

PSU-AAUP Guidance for Units Designated for Reduction or Elimination under Article 22 of the Collective Bargaining Agreement

March 2026

This Guidance has been prepared by the PSU-AAUP Collective Bargaining Team for members in units that may be, or have been, designated for reduction or elimination under Article 22 of the Collective Bargaining Agreement.

Article 22 refers to “departments,” “programs,” and “units.” In regard to “programs,” this means administrative units, not degree, certificate, or general education. Although curricular programs may be eliminated during retrenchment, Article 22 provides the process for reducing or eliminating an academic *administrative* unit, which may have responsibility for multiple programs, or may share such responsibilities with other administrative units. Article 22 also defines the Library as such an administrative unit. University Studies and the Honors College are others, as was the Intensive English Language Program.

The process in Article 22 is built around a timeline, with different obligations and rights associated with different periods in the timeline. The process commences when the President (or designee) informs PSU-AAUP and the bargaining unit that the University’s financial condition *may* require retrenchment:

1. President’s notice to PSU-AAUP and bargaining unit
2. President’s presentation to the Faculty Senate
3. First 30-day response period
4. a. President’s declaration of the need for retrenchment
b. Announcement of a provisional plan for retrenchment
c. Layoff notifications
5. Second 30-day response period
6. Announcement of the final plan for retrenchment
7. Retrenchment hearings
8. Notification periods

The remainder of this guidance is structured around each of these elements in the Article 22 timeline, what members in affected academic units should expect, and what they can do when they object to plans for retrenchment or believe that the process required by Article 22 has been violated. At the end, we provide a checklist for both academic units and individual members as a quick reference to navigating the retrenchment process.

1. President's notice to PSU-AAUP and bargaining unit

The President cannot simply declare financial exigency or another serious condition requiring retrenchment. She must first notify PSU-AAUP and the bargaining unit that she is *considering* retrenchment. Only after this happens will the President present to the Faculty Senate an analysis of the financial condition of the University that she believes requires retrenchment. These are formal steps required by Article 22. Email announcements, administrative briefings, and town halls are not substitutes for these required actions.

After this formal notification, either before or after the President's presentation to the Senate, representatives of the University must offer to meet with PSU-AAUP representatives to present and discuss the financial condition of the University. PSU-AAUP will accept that offer and will provide union leadership's perspective.

2. President's presentation to the Faculty Senate

After notifying the PSU-AAUP and the bargaining unit, the President presents the financial condition of the University at either a regularly scheduled or special session of the Faculty Senate. After that presentation is delivered, the University will provide a deadline for comments and recommendations. The deadline may not be earlier than 30 days after the presentation, unless the President determines that circumstances require a shorter comment period.

3. First 30-day response period

This first 30-day response period provides the first opportunity for members to provide direct feedback during the Article 22 retrenchment process. They may do so individually or collectively – e.g., as members of vulnerable academic units. *PSU-AAUP leadership strongly encourages such units to prepare themselves to make the most of this opportunity.*

Required proposals and documentation

During this period, the President must consider, for any academic unit that may be subject to retrenchment, a proposal for the *Elimination of an Academic Unit*. Neither Article 22 nor the proposal form itself require that proposals be prepared or approved by faculty in the academic unit – chairs, deans, or the provost may prepare them -- or that they have made their way through the normal proposal review and approval process prescribed by Faculty Senate. But the proposal and accompany documentation must be prepared by someone and these materials must be considered by the President *before* she announces provisional plan for retrenchment.

The proposal must include:

- a. Documentation of consultation with unit faculty and staff.
- b. All written responses from faculty and staff.
- c. Documentation demonstrating impact on larger community, including alumni and community partners.
- d. Documentation of meetings with the impacted units and their response to the proposed elimination.

Therefore, even before the President makes a final determination on the need for retrenchment, and before she provides a provisional plan for retrenchment, the University must have given enough consideration to what academic units will be affected to be able to produce such a proposal and such documentation.

