

Article 22 Unit Guidance: Retrenchment, Provisional Plan, and Alternatives of Layoff

PSU-AAUP Collective Bargaining Team
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The purpose of this guide is to provide units that have received layoff notices under the President's provisional plan with information about how to engage in the Article 22 process and potentially save people's jobs. This document:

- Outlines the Article 22 process for contesting the provisional plan and proposing alternatives to layoffs
- Provides guidance on how to prepare your unit's alternative to layoff proposal
- Describes a number of different layoff alternatives your unit can adopt to save jobs

Overview of the Article 22 process and your unit's right to propose alternatives to layoffs

Once the President declares retrenchment, she will release a provisional plan outlining reductions that will occur in each unit. Layoff notices can be issued when the provisional plan is released. These layoff notices can be rescinded if the President decides to revise her initial plan based upon the feedback she receives from the units.

When she announces her provisional plan, the President will set a deadline for when each impacted unit and AAUP need to respond to her proposal. The timeline for responses will be at least 30 days unless the President believes that conditions require a shorter time frame. The Faculty Senate may also choose to submit comments on the provisional plan.

Units that have been assigned reductions have a right to propose alternatives to the "manner in which the tentative reductions are to be accomplished." In other words, units can create their own plan that employs other cost-saving measures that achieve the same total savings without having to lay people off.

Once your unit produces an alternative plan, the President (or her designee) is required to meet with you to discuss your proposal. Since both the alternative proposal and the meeting must happen within the 30-day time frame, AAUP encourages units to prepare and submit their plans early in the comment period to allow time for your unit to meet with President and discuss your plan.

At the end of the 30-day comment period, the President will announce her final plan and final layoff decisions. If she accepts some or all of the units' recommendations, layoff notices that were issued under the provisional plan can be rescinded at this point.

Crafting an alternative-to-layoffs plan

As soon as your unit receives the provisional plan that outlines the layoffs and budgetary reductions that you are assigned, you should start formulating your alternative plan. While each unit may adopt their own process, AAUP encourages you to complete the following steps within the proposed timeframes:

Unit Action	Timeline (within 30-day comment period)
Circulate this document to every member in your unit so they can consider the array of potential cost-saving measures (<i>see Appendix A: Alternative to Layoff</i>) and decide which ones, if any, they are willing to participate in.	Immediately after receiving the Provisional Plan
Schedule a time for your unit to meet, discuss, and finalize your alternative plan. Reach out to President Cudd's office to schedule a meeting sometime after your unit meeting but before the 30-day timeline expires.	Immediately after receiving the Provisional Plan.
<i>(Optional)</i> Appoint an individual or small committee that will collect individual members' preferences and start drafting an alternative cost-saving plan prior to your unit's meeting. This role does not need to be filled by the chair.	Immediately after receiving the Provisional Plan. Collect preferences before unit meeting.
Hold a unit meeting to discuss, finalize and approve the plan.	Within the first 14 days.
Coordinate with AAUP and send finalized alternate plan to President	After unit meeting, before scheduled meeting with the President
Meet with President to present and discuss your alternate plan	Before the end of the 30-day time frame

Preparation for your unit meeting

Receiving a layoff notice is an emotionally fraught experience, therefore it's important to move through this part of the Article 22 process with sensitivity and care. PSU AAUP members have a longstanding practice of making decisions that place the collective good above our own self-interests. From graduated COLAs to Faculty Senate's Robin Hood amendment, we've demonstrated a capacity to treat each other with compassion.

No one wants to be laid off or see their colleagues laid off. Each unit member may be able to contribute something to help alleviate this situation, but no one should feel pressured to retire or reduce their FTE. We are all being asked to potentially change our life plans, and that can be difficult.

To reduce some of this stress and social pressure, each unit member should spend some time reading about the alternatives to layoffs described in the Appendix A of this document. As you consider these alternatives, think about what your non-negotiables are (for example: health insurance, continued use of a staff fee for a child in college) and where you might have flexibility (retirement phasing, reduced FTE). Everyone's situation will be different.

Depending upon the size of your unit, you may want to select one or more trusted people to collect each member's alternative-to-layoff preferences. In some units, this could be the chair, but it does not need to be. Because these are personal decisions, units should use a process that minimizes social pressure and allows members to communicate privately. Preferences could be collected electronically or by meeting individually with each member. Each unit might approach this differently. Some smaller units may want to skip this step. However, collecting individual preferences ahead of time could help alleviate some of the social pressure that might occur if preferences are selected and announced during a larger, all-unit meeting. It will also provide an initial accounting of the potential cost-savings that can be achieved through members' alternative-to-layoff preferences.

Holding your unit meeting and crafting your alternate plan

The purpose of your unit meeting is to draft and agree upon an alternative-to-layoff plan. Article 22 does not provide a lot of detail about what needs to be included in this plan. It simply states that the unit may make recommendations "about the manner in which the tentative reductions are to be accomplished" and lists some "budget curtailments that may be proposed." However, AAUP recommends that in addition to outlining an alternative cost-savings scenario, the unit should also include a narrative that provides a rationale for why the alternate proposal is preferable to the President's provisional plan. This rationale should consider both plans' impacts on departmental functions. Developing your rationale at this point will help prepare you to make a case for your plan when your unit meets with the President. To make this easier, a simple template for your written submission is included as an Appendix B. You can use or adapt that template to organize your unit's plan, describe the proposed cost-saving measures, and explain why your alternative is preferable to the provisional plan.

