timely manner after a layoff. Help the team focus on the work and into the future.

Talk with your team about:

- The department's rationale and business reasons for the layoff.
- Anticipated changes in work responsibilities.
- Your respect and concern for those experiencing a layoff.
 - Do not disparage the employee(s) who experienced a layoff.
 - Focus on the positive things the University is doing to care for and be respectful of the employees experiencing a layoff, such as offering TAP.

- Acknowledge the feelings and concerns of remaining team members.
 - Do not place blame on leadership.
 - Solicit and legitimize feelings and concerns.
 - Do not become defensive; do not apologize.
 - Individuals may need time to absorb what has happened, so be patient with your remaining team members. Be prepared to work with them in a compassionate and realistic way given the stress of the situation.

- Discuss the next steps.
 - Focus on the future.
 - Let employees know that the [Employee Assistance Program](#) is available if they are experiencing depression, stress, anxiety or other concerns.
 - To help empower employees, involve them in the following ways:
 - Ask for suggestions for improving department effectiveness.
 - Meet with individuals whose jobs are changing to clarify roles, objectives and career opportunities.
 - Be honest about situations that are not resolved; agree to provide information as soon as possible.

- Manage by “walking around” and making yourself available for guidance and support.
 - Do what you can to get things back to as normal as possible.
 - Show appreciation and recognition; employees are probably working harder and longer, and they should be recognized and praised whenever possible.

Appendix A: Steps for Having a Layoff Meeting with Your Employee

HR will help facilitate the layoff discussion. The following are steps to help make sure a meeting with an employee you are laying off is clear and logical but also compassionate and helpful.

Step 1: Greet the Employee - Make the employee feel comfortable; keep it friendly, but succinct. Example: *"Hi John, thank you for meeting with me. Please have a seat."*

Step 2: Provide an Introduction and the Business Reason for Layoffs - Focus on the facts and the background of the situation. Example: *"The University has lost a substantial amount of state funding, and we need to eliminate some jobs. Our department is one of the areas affected, which means layoffs are necessary."*

Step 3: Deliver the Message - Speak slowly and calmly. Tell the employee clearly and briefly that they are being laid off and why. Example: *"I'm meeting with you because I must, unfortunately, inform you that your position has been eliminated. This means your last day in the office will be _____. I want you to know that the department arrived at the decision to eliminate your position only after a long and careful review of many options. We do not take this lightly. The decision is final."*

"Here is your official letter, layoff agreement, and resource guide." - Allow time to read the letter and process the information. Point out the dates specified in the letter.

State: "I know this is difficult news. Is everything I've said clear? Do you have any questions?"

Step 4: Listen and Respond with Empathy and Compassion - Wait for the employee to speak. Answer questions honestly and appropriately. Listen carefully and make eye contact. Examples: *"What would be most helpful for you now?"; "Would you like to take a brief break before we continue?"; "Would you like to leave for the rest of the day and continue this discussion first thing tomorrow morning?"*

Step 5: Provide Clear Structure and Next Steps - The employee may be in shock and may not understand what is or has been said, take care to clearly outline their next steps:

- Encourage the employee to read the materials later and contact Human Resources with any questions.
- Collect University property, if this is the employee's last day in the office.
- Make arrangements to retrieve personal belongings.
 - If possible, make arrangements for employees sharing the general work area to be away during the collection of personal items.
 - Have boxes available, or offer to box the items and have them delivered.

Step 6: Close the Meeting - When closing the meeting, offer support and thank them for their work. Example: *"John, I want to thank you for your service to our department. I wish you the best of luck, and if I can be of help, please let me know."*

Appendix B: Recognizing and Responding to Employee Reactions

Your employee's reactions will be specific to the individual. However, there are some familiar patterns of behavior that are predictable or considered normal. Generally, four types of reactions occur - denial, shock, anger, and acceptance.

