

**UNIVERSITY POLICY**

<b><u>Policy Name:</u></b>	<u>Employment Protection and Job Security for Managerial, Professional, Supervisory, and Confidential (MPSC) and Other Non-aligned Employees</u>				
<b><u>Section #:</u></b>	<u>60.4.3</u>	<b><u>Section Title:</u></b>	<u>Human Resources: Managerial, Professional, Supervisory, Confidential and Administrative Staff</u>	<b><u>Formerly Book:</u></b>	<u>3.5.3</u>
<b><u>Approval Authority:</u></b>	<u>Senior Vice President for Human Resources and Organizational Effectiveness</u>		<b><u>Adopted:</u></b>	<u>03/1972</u>	<b><u>Reviewed:</u></b> <u>05/18/2020</u>
<b><u>Responsible Executive:</u></b>	<u>Senior Vice President for Human Resources and Organizational Effectiveness</u>		<b><u>Revised:</u></b>	<u>04/1984; 03/1995; 06/27/2005; 08/03/2006 (Updated titles); 05/05/2008; 08/11/2008; 09/09/2013 (Updated title and Section 3); 05/18/2020</u>	
<b><u>Responsible Office:</u></b>	<u>University Human Resources</u>		<b><u>Contact:</u></b>	<u>policies@hr.rutgers.edu</u>	

**RUTGERS POLICY**

**Section:** ~~60.4.3~~

**Section Title:** ~~Managerial, Professional, Supervisory, Confidential and Administrative Staff~~

**Policy Name:** ~~Employment Protection and Job Security for Managerial, Professional, Supervisory, and Confidential (MPSC) and Other Nonaligned Employees~~

**Formerly Book:** ~~3.5.3~~

**Approval Authority:** ~~Senior Vice President for Administration~~

**Responsible Executive:** ~~Senior Vice President for Administration~~

**Responsible Office:** ~~University Human Resources~~

**Originally Issued:** ~~3/1972~~

**Revisions:** ~~4/1984; 3/1995; 6/27/2005, 8/3/06 (Updated titles); 5/5/2008; 8/11/2008, 9/9/2013 (Updated title and Section 3)~~

**Errors or changes?** ~~Contact: [policies@hr.rutgers.edu](mailto:policies@hr.rutgers.edu)~~

**1. Policy Statement**

Regularly appointed personnel should have reasonable employment protection.

**2. Reason for Policy**

To provide procedural information when employees are affected by reduction in force and a grievance procedure for employees who are separated for disciplinary reasons.

3. **Who Should Read This Policy**

This policy is applicable only to ~~employees in Rutgers positions. A Rutgers position is a position which, historically, was associated with the Rutgers University before June 30, 2013. Individuals employed in Rutgers positions are processed through the PeopleSoft (RIAS) payroll system. These positions may be governed by different negotiated agreements and policies from those that would be applicable to individuals in legacy UMDNJ positions. In this regard, individuals employed in Rutgers positions may be eligible for different non-State benefits than individuals who hold legacy UMDNJ positions.~~ non-aligned employees. A non-aligned employee is an employee in a position not covered by a collective negotiations agreement.

4. **~~Resources~~ Related Documents**

~~University Policy Section 60.4.4.; Problem Solving Procedure for Managerial, Professional, Supervisory and Confidential (MPSC) Personnel Eligible for the Administrative Assembly~~

~~Section 60.4.10, Salary Adjustments— Administrative and Managerial Professional, Supervisory and Confidential (MPSC) Employees University Policy Section 60.4.10.; Salary and Salary Adjustments for Non-Aligned Employees— Administrative and Managerial Profession~~

5. **~~Definitions~~ Contacts**

~~University Human Resources Office of Labor Relations: 848-932-3020~~

~~N/A~~

6. **The Policy**

~~**60.4.3 EMPLOYMENT PROTECTION AND JOB SECURITY FOR MANAGERIAL, PROFESSIONAL, SUPERVISORY, AND CONFIDENTIAL (MPSC) AND OTHER NONALIGNED EMPLOYEES**~~

A. **Policy Statement**

It is the policy of the ~~university~~ University that regularly appointed personnel should have reasonable employment protection. While job security cannot be guaranteed, for most employees the ~~university~~ University provides for adequate notice and placement assistance for employees who are laid off and a grievance procedure for employees who are separated for disciplinary reasons.

