

JAMES A. RHODES STATE COLLEGE
HUMAN RESOURCES POLICY STATEMENT

This policy and/or procedure provides operating principles for Human Resources issues at James A. Rhodes State College. It supersedes any prior policy covering the specific subject. This policy and/or procedure may be suspended, modified or cancelled as determined by the College. This policy and/or procedure does not create a contract of employment, nor is it a condition of employment between the College and its employees.

This policy and/or procedure is provided on-line for the convenience of access for College employees. The original policy will be the governing copy and is on file in Human Resources.

(Specific Policy Follows on Next Page)

REDUCTION IN WORK FORCE

Policy 8.4
BOT 4-19-94

Applies to: Support Staff

A. Policy Guidelines

1. It is the College's intent to provide stable employment for all regular support staff employees. However, these employees may be subject to reductions in work force based on a justifiable lack of work, declining enrollment, institutional income factors, legislative action, termination of funding for a grant funded project, or any combination of these or other factors. The College, working within these policies and guidelines may be required to curtail or delete certain programs at the same time that other programs are being retained, expanded, or added, depending upon the legitimate educational requirements of the College.
2. When a reduction in work force is required, the highest priority will be given to programs and services which are most necessary in meeting the educational needs of the students and the community. This prioritization process will be consistent with the established priorities and objectives of the College.
3. A reduction in the work force implies a responsibility on the part of the College to rehire/re-employ, or reinstate, a support staff member if suitable work becomes available.
4. All reductions in work force which are necessitated as a result of the factors enumerated herein shall be subject to review by the Office of Human Resources, which provides policy guidance and coordination for support staff reduction plans.

B. Attrition

As soon as it becomes apparent to a vice president or an administrative officer that there is likely to be a reduction of support staff personnel, he/she shall immediately notify Human Resources. The vice president/administrative officer and Human Resources shall estimate the number of reductions that can be accommodated by voluntary retirements, resignations, leaves and other forms of attrition.

C. Review of Temporary and Part-Time Employment

Prior to reducing the number of regular, full-time support staff members, administrators will review their current use of temporary and part-time support staff members. Whenever possible, workloads should be rearranged to enable the College to retain its regular, full-time staff. Temporary and part-time support staff members should be terminated prior to regular full-time staff being terminated.

D. Determination of Classification for Layoff

Whenever a vice president or an administrative officer recommends to the Human Resources Office that a reduction in work force is necessary, he/she will also recommend the classification or classifications and the number of employees in which a reduction should take place. Recommendations with all necessary information should be submitted at least thirty days prior to the desired effective date of the reduction of work force.

E. Order of Layoff

1. The order of layoff shall be determined first by classification, then by retention point totals.
2. Within each of the classifications, the order of layoff shall be in the following order:
 - Employees serving provisionally who have not completed their probationary period.
 - Employees who have satisfactorily completed their probationary period.

3. Within each of the classifications, employees shall be laid off in the inverse order of their retention points. (Lowest points laid off first, highest points laid off last)

F. Computation of Retention Points

1. In the event of the need to layoff, Human Resources shall compute retention points for each employee. Total retention points shall equal the sum of points awarded for continuous service and for efficiency.
2. Human Resources will prepare a list containing the names, dates of employment, types of appointment, status, classification and retention points of all support staff and indicate which support staff will be laid off.
3. If two or more staff members have identical retention points, the employee having the most recent date of continuous service from which no break in service has occurred shall be laid off or displaced first. In the event that a tie still exists, the dates on which application for employment was made will determine the priority of layoff, priority being awarded to the earliest date.

G. Continuous Service Retention Points

1. Each employee shall be assigned retention points for length of service on the basis of one point for each five hundred twenty hours (excluding overtime) of continuous service (thirteen full weeks of service for a full-time employee). These retention points shall be added to a base of one hundred points. This sum shall be the total retention points awarded for continuous service.
2. For purposes of computing retention points based on continuous service, service shall be considered continuous as long as it is not broken by a resignation or termination from the College. However, if an employee is reinstated after an involuntary termination (lay-off) to the same position (at the same classification) within twelve months of termination, full credit for continuous service will be given for the periods of actual employment.
3. An authorized leave of absence does not constitute a break in service, and continuous service retention points shall continue to accumulate during the period of the leave of absence, provided the employee returns to service following the leave.
4. An authorized disability separation does not constitute a break in service. However, continuous service retention points shall not accumulate during the period of separation.
5. Service as a student-employee shall not be counted as service for purposes of determining continuous service retention points.