Members in academic units potentially subject to retrenchment should pay close attention to whether the University has met its contractual obligation with these proposals, especially obligation to consult with and receive input from faculty, staff, and the larger community. If members believe that these proposals misrepresent their own assessments or the views of other stakeholders, they may assemble their own documentation and submit it during this first 30-day comment period.

PSU-AAUP's view is that feedback solicited as part of the PIVOT curricular review process will generally not be sufficient, in most cases, to satisfy the consultation and feedback requirements contained in the *Elimination of an Academic Unit* proposal. Unless these PIVOT-related consultations and meetings went considerably beyond notifications that degree or certificate programs are being "sunset," to include potential budget cuts and staffing reductions, they will not have provided affected units an opportunity to respond to (i) the impact on faculty and staff, (ii) the impact on the larger community, (iii) the impact on other units, and (iv) the impact on PSU's mission and values as required by the proposal and by the CBA, which incorporates these requirements by reference.

Timeliness

Article 22 states that the President, during this first 30-day period, will also consider the union's response to any such *Elimination of an Academic Unit* proposals. PSU-AAUP has requested written confirmation from the administration that this provision of Article 22 will be implemented so that the union receives any elimination proposals and supporting documentation with sufficient time within the 30-day period to prepare a meaningful response.

Members should treat this first 30-day period as their primary opportunity to contest elimination proposals and provide their own input and documentation.

4. President's declaration: Need for retrenchment

Only after the first 30-day comment period has passed may the President make the declaration that financial condition of the university requires retrenchment. At that point, or at some point thereafter, the president must announce a provisional plan. The provisional plan will also be accompanied by layoff notices. The provisional plan must include tentative budget reductions to be required of affected academic units. Article 22 does not expressly require that these reductions be translated as numbers of layoffs, furloughs, or FTE reductions, but the information considered by the President in the previous step of the retrenchment process includes the "impact on faculty and staff" and strongly suggests that personnel reductions will be part of the provisional plan.

That interpretation is affirmed in the Memorandum of Agreement attached to the 2025-28 CBA detailing the notice requirements for different job types in the bargaining unit when the financial condition requirement retrenchment falls short of financial exigency, the most extreme condition. These notices must be issued with the announcement of the provisional plan (see Section 8 below).

5. Second 30-day response period

A second response period – again, not less than 30 days unless the President states that circumstances require a shorter period – provides an opportunity for members in affected units to develop and present alternatives to the President's provisional plan. To accomplish prescribed budgetary reductions, Article 22 lists the following alternatives to indefinite layoffs: voluntary leaves of absence, shared appointments, temporary salary reductions, temporary FTE reductions, and layoffs for fixed periods.

During this second period, the President (or designee) must meet with affected academic units if their recommendations for layoffs are fewer than what the President is considering as part of the final plan. In order for such meetings to take place within the second 30-day period, *PSU-AAUP leadership encourages such units to develop their alternative plans as quickly as possible after the announcement of the President's provisional plan.* However, PSU-AAUP's view is that the University has an obligation, under the process established by Article 22, to meet with any and all such academic units (or their representatives) before announcing the President's final plan, even if that requires extending the second response period.

Units should use this period to develop concrete alternative plans that meet the target reductions while minimizing layoffs and permanent FTE loss.

6. Announcement of final plan for retrenchment

Where the President's final plan does require layoffs, Article 22 specifies the order of layoffs within the academic unit: fixed-term faculty, probational non-tenure track faculty, non-tenure track faculty with continuous appointment, probationary tenure-track faculty, tenured faculty. Within each of these categories, the order of layoff is the inverse of length of service – i.e., not by rank or time in rank. The order of layoff for academic professionals is the inverse of length of service, regardless of job family and career track.