B. **Exclusions**

Except as otherwise expressly set forth below, this policy does not apply to persons who are appointed and who serve at the pleasure of the Board of Governors or the President, nor to those persons who are employed by the ~~university~~ University under the terms of special-purpose institutional grants or contracts or individually negotiated service contracts.

C. **Reduction in Force**

1. Notice: When Rutgers decides to effect a reduction in force, affected employees who are past their probationary period will receive five (5) working days notice for each full year of service with a minimum notice of twenty (20) working days and a maximum of 125 working days.

During this notice period, employees must be provided reasonable consideration for time to seek other employment either through use of vacation, administrative leave, accrued compensatory time, adjusted work schedule, or leave without pay.

At the department's discretion, employees may be required to use all earned vacation time prior to the effective date of the layoff. However, the employee will be compensated for any earned vacation that might remain at the time of layoff.

These notice provisions do not apply to a temporary layoff of three calendar months or less.

The termination of a contract or the termination or reduction of a grant, whether at the normal expiration date or prior thereto, shall not be considered a reduction in force.

2. Registering: Employees affected by a reduction in workforce and employees whose employment is terminated by the expiration of a contract or the expiration or reduction of a grant who wish to explore other employment opportunities at the ~~university~~University are encouraged to contact ~~their campus human resources office~~the OneSource Rutgers Faculty and Staff Service Center.
3. Status of Benefits: Information concerning status of benefit programs upon termination of employment is available at <http://uhr.rutgers.edu/worklife-balance/life-events/termination-employment>.

#### D. **Discipline/Discharge**

Employees who are terminated for disciplinary reasons or otherwise disciplined by the ~~university~~University are entitled to utilize the grievance procedure for MPSC personnel found in ~~Section-University Policy 60.4.4~~. The grievance procedure provides the sole and exclusive right and remedy for employees who are discharged or otherwise disciplined by the ~~university~~University.

This procedure is available for use by any Managerial, Professional, Supervisory, and Confidential (MPSC) member eligible for the Administrative Assembly. It applies to persons appointed under grants and/or contracts if, and only if, those grants and/or contracts make no alternative provisions concerning employment protection.

#### E. **Compensation**

The ~~university~~University's compensation program does not provide for the granting of severance pay under any circumstances including that in which employment is terminated as a result of the expiration of a grant or the completion of a contract, whether at the normal expiration date or prior thereto. Generally, employees who leave the employment of the ~~university~~University are compensated for all the unused vacation time that they have accrued. However, no other additional compensation at the termination of employment is authorized.

#### F. **Reemployment after Layoff**

The hiring department should contact the OneSource Rutgers Faculty and Staff Service Center for assistance, ~~its campus human resources office for assistance~~ ~~in completing the Payroll Authorization Form (PAF)~~.

The following will apply to persons who are rehired within one year of the last day of work:

1. Salary Placement:
  - a. Rehired to the Same Salary Grade: A person rehired to the same salary grade will be placed at the same salary he or she received at the time of separation, subject to the availability of funds if the position is grant funded.

- b. Rehired to a Different Salary Grade: A person rehired into a different salary grade will be assigned a salary in accordance with University Policy Section 60.4.10:; Salary and Salary Adjustments -for Non-Aligned Employees- Administrative and Managerial, Professional, Supervisory, and Confidential (MPSC) Employees.
2. Probationary Period: When a person is rehired, there will not be another probationary period.
3. Sick Leave: Accrual will resume at the rate of 1 1/4 days per month starting with the first complete calendar month worked. Any unused sick leave accrued under the former employment will be carried forward to be credited toward sick leave payment at retirement as well as for other authorized use.
4. Vacation: Vacation accrual will begin with the first complete calendar month worked. Vacation allowance will be based on years of continuous employment as a regularly appointed staff member immediately preceding the layoff.
5. Service Award: Service awards will be based on years of continuous employment as a regularly appointed staff member immediately preceding the layoff.
6. Other Benefits: All other benefits will be calculated as for new employees. Pension and health benefits will be in compliance with rules established by the New Jersey Division of Pensions and Benefits. Employees should contact their ~~campus human resources office~~ OneSource Rutgers Faculty and Staff Service Center for information concerning benefits.

#### G. Exceptions

Exceptions to any provisions within this policy may be granted only by the Senior Vice President for Human Resources and Organizational Effectiveness or his or her designee.