H. Efficiency Retention Points

1. Employees shall be assigned retention points for efficiency in service computed as follows: the employee's most recent two annual performance evaluations shall be averaged and the number of efficiency points disclosed in the chart below for the average evaluation shall be assigned to the employee. If the employee has less than two years service, only the latest performance evaluation shall be used. No performance evaluation shall be used for an employee who has less than one year of continuous service.
2. Support staff who have not been currently evaluated shall be given six efficiency points, but no efficiency points shall be given to an employee who has not completed his/her probationary period.
3. In no event shall special performance evaluations be used for computing retention points for relative efficiency of an employee.
4. Efficiency points shall be assigned for the following evaluations:

| | |
|------------|----|
| Well Below | 0 |
| Below | 3 |
| Meets | 6 |
| Above | 8 |
| Well Above | 10 |

I. Notification of Layoff, Displacement and Recall

1. Each employee to be laid off or displaced shall be given advance written notice. Such written notice should be given at least seven calendar days before layoff and the day of delivery shall be the first day of the seven-day period. In the event circumstances require a notification of fewer days than herein provided, such notification shall nonetheless be deemed sufficient for all applications of this policy.
2. Each notice of layoff or displacement shall contain the following information:
 - a) The day layoff or displacement becomes effective;
 - b) The employee's retention points;
 - c) A statement advising the employee of his/her displacement rights and the length of time within which the employee can displace another employee.
 - d) A statement advising the employee of his/her right to reinstatement.
 - e) A statement that upon request by the employee, Human Resources will make available a copy of the displacement and/or reinstatement procedures.
3. Each employee recalled from layoff shall be notified by certified mail by the Human Resources Office of the offer of reinstatement. The notification shall include a statement that refusal of reinstatement shall result in the removal of the employee's name from the recall list. Each recalled employee shall be allowed ten calendar days from the date of notification in which to return to work. This time period shall be stated as a condition of the recall in the notification. In the absence of extenuating circumstances (e.g., illness, injury, absence from the city or state or other good cause as determined by Human Resources) which prevent the support staff member from returning within the time limit, the College may remove the employee from the recall list. Extenuating circumstances may merit a reasonable extension, not to exceed sixty days. For purposes of recall, it is the support staff member's responsibility to have his/her current address and telephone number on file with the Human Resources Office.
4. Notification of recall may be delivered to an employee by other than certified mail if circumstances created by temporary layoffs and/or emergency situations dictate otherwise. Regardless of the method of delivery of the recall notification, the period in which to return to work shall begin with the date of receipt of such notification.

J. Displacement Rights

In order for any employee to displace another employee in any situation, regardless of circumstances, the employee who is "displacing" must have more retention points than the employee being displaced. Employees who have the same number of retention points will be laid off or displaced in accordance with paragraph F.3 of this policy. No exceptions to these requirements will be made. Given these requirements in all displacement situations, the following will apply:

1. Each laid-off support staff employee shall have the right to displace the employee with the fewest retention points in the classification from which the employee was laid off. He/she may also displace an individual in any lower or equivalent classification, which has the same or similar duties (subject to qualifications) or displace an individual in a classification which he/she previously held as follows:
 - a) An employee who is laid off or displaced as a result of a layoff may exercise the right to displace by first displacing that employee within his/her classification with the fewest

retention points.

- b) If there is no employee with fewer retention points, he/she may displace the employee with the fewest retention points within the next and successively lower classification.
- c) Displacement rights pursuant to this paragraph (I) are limited to those classifications that have the same or similar duties as the classifications from which the employee is laid off or displaced. In the event no such classification exists, the employee has no displacement rights pursuant to this paragraph.
- d) An employee who is laid off or displaced and who elects to displace but is in a classification in which there are no employees with fewer retention points and in a classification for which there is no other classification which has the same duties may displace the employee with the fewest retention points within the classification the employee held immediately prior to the current displacement provided:
 - The classification which the employee held immediately prior to the classification from which he/she was laid off is a lower or equivalent classification; and
 - The employee meets the qualifications of the former classification.
- e) In no event shall a provisional employee displace a regular employee.
- f) Employees shall notify Human Resources of their intentions to exercise their right to displace within one working day after receipt of notice of layoff.
- g) Any order of displacement as set forth by these rules notwithstanding, no employee shall displace another employee for whose position or classification there exists special qualifications unless the employee wishing to displace possesses the requisite qualifications for the position. These qualifications will be established by a position description or by bona fide occupation qualifications.
- h) If as a result of layoff or displacement an employee is serving in a new classification, such employee will be paid within the pay range assigned to the new classification. In the event the previous compensation of the employee exceeds the maximum rate in the new classification, the employee will be assigned to the maximum rate in the new classification.