During the meeting, you will need to:

- Create an alternative plan that achieves some or all of the cost-savings detailed in the President's provisional plan while avoiding or reducing layoffs
- Consider your alternative plan's impact on the department. How will teaching assignments or other duties be reconfigured as members' employment situations change? How will your alternate plan mitigate the negative consequences of the President's provisional plan? What impacts will both plans have on students, the ability to deliver the curriculum, and on any anticipated program or enrollment changes in the near future?
- Approve your alternate plan using established unit decision-making procedures.

- Choose member(s) who will write the plan, circulate it among unit members for final approval (if this is part of your unit's process), coordinate with AAUP, and send it to the President.
- Prepare for your meeting with the President (or her designee).

Meeting with the President (or her designee)

The purpose of this meeting is to present your alternative plan to the President and to convince her to adopt some or all of your provisions. Even though the President has received your unit's plan ahead of time, you shouldn't assume that she has had time to thoroughly read it. Your unit should prepare a short presentation where you describe the alternative cost-saving measures that you agreed to employ.

In addition to presenting your alternate plan, you should also describe how layoffs would negatively impact your unit and how your alternate plan would mitigate those impacts. This is your opportunity to convince the President to adopt your alternative plan. Provide as much data as you can to support your argument. Article 22 describes this meeting as a "discussion." Allow plenty of time for questions and back-and-forth.

Announcement of the final plan

At the end of the 30-day comment period, the President will announce her final plan. If her final plan includes layoffs, the President must follow the prescribed order of layoff outlined in the contract (fixed-term faculty, non-CA NTTF, NTTF with CA, tenure-track faculty, tenured faculty). Within each of these categories, layoffs will be based upon seniority (not rank). Academic professionals will also be laid off according to seniority. The President can only veer from this prescribed order of layoffs if it will impact the unit's ability to adequately meet its needs (including the need for particular specializations).

Article 22 states that the President's order of layoff "shall be based on departmental recommendations made in accordance with existing departmental procedures." If your unit wants to recommend that the President veer from this prescribed order of layoffs in her final plan, you must submit your recommendation to your dean or an "appropriate vice president" in a "timely manner." The rationale you prepared in your alternate plan can help your unit make the case should you decide to recommend an alternate layoff order.

PSU AAUP: Here to support you through this process

AAUP is here to support your unit through the provisional plan process. As soon as you receive the provisional plan for your unit, please reach out to us. We can:

- Talk to individual unit members about alternative-to-layoff arrangements that they are considering
- Facilitate the development of your alternative plan

- Provide support during your unit meeting where you finalize and approve your plan
- Forward your alternate plan to the President for consideration
- Attend your unit's meeting with the President and advocate for the adoption of your alternate plan

Additionally, if the President adopts part or all of your alternate plan, we will issue a demand-to-bargain. The Collective Bargaining Team will work with your unit to develop a Memorandum of Agreement that outlines the parameters of your alternate work arrangements, considers how these arrangements may impact working conditions, and ensures that your rights are protected while you work under these new arrangements and as you transition back to your previous situation (if this is part of the arrangement).

APPENDIX A: Alternatives-to-Layoff

1. Retirement:

Retirement can be a desirable alternative to a layoff. It allows a unit member to choose how they end their employment with the university. If the retiring member hasn't received a layoff notice, they might choose to enroll in a retirement transition program. If you are considering retiring, there are a number of different options:

Retirement: Announcing your planned retirement date can help the unit plan cost savings even if you aren't planning to retire in the upcoming academic year. You can retire at the end of any term during the academic year.

Retirement Transition Plans:

PSU AAUP recently negotiated two [retirement transition options](#). To qualify for either of these options you must be 55 at the time of your retirement or have at least 30 years of service. Option #1 is limited to faculty, while Option #2 is open to all members. Please note: If you are planning to participate in either of these retirement transition programs, you must notify your chair within **10 working days after the provisional plan is announced**.

- *Retirement Transition Option #1:* This option allows faculty to redistribute their work in the year preceding their retirement. Faculty, in consultation with their chair, can reallocate up to 50% of their teaching and service duties and substitute those with other responsibilities. Faculty continue to receive their full salary during the redistribution year.
- *Retirement Transition Option #2:* This option allows faculty and APs to reduce their FTE (to 0.75 or 0.5) during the years leading up to their retirement. You can elect to work at reduced FTE for up to 3 years preceding your retirement date.

2. FTE Reduction

FTE Reduction: Any member can decide to reduce their FTE. This can be a temporary reduction or a permanent one. The level of FTE reduction can fluctuate over time.

Summer teaching assignment and voluntary FTE reduction: If your unit has regular summer offerings, a reduced FTE agreement during the academic year can be supplemented with summer teaching assignments.