Some employees may:

- Sit in stunned silence or go into shock and not accept what is happening.
- Appear confused, tearful or break down emotionally.
- Get angry, defensive, resistant and/or threatening.
- Ask "why me" questions.
- Argue that someone else should be laid off.
- Become angry and verbally attack the supervisor.
- Criticize the University.
- Threaten with a legal action or other formal action, such as a retaliation complaint.
- Bring up their personal obligations—mortgage, kids in college, debts, etc.
- Plead their case or bargain for another chance.

What to do:

- Stay in control of the meeting and your emotions at all times.
- Show compassion and empathy.
- Give the employee time to accept the news.
- Offer to take a brief break or delay the rest of the meeting until the employee is calm.
- Calmly let the employee know that they are free to make whatever calls/contacts they feel are appropriate, but the decision is final and will be implemented.
- Be sure the employee knows the details are in writing.
- Repeat that the decision is not about other employees.
- Be supportive and offer positive suggestions, where appropriate.
- Acknowledge any anger while avoiding becoming angry or defensive. Remain calm.
- Keep the discussion moving through the points to be covered.
- Let employees know that the [Employee Assistance Program](#) is available if they are experiencing depression, stress, anxiety or other concerns.
- Take all actions necessary to protect the employee, other team members and the reputation of the University.
- Avoid:
 - Extensive justification or detailed discussion of the layoff.
 - Criticism of "higher authority" for the decision or for forcing you to make it.
 - Arguing over past performance, old grudges or previous problems or issues.
 - Trying to take away "bad feelings" by excessive reassurances.
 - Derailing the conversation by discussing side issues.
 - Seeming apologetic or making promises that cannot be kept.

Anticipated Questions and Statements

By anticipating tough questions and statements and planning your responses, you will be more effective in the notification meeting. The following are examples of common statements or responses from employees and recommended responses.

Statement: "I can't believe this is happening to me."

Response: *"I realize this is a difficult moment for you."*

Question: "Are you telling me I'm fired?"

Response: *"No, you are not being fired; you are being placed on layoff."*

Question: "Why me?"

Response: *"The realities of the budget reductions (or reorganization) within our institution require significant changes."*

Question: "What did I do to deserve this?"

Response: *"This isn't about you, it's about your position and the budget reductions."*

Question: "Am I the only one being laid off?"

Response: *"I know this must be difficult for you, but we're here to discuss your situation."*

Statement: "I don't accept this at all. I'm going to file a grievance."

Response: *"That is an action on which you will have to decide. Your grievance rights are outlined in the University policies."*

Statement: "I think you're discriminating against me because of"

Response: *"Layoff decisions were based upon non-discriminatory factors."*

Statement: "I'm going to sue you. You can't get away with this."

Response: *"That is an action on which you will have to decide."*

Statement: "You're going to regret this." Or other threatening statements

Response: *(Note to supervisor: Sometimes no response is appropriate. However, if at any time you feel your safety is at risk, end the conversation and remove yourself from the situation.)*

Question: "I have so many projects. Can I work for one more month?"

Response: *"No, your layoff date is set."*

Question: "Is there a chance of being rehired if there are openings?"

Response: *"I encourage you to check the career opportunities online on a regular basis."*

Appendix C: Websites and Other Resources

Websites

The following sites are referenced in the prior pages within this document.

CRR 310.035

https://www.umssystem.edu/ums/rules/collected_rules/faculty/ch310/310.035_non-tenure_track_faculty

Employee Assistance Program (EAP)

<https://umurl.us/eap>

HR-117 Layoff Policy

<https://www.umssystem.edu/ums/rules/hrm/hr100/hr117>

HR-601 Discipline

<https://www.umssystem.edu/ums/rules/hrm/hr600/hr601>

Transition Assistance Separation Resources

<http://umurl.us/tap>

Please refer to the Layoff Resource Guide for Employees:

- CRR 350.051: Layoff and Transition Assistance
- Layoff Frequently Asked Questions
- Unemployment Assistance
- Job search guidance for employees
- Helpful website resources for employees



Office of Human Resources

University of Missouri System

1105 Carrie Francke Drive
Suite 108
Columbia, Missouri 65211

www.umsystem.edu

University of Missouri System

COLUMBIA | KANSAS CITY | ROLLA | ST. LOUIS