

# **Strategies for Difficult Economic Times: Planning and Implementing Layoffs and Other Cost-Saving Measures**

United Educators Roundtable

Wednesday, October 28, 2009  
1:00 p.m. Eastern Time

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## Speaker Biographies

**Thomas D'Antonio** is a United Educators Select Counsel for New York and a founding partner of the law firm Ward Norris Heller & Reidy in Rochester. D'Antonio has counseled and advised a number of clients, including educational institutions, on the legal and practical considerations involved in cost-cutting and layoffs. He has extensive experience in employment and education law and has represented both colleges and K-12 schools on matters including employment litigation, tenure, academic freedom, and academic misconduct. D'Antonio earned his JD from the College of William and Mary School of Law and his undergraduate degree from Union College.

**Robert Walton** is chief executive officer for the Claremont University Consortium (CUC), a group of independent colleges in Southern California. Before coming to CUC, Walton was vice president for finance and business at the College of Wooster in Ohio. At both Wooster and CUC, Walton oversaw the implementation of various cost-saving measures, including significant layoffs—none of which resulted in any claims against the institutions. Prior to joining Wooster in 1999, Walton oversaw layoffs at several other jobs he held. Walton earned his BS and Master of Library and Information Sciences degrees from the University of Texas at Austin, where he also served as an adjunct faculty member.

**Hillary Pettegrew (moderator)** is a risk counsel for United Educators and previously served as a UE claims counsel, handling hundreds of employment claims against UE members. Before joining UE, she was a writer/editor at Research Institute of America Group and practiced law at a Washington, DC, law firm, where she focused on employment litigation. She received her law degree from Northwestern University and her undergraduate degree from Colgate University.

## Roundtable Agenda

### Introduction and Underlying Themes

#### “Ten Lessons Learned”

- Lesson 1 – Exhaust Cost-Saving Alternatives
- Lesson 2 – Be Honest and Follow the Rules
- Lesson 3 – Use a Team Approach to Layoffs
- Lesson 4 – Document Your Financial Condition
- Lesson 5 – Develop a Comprehensive Communications Plan
- Lesson 6 – Consult Attorney Experienced with RIFs
- Lesson 7 – Try to Cut Only Once
- Lesson 8 – Use RIF as Opportunity to Restructure
- Lesson 9 – Coach Supervisors on Conducting Termination Meetings
- Lesson 10 – Care for Terminated Employees and Survivors

## Resources

Babbitt, Ellen M. *Closing an Academic Program Without Litigation: Process, Planning and Pragmatism*.  
[www.ue.org/Libraries/Shared\\_RML/Closing\\_an\\_Academic\\_Program\\_Without\\_Litigation\\_Process\\_Planning\\_and\\_Pragmatism.sflb.ashx](http://www.ue.org/Libraries/Shared_RML/Closing_an_Academic_Program_Without_Litigation_Process_Planning_and_Pragmatism.sflb.ashx)

Franke, Ann H./ *Faculty in Times of Financial Distress: Examining Governance, Exigency, Layoffs, and Alternatives*. Washington, DC: American Council on Education, 2009.  
[www.acenet.edu/AM/Template.cfm?Section=Legal\\_Issues\\_and\\_Policy\\_Briefs2&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=32703](http://www.acenet.edu/AM/Template.cfm?Section=Legal_Issues_and_Policy_Briefs2&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=32703)

Michaelson, Martin, and White, Lawrence. *Staff Layoffs and Reductions in Force: Managing the Risks*. Dec. 2008.  
[www.ue.org/Libraries/Shared\\_RML/ACE-NACUBO-UE\\_Staff\\_Layoffs\\_and\\_Reductions\\_in\\_Force\\_12-08.sflb.ashx](http://www.ue.org/Libraries/Shared_RML/ACE-NACUBO-UE_Staff_Layoffs_and_Reductions_in_Force_12-08.sflb.ashx)

Wilczek, Dan. *Avoiding Legal Pitfalls of Employee Layoffs at Educational Institutions*. Reprinted from Winter 2003 *Employment Action*.  
[www.ue.org/Libraries/Shared\\_RML/Employee\\_Layoffs\\_Avoiding\\_Legal\\_Pitfalls\\_at\\_Educational\\_Institutions\\_--\\_02-03.sflb.ashx](http://www.ue.org/Libraries/Shared_RML/Employee_Layoffs_Avoiding_Legal_Pitfalls_at_Educational_Institutions_--_02-03.sflb.ashx)

