SUMMARY:

This policy describes the manner in which classified and unclassified non academic employees of the University will be released if a reduction-in-force (RIF) becomes necessary.

POLICY:

THE LANGUAGE USED IN THE UNIVERSITY POLICIES AND PROCEDURES MANUAL DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE UNIVERSITY. THE POLICIES AND PROCEDURES MANUAL DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS, EITHER EXPRESSED OR IMPLIED. THE UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS MANUAL, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

1221  REDUCTION-IN-FORCE

I. POLICY

A. This policy describes the manner in which classified and unclassified non academic employees of the University will be released if a reduction-in-force (RIF) becomes necessary, pursuant to regulations of the State Office of Human Resources. A reduction in force does not apply to non-covered employees (e.g. probationary employees, temporary grant employees,
time-limited project employees, and employees exempt from the State Employee Grievance Procedure Act.

B. The policy is designed to be fair and equitable to all employees without regard to race, color, religion, sex, age, national origin, handicap or veteran status.

II. MANAGEMENT RESPONSIBILITY

A. Planning the work program and organizing the work force to accomplish University objectives within available resources are administrative responsibilities.

B. The administration must decide what positions are required, where they are to be located and when they are to be filled, abolished, or vacated.

C. The administration may reassign, demote, reduce the work hours/ work weeks of an employee or eliminate an employee’s position whenever it is necessary. Reasons may include, but are not limited to, shortages of work, loss of funds, organizational change or restructuring, outsourcing, or privatization.

III. PROCEDURE

A. The order in which a position is to be eliminated or otherwise affected will be determined by a reduction-in-force plan.

B. The University will identify the positions within the competitive areas and competitive groups by compiling the following information:

   1. State Class Title(s);
   2. State Class Code;
   3. Pay Band, if applicable;
   4. Total number of positions in the State class title within the competitive area; and
   5. Total number of positions in the State class title within the competitive area to be eliminated.

C. Prior to the separation, reassignment, involuntary reduction in hours or weeks or demotion of any employee by reduction-in-force, Human
Resources Equal Opportunity (HREO) will prepare a reduction-in-force plan. The plan must include:

1. a reason for the reduction-in-force that identifies the positions to be affected;
2. the proposed area of reduction-in-force that includes:
   a. the competitive areas and the competitive state class titles within the area;
   b. a list of covered employees that shows the preliminary order of retention in each competitive state class title, code and pay band which includes the following information:
      1. name
      2. race,
      3. gender,
      4. age, and
      5. retention points;
   c. the justification of any retention that may be applicable under “Retention of Necessary Qualifications”, Section IV. D of this policy;
   d. a current organization chart of the competitive areas;
   e. a sample letter to affected employees of the reduction-in-force; and
   f. a description of the efforts that will be made to assist employees whose positions are being eliminated find other employment.

D. HREO will verify the details on which the plan is based and review the plan for compliance with the University’s Reduction in Force policy. The plan must be approved for procedural correctness by HREO and the Budget and Control Board’s Office of Human Resources prior to its implementation or notice being given to the affected employees.

E. Written notice will be given to the affected employees by the President or designee before any action is taken to implement the plan. This notice will include the following information:

1. the reason for the reduction-in-force;
2. the competitive area(s) and competitive group(s) within the area;
3. the effects of the reduction-in-force upon benefits;
4. efforts that will be made to assist the affected employee find other employment, including notification to the
Budget and Control Board’s Office of Human Resources, if applicable;

5. the employee’s recall and reinstatement rights and the method by which the employee will be notified of recall or reinstatement; and

6. the employee’s grievance rights.

F. Adversely affected employees or former employees may review the Reduction-in-Force Plan less retention points in the office of the Executive Director of Human Resources and Organizational Development.

G. Competitive Area(s)

1. The President or designee will define the competitive areas which will be affected by the reduction-in-force.

2. This competitive area may be a specific program, a department or a geographical location of the University.

3. In establishing the competitive areas, it is permissible to consider that staff in some areas are separately organized and clearly distinguishable from staff in other areas so that an interchange would not be feasible.

H. Competitive Group(s)

1. Within a competitive area, competition will be among all employees holding positions in a particular state class title.

2. If the reduction-in-force is to apply to more than one state class title, each title will be treated separately except where reductions are to be made in a series of related state class titles or in State class titles that are part of the Agency’s customary career path.

IV. RETENTION POINTS

HREO will calculate retention points for covered employees in the competitive areas and competitive groups to be used in determining which covered employees are to be involuntarily demoted, reassigned, have reduced hours or separated. Retention points will be based on the most recent performance rating and the length of continuous State service. The sum of the retention points for performance and length of continuous State service are the total retention points used in the calculation.
A. Performance Rating Points

HREO will determine the points for a performance rating by using the following numerical values assigned to the EPMS performance ratings. The table below is used for those employees receiving ratings prior to April 23, 2010.

<table>
<thead>
<tr>
<th>Performance Rating</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantially Exceeds Performance</td>
<td>3</td>
</tr>
<tr>
<td>Exceeds Performance Requirements</td>
<td>2</td>
</tr>
<tr>
<td>Meets Performance Requirements</td>
<td>1</td>
</tr>
<tr>
<td>Below Performance Requirements</td>
<td>0</td>
</tr>
</tbody>
</table>

Any evaluations completed after, will use the following values:

<table>
<thead>
<tr>
<th>Performance Rating</th>
<th>Points</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptional</td>
<td>3</td>
</tr>
<tr>
<td>Successful</td>
<td>1</td>
</tr>
<tr>
<td>Unsuccessful</td>
<td>0</td>
</tr>
</tbody>
</table>

The point values for the rating will be computed using the rating scale that was in place at the time of the specific EPMS evaluation.