K. Reinstatement Rights

1. Reinstatement, for the purposes of this policy, means the rehire of a laid-off employee to any position for which the laid-off employee is qualified.
2. At any time when a support staff layoff is necessary, the Human Resources Office will prepare a list for each classification in which employees are laid off. The names of laid-off or displaced employees will appear on such lists in descending order of retention points, and the names of all provisional laid-off or displaced employees will appear on a second list in descending order of retention points. In cases of identical retention points, those employees having the most seniority as determined by the latest actual date of hire shall be placed first on the list.
3. An employee's name shall remain on the appropriate list or lists for a period of one year beginning from the date he/she was first laid off or displaced. During this period, administrators may not hire, promote nor transfer into any classification for which a layoff exists until all laid-off persons on the applicable list are reinstated or decline a position when it is offered.
4. An employee who does not exercise his/her option to displace shall be listed on the layoff list for the

classification from which he/she was laid off or displaced.

5. An employee who declines reinstatement to any classification for which he/she qualifies, shall be removed from all the classification lists and the College will have completed its obligation for reinstatement.
6. Employees who are not serving probationary periods at the time of layoff are not required to serve probationary periods when they are reinstated. Employees who are serving original or promotional probationary periods at the time of layoff must serve a new probationary period upon reinstatement.
7. The names of employees not removed from layoff lists pursuant to above paragraphs shall be removed from the lists one calendar year after the initial day of their layoff and the College will have completed its obligation for reinstatement.

L. Remedy for Erroneous Layoff, Reinstatement or Re-employment

1. Support staff shall not be laid off or displaced in any manner or by any means other than as outlined in this procedure. Any support staff member wrongfully laid off or displaced has the right to request reinstatement, and the College has the responsibility to reinstate him/her to the classification from which he/she was removed, if the employee has sufficient retention points to remain in that classification. Lacking sufficient points, such support staff are entitled to exercise the right to displace other support staff as set forth in this procedure.
2. An individual accepting reinstatement under this section will have his/her name removed from the layoff list.
3. The remedy for errors made in giving any individual proper notice of effective date of layoff shall be the adjustment of the layoff date to meet the required notice.

M. General

1. The term "service" as used in these procedures means uninterrupted employment with the College beginning with the latest date of appointment and including any period of absence authorized by the College. A regular support staff member whose position is eliminated and who is subsequently rehired, or reinstated by the College maintains his/her original appointment date for purposes of benefits eligibility.
2. Leave of Absence; Layoff During Leave
 - a) A leave of absence will not be granted in lieu of an abolishment of position and termination of a support staff member.
 - b) Support staff members who are on vacation, sick leave, medical leave of absence, military leave, or any other leave of absence may be laid off as any other employee and retain only the reinstatement and re-employment rights of any other laid-off employee.
3. During the period of layoff, the benefits of vacation, sick leave, group health insurance, retirement, unemployment compensation, overtime and compensatory time are affected as follows:
 - a) Vacation
When a support staff member is laid off and a specific return-to-work date has been established, his/her accrued vacation need not be paid out at time of the layoff. (However, if the staff member so requests, the accrued vacation will be paid). In instances of job abolishment where no return to work is anticipated, accrued vacation will be paid out at the time of layoff.

- b) **Sick Leave**
A support staff member retains any accrued sick leave but does not accrue sick leave during any period in which he/she is not on the College payroll.
- c) **Group Health Insurance Plans**
Coverage in the College group health plans may continue for up to eighteen (18) months if the employee agrees to pay the monthly premiums. (Cobra)
- d) **Retirement Contributions**
Contributions to the retirement plan (PERS) are discontinued as of the effective date of the individual's termination. An individual may withdraw his/her contributions after his/her termination in accordance with the retirement plan's guidelines for refund of contributions.
- e) **Unemployment Compensation**
Employees affected by a reduction in work force may be eligible for unemployment compensation.
- f) **Overtime and Compensatory Time**
Payment for earned but unused overtime and/or compensatory time will be made concurrent with the pay settlements at the time of layoff. However, when a specific return-to-work date has been established, upon specific request of the employee, compensatory time due will not be paid. In instances of job abolishment where no return to work is anticipated, all overtime and/or compensatory time must be paid out at the time of the layoff.
- g) **All other benefits are terminated when the support staff member is not on the College payroll.**