## Sampling of Education Layoffs Announced in 2009

Broward (FL) School District  
396 teachers  
SunSentinel.com 6/15/09

Centenary College, LA  
25 employees  
ShreveportTimes.com 10/13/09

City Colleges of Chicago, IL  
58 employees  
Chi-Town Daily News 7/27/09

Clark Atlanta University, GA  
100 employees, including 70 faculty  
Chronicle.com 2/9/09

Daniel Webster College, NH  
23 employees (following sale to ITT Tech)  
The Telegraph 8/1/09

Dartmouth College, NH  
60 employees  
Boston Herald 2/9/09

Emory University, GA  
198 employees  
Emorywheel.com 9/29/09

Florida Atlantic University  
30 employees, including 5 faculty  
Sun Sentinel 5/30/09

Gary (IN) Community School Corp.  
61 employees  
Post-Trib.com 7/29/09

Greensboro College, NC  
10 employees, including one faculty  
InsideHigherEd.com 7/27/09

Harvard University, MA  
275 employees  
Boston Globe 6/23/09

Idaho State University  
73 employees  
The Lewiston Morning Tribune 6/13/09

Lake Superior College, MN  
10 employees  
LSC news release 6/8/09

Louisiana State University Health Care  
Services Division  
67 employees in New Orleans and 19 in  
Baton Rouge  
Nola.com 8/13/09

Memphis (TN) City Schools  
100-plus bus drivers  
wreg.com 8/7/09

Miami-Dade College, FL  
111 employees  
The Miami Herald 5/28/09

Miami University, OH  
33 employees  
The Miami Student 10/6/09

Natomas (CA) Unified School District  
59 teachers and counselors  
The Sacramento Bee 8/5/09

Northland College, WI  
13 employees, including 5 faculty  
InsideHigherEd.com 6/1/09

Oral Roberts University, OK  
124 employees  
TulsaWorld.com 10/10/09

Peoria (AZ) Unified School District  
257 teachers  
AZcentral.com 4/8/09

Redlands Community College, OK  
12 employees  
Community College Week 7/13/09

Rochester (NY) Board of Education  
130 teachers  
Newsday.com 8/5/09

Salem State College, MA  
25 employees  
The Salem News 6/4/09

South Carolina State University  
12 employees  
The Herald 8/2/09

Southeastern Louisiana University  
64 employees  
US Federal News (HT Syndication) 7/16/09

Stanford University, CA  
412 employees  
Reuters.com 9/2/09

University of Chicago Medical Center, IL  
450 employees  
Chicago Tribune 2/9/09

University of Florida  
60 employees, including 11 faculty  
am850.com 8/17/09

University of Idaho  
21 employees  
Lewiston Morning Tribune 6/13/09

University of Iowa Health Care  
137 employees  
Iowa City Press-Citizen 8/5/09

University of Maine  
32 employees  
Mainebiz.com 5/15/09

University of North Carolina School of the Arts  
5 employees  
Winston-Salem Journal 7/27/09

University of Redlands, CA  
29 employees  
Redlands Daily Facts 5/29/09

University of Rochester Medical Center, NY  
36 employees  
EmploymentSpectator.com 3/19/09

University System of Maryland  
24 employees  
BaltimoreSun.com 7/31/09

University of Toledo, OH  
87 employees  
ToledoBlade.com 4/29/09

University of Vermont  
16 employees  
Boston.com 2/20/09

Washington State University  
192 faculty and other employees  
Seattle Times 6/17/09

Wellesley College, MA  
44 employees  
Boston.Com 4/9/09

Winston-Salem State University, NC  
16 employees  
Winston-Salem Journal 6/30/09

Wisconsin Lutheran College  
20 employees, including 5 faculty  
Jsonline.com (Milwaukee Journal Sentinel)  
2/27/09

Yale University, CT  
75-plus employees  
Yale Daily News 4/27/09

Yeshiva University, NY  
60 employees  
The Jewish Star 2/9/09