HREO will recognize the performance ratings as follows for current state employees transferring to this agency for reviews conducted on or after April 23, 2010: “Substantially Exceeds Requirements” and “Exceed Requirements” as “Exceptional,” “Meets Performance Requirements” as “Successful,” and “Below Performance Requirements” as “Unsuccessful.”

For any year in which the employee does not receive an actual evaluation with a rating, the employee will receive a Successful rating for that year.

B. Continuous State Service Points

Covered employees will receive one retention point for each year of continuous State service after completion of a 12-month probationary period. Six months or more of continuous State service will be considered as one year of service and less than six months of service will receive no retention points.

C. Exception to Procedure for Retention Point Calculation

If every position in the competitive area is being eliminated, the agency is not required to calculate retention points. For positions reestablished within one year of the RIF, in the same competitive area and in the same state class title, the agency must calculate retention points at the time of recall. The agency must calculate retention points using continuous state
service and performance appraisal points based on the effective date of the reduction in force.

D. Retention of Necessary Qualifications

No employee with a lower number of retention points shall be retained in preference to another employee in a competitive area and group with a higher number of retention points except when the University determines that a Retention of Necessary Qualifications applies.

If an employee is competing for a position that is not being eliminated and the University asserts that an employee with higher retention points who has rights to be placed in that position cannot satisfactorily perform the duties of the position within a reasonable training period, the employee with lower retention points may be retained in preference to the employee with higher retention points. The University may determine that the employee with higher retention points will not be able within a reasonable training period to satisfactorily perform the duties of the job based on the lack of knowledge, abilities, skills, supervisory responsibilities, or necessary experience.

When a Retention of Necessary Qualifications is used in a reduction in force plan, justification for this retention must be documented and approved by the University prior to submitting the reduction in force plan to the Budget and Control Board’s Office of Human Resources for review and approval for procedural correctness. The University should retain documentation to support any retentions made on this basis.

V. SEQUENCE FOR REDUCTION-IN-FORCE

A. The order of reduction-in-force of covered employees in each state class title will be determined solely by the accumulation of total retention points.

B. If two or more employees affected by the reduction-in-force have the same number of retention points, the date the employee began work for the University will determine their order, the most recent appointee being laid off, reassigned, or otherwise affected first. If after using the University hire date to determine the order of affected employees a tie still exists, the University will use a computerized random number generator to randomly
select the position(s) to be terminated through the Reduction-In-Force. The last four digits of the affected employees’ Social Security Numbers will be entered into the computer program. The employees will be assigned random numbers by the program. The employee(s) that is assigned the lower random number(s) will be retained.

C. When covered employees with lower numbers of retention points are bumped from positions with a higher pay band in a state class title series, they will compete with others for positions in a lower pay band.

D. If employees in the higher state class titles of a series have sufficient retention points, they will replace employees with fewer retention points and lower state class titles if they have the necessary knowledge, abilities, skills, supervisory or other necessary experience to perform the duties of the lower level position.

VI. RECALL AND REINSTATEMENT

An employee affected by a reduction in force has recall and reinstatement rights to a position in State government for one year after the effective date of the reduction in force.

A. Recall Rights

If a vacancy occurs within the competitive area which is in the same State class title as the position the employee held prior to the reduction in force, the University will recall employees in the inverse order of the reduction in force. HREO will notify the employee in writing of the job offer and recall rights. If the employee does not accept the job offer within ten days, the employee’s recall rights are waived. Should the employee accept the job offer, the Agency will reinstate the employee’s accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full-Time Equivalent (FTE) position, the employee will also be offered insurance benefits as a new hire. The recalled employee may purchase retirement service credit under the leave of absence provision in Section 9-1-1140(D) for the period of time that the employee was not employed by state government, at the cost specified in Section 9-1-1140(D). When an employee is recalled, this time will not be considered punitive in the determination of retiree insurance eligibility.
B. Reinstatement Rights

An employee separated by a reduction in force may apply for any State job for which he meets the minimum training and experience requirements. Should the separated employee accept a job offer to an FTE position, the Agency will reinstate the employee’s accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full-Time Equivalent (FTE) position, the employee will also be offered insurance benefits as a new hire. The reinstated employee may purchase retirement service credit under the leave of absence provision in Section 9-1-1140(D) for the period of time that the employee was not employed by state government, at the cost specified in Section 9-1-1140(D). When an employee is reinstated, this time will not be considered punitive in the determination of retiree insurance eligibility. If the employee is reinstated to another position, he still retains his recall rights to a position in the same State class in the competitive area.

VII. COMPENSATION IN A REDUCTION-IN-FORCE DEMOTION

The pay for an employee who is demoted as a result of reduction-in-force will be administered in accordance with the University Compensation Plan for Classified Employees and the State Human Resources Regulations.

VIII. GRIEVANCE RIGHTS

An employee adversely affected by a reduction-in-force may grieve the action through the University Grievance policy only if the grievance is based on an allegation of inconsistent or improper application of the reduction-in-force policy, or plan.