

Procedure 4-22: Reduction in Force

1. INTRODUCTION

This procedure specifies the guidelines for documenting and implementing a Reduction in Force (RIF) in accordance with Policy IV-G-5 Reduction in Force.

A. Circumstances requiring a RIF may include but are not limited to:

1. Financial exigency
2. Reorganization or restructure
3. Outsourcing
4. Reduction, consolidation, or elimination of programs or services
5. Decline in student enrollment
6. Legislative directives

B. A RIF will be considered only after examining available alternatives that may eliminate the need for a RIF or limit its scope. Alternatives may include, but are not limited to:

1. Merging programs
2. Consolidation of services
3. Voluntary separations
4. Redeployment of employees
5. Furloughs or temporary leaves of absence without pay
6. Attrition
7. Pay freezes or reduction in pay

C. Selection Criteria

Selection criteria will be determined based on the circumstances necessitating the RIF. Selection criteria shall be articulated prior to implementing a RIF plan. The criteria to be used for selecting positions and personnel to be affected by a RIF may include but are not limited to:

1. Program or departmental needs to support a particular function or operation.
2. Skills and experience required to support a program or department after a reduction in force, reorganization, or restructuring.
3. Prior written evaluations and documented employee performance and behavior.

4. Employee credentials, qualifications, and training.
5. Length of service will be considered after considering the above criteria.

Additionally, to the extent required by law, the College shall consider whether employees are entitled to a preference in retaining employment under Chapter 652 of the Texas Government Code pertaining to veterans.

2. PROCEDURE

- A. The Chancellor, in consultation with the Strategic Leadership Team (SLT), will determine the necessity for recommending a reduction in force in compliance with section 1.A of the Reduction in Force Guideline. Existing and future business needs of the College will be considered in making the recommendation for the RIF.
- B. The Chancellor, in consultation with the SLT, will develop a proposal to the Board of Trustees that specifies:
 1. The circumstances and business objectives necessitating the RIF;
 2. The data and/or other factual information that shows the benefit to be obtained through the proposed RIF;
 3. The alternatives considered that may eliminate or limit the scope of the RIF in accordance with the Reduction in Force policy;
 4. The criteria established to accomplish the objectives.
- C. Following approval of the RIF by the Board of Trustees, the Chancellor, and SLT will analyze the affected areas, activities, programs, and departments where the reductions will be made. Within the affected areas, the Chancellor and SLT will determine which positions or job functions may be eliminated or affected. The Chancellor and SLT shall determine the timeline for implementing the RIF.
- D. The Chancellor and SLT, in conjunction with input from College leaders, will identify the employees subject to a RIF based on the selection criteria and positions affected.
- E. The Chancellor and SLT, in conjunction with input from College leaders, will identify the employees subject to reassignment based on the needs of the College.
- F. In the event members of the SLT are subject to a RIF, the Chancellor, in consultation with the Board of Trustees, will determine which positions or job functions may be eliminated or affected. The Chancellor and Board shall determine the timeline for implementing the RIF.
- G. The respective SLT member shall provide written notice to each affected employee. The notice shall provide the effective date of termination and shall include a brief statement of the reasons for the reduction in force.
- H. Employees who are affected by the RIF will be provided as much advance notice as possible in order to ensure an orderly transition for both the affected employees and the College.

3. ELIGIBILITY FOR REHIRE

- A. A former employee who is dismissed due to a reduction in force may apply for available positions for which he or she is qualified. A former employee shall be responsible for reviewing posted vacancies and complying with College procedures to be considered for a particular vacancy.
- B. If rehired, the employee will be compensated according to the current base rate established for the new position in which the employee is being employed.

4. APPEAL RIGHTS

- A. Every attempt will be made to conclude the appeals process prior to the employee's last scheduled day of work. The filing of an appeal will not delay the effective date of the RIF.
- B. *Termination During the Term of the Contract:* An employee whose employment contract is terminated during the term of the contract due to a RIF shall be afforded due process. The employee must file a written request for an appeal in accordance with Guideline 4.23 Guideline on Termination or Demotion for Contractual Employees.
- C. *Non-renewal of Faculty Contracts at the End of the Contract Term:* Full-time faculty members whose contracts are not extended due to a RIF may present an appeal in accordance with Guideline 5.17: Guideline on Contract Periods and Non-Renewal of Contractual Employees. The filing of an appeal will not delay the effective date of the nonrenewal.
- D. *Nonrenewal of Staff and Administrator Contracts and Dismissal of At-Will Employees and Adjunct Faculty:* Affected employees may present an appeal to the respective SLT member or their designee within ten (10) working days of receiving notice of the non-renewal or dismissal in accordance with a procedure established by the Chancellor.
 - The request for appeal must identify the grounds for the appeal and contain specific facts in support of the stated grounds.
 - The respective SLT member will provide the employee a written decision within thirty (30) working days of receipt of the written appeal. Although the Administrator's decision is final, nothing in this guideline shall preclude the employee from appearing during the hearing of citizens during the next regular meeting of the Board of Trustees.

5. EFFECT OF REDUCTION IN FORCE ON COMPENSATION AND BENEFITS

- A. Severance payments may or may not be granted as the result of a RIF.
- B. Credited service and other benefits such as sick leave and vacation do not accrue during a period of layoff. If re-employed, an employee dismissed under the Reduction in Force policy will have sick

leave and credited service restored if the employee returns to a benefits eligible position within six (6) months of the dismissal.

- C. Life and disability insurance coverage ends as per the plan document.
- D. Medical and dental insurance may continue under the provisions of COBRA if the employee pays the full monthly premium. Otherwise, medical and dental insurance coverage ends on the last day of the month during which the layoff occurs.

Procedure #:	4-22
Procedure Name:	Reduction in Force
Pages:	4
Adopted Date:	January 10, 2005
Revision/Reviewed Date:	June 6, 2011, April 28, 2014
Effective Date:	January 10, 2005, June 6, 2011, April 29, 2014
Associated Policy:	IV-G-5