3. Voluntary Leave of Absence

Voluntary Leave of Absence: Any member can take unpaid leave for a specified amount of time. While this option may not seem desirable, it can be an effective way to avoid a permanent layoff.

Summer teaching assignment and voluntary leave of absence: If your unit has regular summer offerings, a voluntary leave of absence during the academic year can be supplemented with summer teaching assignments.

4. *Job sharing arrangements*

Job share: A job-sharing arrangement is when two individuals split the duties of one full time job. Job sharing arrangements are usually split 0.51/0.49. The 0.51 FTE worker is eligible for benefits, while the 0.49 FTE worker is considered part-time. PSU-AAUP does not have contract language that allows for job sharing, but SEIU does. If two members in a unit want to participate in a job-sharing arrangement as part of the alternate plan, AAUP will assist you in negotiating the parameters of the arrangement with the University through a Memorandum of Agreement.

5. *Transfer to another unit*

Transfer of tenure or continuous appointment home: A unit member can pursue a transfer of tenure or continuous appointment to another unit on campus. This process requires approval through both the originating and receiving unit's shared governance processes. If you are interested in transferring your tenure or continuous appointment home, you should make sure that the receiving unit has the ability to absorb you.

Reassignment of part of the duties to another unit: A unit member can request reassignment for part of their duties. The unit where those duties are performed would pay for that portion of the member's FTE.

6. *Furloughs*

Furlough: A furlough is a temporary period of unpaid leave. Furloughs can last for days, weeks, or rarely, months. Furloughs are usually taken by an entire workplace or unit. If your unit is considering a furlough as a cost-saving measure, you will need to determine who will participate and how long it will last. Members who belong to other bargaining units (i.e., SEIU, PSUFA, GEU) cannot be compelled to take furloughs.

7. *Other potential cost-savings*

Your unit may be able to find additional cost savings by reducing other budgetary items like travel or supplies. Most units are already operating on very skimpy budgets, so these cost-saving measures will likely supplement some of the employment arrangements discussed above.

Combining alternatives to avoid layoffs

Here are a few examples of how you might combine these alternatives to avert layoffs:

Scenario #1:

Two NTTF are given layoff notices. Both of the NTT faculty have agreed to reduce their FTE to 0.5 over the next two years. A Full Professor in the unit plans chooses Retirement Transition Option #1. Another faculty member opts for a 2-year phased retirement where they reduce their FTE to 0.75 during the first year and then to 0.5 in the second. While the unit will not realize the full cost savings of the layoffs during the first year, it will achieve excess savings in the subsequent years due to the retirements.

Scenario #2:

Two NTTF are given layoff notices. One of these faculty members has insurance through their spouse, so they agree to a job share with their colleague. Another unit member plans to retire at the end of Fall Term. A third faculty member agrees to reduce their FTE to 0.75. All AAUP members in the unit plan to take furloughs over Winter Break. These measures will produce enough cost savings to either allow the two NTTF to each work at 0.6 FTE the following year or for the unit to end their furlough the following year and for the NTTF to continue to job share.

Scenario #3

One faculty member is given a notice of layoff. They agree to take a voluntary leave of absence during Fall Term, and in exchange, they are guaranteed two summer courses. Two faculty members agree to reduce their FTE to 0.5 for one year. One of these is reducing their FTE as part of a 1-year phased retirement. When they retire, both faculty who participated in cost-saving measures (leave of absence and reduced FTE) will return to their full time FTE.

APPENDIX B: Unit Alternative-to-Layoff Proposal Template

Unit name:

College/School/Program:

Date submitted:

Contact person(s) for the unit:

1. Assigned reductions

- Summary of the President's provisional plan for this unit (positions/FTE affected, dollar target, and timeline).

2. Proposed alternative cost-saving measures

For each measure, briefly describe the proposal and estimated savings.

- Measure 1
 - Description:
 - Estimated savings (amount/FTE):
 - Voluntary participants (if applicable):
- Measure 2:
 - Description:
 - Estimated savings (amount/FTE):
 - Voluntary participants (if applicable):

(Add rows/measures as needed.)

Total estimated savings under unit alternative:

3. Operational plan under the alternative

Briefly explain how the unit will operate under the alternative plan:

- Teaching and workload reconfiguration (courses, supervision, advising).
- Coverage of required curriculum and student progression.

- Anticipated impacts on research, service, and community/partnership obligations (if any).

4. Harms under the provisional plan

Briefly describe specific harms if the provisional plan is implemented:

- Effects on curriculum and required courses.
- Effects on students (access to courses, time-to-degree, support, advising).
- Effects on program quality, accreditation/licensure (if applicable), and unit operations.

5. Information gaps and questions

List any missing information or unresolved issues that affect the unit's ability to respond:

- Data or documents requested but not received.
- Questions about assumptions, savings targets, or implementation.

6. Requested follow-up

State what the unit is asking the President (or designee) to do:

- Requested changes to the provisional plan.
- Issues the unit wants to discuss in the meeting with the President.