Exempt Employee Reduction in Force FAQ’s (At Will Separation Due to Budgetary Reduction)

Q1. How am I notified if my position is eliminated as part of a budgetary reduction in force?

A. Employees whose positions are eliminated will be notified in writing, which will be provided to the employee in a meeting that will typically include the employee, the supervisor, and a Human Resources representative.

Q2. I understand that as an exempt employee my employment is considered to be “at will.” What will the notice tell me?

A. It will specify that you are being separated from your at-will exempt position due to budgetary reduction, and it will provide the effective date for the at-will separation action.

Q3. How much written notice will I be given if my position is slated for elimination?

A. At least 30 calendar days from the day of notice.

Q4. If I am notified that my position is being eliminated and I used to be a classified employee, will I be provided with any opportunity to move into another position in lieu of being completely separated from the university?

A. Exempt employees who have held prior permanent status as a classified employee at Eastern (and with no break in service between employment as classified and employment as exempt) may ask to be returned to classified service by submitting a written request to Human Resources. It is strongly recommended that such requests be submitted to Human Resources early in the 30-day notification period. For exempt employees who do not request to be returned to classified service, their options will be provided to them in writing. Refer to the Classified Reduction in Force FAQs for information on how options are determined, timelines and other pertinent information.

Q5. For exempt employees who have rights back to classified service, how will their classified seniority date be calculated?

A. It will be based on the duration of service as a classified staff member, and does not include time served as an exempt employee.

Q6. What if I have rights back to faculty? How will that be handled?

A. You will be notified in your at-will separation letter about your rights to return to a faculty appointment. Contact Human Resources if you have specific questions about your faculty rights.

Q7. What if my supervisor eliminates my exempt position, but simultaneously creates a new, different exempt position? Won’t I be reassigned to that position automatically?

A. Management may choose to reassign an exempt employee, but is not required to do so.

Q8. Do I have any rights to get back into the exempt position that I held, if it is recreated?
A. Exempt employees who are separated on an “at will” basis would need to reapply for any positions that became available after separation.

Q9. What happens if my supervisor keeps my exempt position, but reduces it from 100% to 75% time, or moves the position from 12 months to 11 months?

A. The employee will be provided with a written 30 day notice informing the employee of the change to his/her term and/or percent of his/her appointment.

Q10. Can I request to voluntarily reduce my hours, or transfer, or demote, or take leave without pay in lieu of elimination of my position?

A. Yes. Requests of this nature must be given to your supervisor, who will review the request for budgetary and operational feasibility.

Q11. If I am separated from my exempt position, do I get to cash out my vacation? How about my sick leave?

A. Your accrued and unused vacation will be cashed out to you if your employment with Eastern ends.

Sick leave may be cashed out in only two circumstances:

• At the time of retirement, including situations where an employee chooses to retire in lieu of separation (contact the Benefits Office for additional information on sick leave cash out upon retirement);

• Sick leave may also be cashed out in January of each year, limited to those employees who carry sick leave balances greater than 480 hours.

Q12. What happens to my sick leave if I am separated from my position, but subsequently am rehired or appointed to another position at Eastern?

A. Sick leave is lost upon separation from employment, unless cashable as described in Q11.