

TO: All MUNFA Members

FROM: The MUNFA Executive Committee

DATE: March 9, 2017

SUBJECT: Academic Unit Integration and the Layoff of ASMs

Many Academic Staff Members (ASMs) have contacted MUNFA in recent weeks with concerns about the process and possible consequences of Academic Unit mergers in the Faculty of Humanities and Social Sciences. ASMs have also expressed dissatisfaction with the failure of the administration to offer a clear rationale for this restructuring and its relationship, if any, to the University's need to cut costs. Some ASMs are worried that this process could be a vehicle for ASM layoffs.

MUNFA will continue to monitor this situation. We encourage ASMs to contact us with concerns and questions. In the meantime, in order to help ASMs participate in ongoing discussions about mergers from an informed position, MUNFA offers the following interpretation of the Collective Agreement (CA) provisions relating to layoffs.

Collective Agreement Provisions for ASM Layoffs

The layoff of ASMs can be achieved by the employer through the implementation of provisions in **Article 25 (Resignation, Retirement, Transfer and Layoff)** in the CA: Clauses 25.17 through 25.34, "*Layoff of ASMs for Reasons of Financial Exigency*"; and Clauses 25.39 through 25.53, "*Layoff of ASMs for Reasons of Academic Programme Redundancy*".

Financial exigency "...is defined as a situation in which the University faces a *substantial and potentially chronic* accounting deficit which threatens the overall function of the University" (emphasis added; Clause 25.17). These Clauses go on to stipulate that MUNFA will be consulted in advance, that such a declaration can only be made once each fiscal year and cannot be made more than one (1) year in advance, and shall only follow the imposition of "all reasonable economies", including a moratorium on new appointments, adjustments to the University budget, programmes and course offerings, the use of leaves and retirements for ASMs, and the possible retraining of ASMs. In addition, following a declaration of anticipated financial exigency, the President must "open the books" – send the information used by the President in reaching a conclusion that there is an anticipated state of financial exigency – for a Budget Advisory Committee (BAC), made up of both MUNFA members and representatives of the Administration. The BAC will report to both the Senate and Board of Regents in 30 days, but the Board will decide if layoff of ASMs is necessary. If so, the Board must specify the number of ASMs to be laid off, and the amount of money to be therefore recovered. That being said, no individual Academic Unit will lose more than 150 % of proportional reduction to the MUNFA bargaining unit itself through all losses.

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If ASMs are to be laid off for other than financial reasons, it can only occur for *bona fide* academic reasons as outlined in Clauses 25.39 – 25.53, “*Layoff of ASMs for Reasons of Academic Programme Redundancy*”. An academic programme is defined in Clause 25.40, and an academic programme redundancy is defined in Clause 25.41, and “...*may result from significant changes in student enrolment or the merger, amalgamation or closure of Departments, Faculties, Schools or Libraries.*” Similar to the situation under financial exigency, before declaring programme redundancy, the University must institute a moratorium on new ASM appointments, consider the transfer of ASMs to other Academic Units, and the possible retraining of ASMs. If the Provost & Vice-President (Academic) plans to recommend academic programme redundancy to Senate, such a plan must first be communicated to the affected Academic Unit(s), where separate reviews will be carried out by Faculty Councils (or other governing bodies), and separate recommendations submitted in writing to Senate. The Senate will meet within 20 days of all recommendations, and will have an additional 30 days to review the same. The Senate will then advise all interested parties of its decision, and submit that decision to the Board, whose decision is final.

In both situations, layoffs will take place in the following order: 1) term appointments of 12 months or less; 2) term appointments of greater than 12 months; 3) non-tenured tenure-track appointments, and; 4) tenured appointments. In the last three categories, all layoffs are based on reverse seniority. All ASMs laid off retain the right to be recalled within three (3) years, and while laid off, retain some University privileges [see Clause 25.34 (a) – (e)] for up to three (3) years.

MUNFA members with questions or concerns about any of the issues raised in this Information Bulletin can contact the MUNFA office (munfa@mun.ca) for further advice.