The President's final plan may deviate from this layoff order for one of both of two reasons: (i) to meet the needs of the academic unit, including areas of specialization; (ii) to comply with the University's affirmative action program. In such cases, the President's decisions shall be based on recommendations of the affected academic unit, as long as they are provided in a "timely manner." Making recommendations for deviations from the layoff order specified in the contract may be difficult for academic units, if they are appropriate at all. Article 22 states that they should be made in accordance with "existing departmental procedures," which means *academic units should establish these procedures in advance.*

7. Retrenchment hearings

In accordance with Article 23 of the CBA, any member who is laid off or receives a salary reduction as a result of retrenchment must receive a statement from the University specifying:

- a. The basis for the decision.
- b. The manner in which the decision was made.
- c. The information and data used to make the decision

A member may request a retrenchment hearing within 15 days of receiving a layoff notice. A hearing may be requested when the member believes that the decision was arbitrary or not made in good faith, or when new information warrants reconsideration of the decision. So that members may make informed decisions when considering such requests, PSU-AAUP has requested written confirmation from the administration that any member whose employment or salary is impacted by retrenchment will receive a statement describing the decision when they receive notice. If such statements are delayed, the union believes that the 15-day clock should commence only upon receipt of the statement, not upon receipt of the layoff notice.

8. Notification periods

When layoff notices are issued along with the announcement of the provisional plan, the amount of advance notice provided to members depends on their appointment type and length of service at PSU. These requirements were added to the CBA during the last round of negotiations and are appended to the contract as an MOA.

- a. *12 calendar months*
 - tenured faculty
 - tenure-track faculty with more than two years on the tenure clock
 - nontenure-track faculty with continuous appointment
- b. *6 calendar months*
 - tenure-track faculty in their second year
 - probationary nontenure-track faculty in their second year and beyond
 - academic professionals appointed in an indefinite basis
- c. *3 calendar months*
 - tenure-track faculty in their first year
 - probationary nontenure-track faculty in their first year
 - fixed-term faculty (with more than 3 months remaining)

These notice periods apply when the President has determined that financial condition of the university falls short of financial exigency. If, on the hand, financial exigency has been declared, Article 22 requires only that the University “make every effort to provide timely notice.”

Placement efforts

For the duration of these notice periods, Article 22 requires that the University make a *good faith effort* to place members on continuing appointment in another instructional or non-instructional position at PSU, and a *reasonable effort* to assist them in finding suitable work elsewhere if internal placement is not possible. These efforts are not defined further in the CBA, but PSU-AAUP’s view is that this means:

- a. The University actively looks for internal positions the member can reasonably fill, including canvassing other units and considering combining smaller FTEs.
- b. Placement discussions and matching efforts continue up to the effective date of layoff, not just at the moment notice is issued.
- c. If internal placement fails, the University connects members to meaningful external job-search support (e.g., state Rapid Response services, outplacement, and transition resources), rather than treating this as a paper obligation only.

Members should document what, if anything, has been done on their behalf and should press the University, through PSU-AAUP, to meet these expectations throughout the full notice period.

Articles 22 and 23 Retrenchment Checklists

Checklist for Academic Units at Risk

Step / Situation	What units should do
Formal Article 22 notice + Senate presentation	Confirm notice is formal; note the 30-day comment deadline.
First 30-day period begins	Ask if an "Elimination of an Academic Unit" proposal is being drafted for your unit.
Before proposal is finalized	Demand real consultation (meetings, written input) with unit faculty and staff.
Proposal exists / is circulating	Review for accuracy; if it misstates/omits your views, submit your own statement.
During first 30-day period	Send unit documentation to PSU-AAUP for use in the union's Article 22.3(e) response.
After provisional plan announced	Begin drafting alternative plans that meet targets while minimizing layoffs/FTE loss.
Alternative plan has fewer layoffs / FTE cuts	Request a meeting with the President or designee to present your plan and rationale.

Checklist for Individual Members Facing Layoff or Reduction

Step / Situation	What members should do
Receive layoff / FTE or salary reduction notice	Calendar 15 days for a possible Article 23 retrenchment hearing request.
Immediately after notice	Contact PSU-AAUP and share the notice.
During the notice period	Ask what placement and job-search help the University will provide, and keep a record of all such efforts.
Article 23 statement (basis, process, data)	Look for it; if missing, request it promptly.
After receiving Article 23 statement	Review it and consult PSU-AAUP about whether to request a hearing before day 15.
Throughout	Keep appointment letters, evaluations, and all retrenchment-related communications.