



CHAPTER: 2
SECTION: 3.08
COMPUTER INDEX CODE: C2S03.08
ORIGINATION DATE: 6/1/87
BOARD OF TRUSTEES APP.: 11/11/87
REVISION DATE: 5/12/92
PAGE 1 OF 5

Subject: Chapter 2 BUSINESS--VP FOR BUSINESS
Section 3.08 REDUCTION IN FORCE

I. PURPOSE

To provide policy on the terms and conditions of a reduction in force, including termination and recall of employees, and the procedures by which such actions are initiated and processed.

II. REFERENCES

- A. Personnel Policy No. C2S03.06, "Employee Grievance Procedure"
- B. Personnel Policy No. C2S03.07, "Disciplinary Sanctions and Termination" (Non-Faculty)
- C. Personnel Policy No. C2S03.09, "Payment in Lieu of Notice"
- D. Board of Regents Policy R482, "Bona Fide Financial Exigency and Personnel Reduction"
- E. Board of Regents Policy R963, "Reduction in Force"
- F. Personnel Policy No. C2S02.01 "Employee Definitions and Categories"
- G. Academic Affairs Policy No. C4S01.01, "Academic Freedom, Professional Responsibility and Tenure Document"

III. DEFINITIONS

- A. Staff Member. An employee in a non-faculty position who receives compensation for work or services from funds controlled by the College, regardless of the source of the funds, the duties of the position, the amount of compensation paid, or the percent of time worked.

- B. Regular Staff Member. A regular staff member is one assigned to work 75% or more (full-time) in a position expected to last more than six months. A staff member whose employment is defined by the College as being of a continuous nature, funded for a non-temporary period, who has successfully completed the probationary period. This includes classified, professional and administrative personnel, but excludes personnel of the President's Executive Council.
- C. Part-time, Temporary or Probationary Staff Member. A staff member assigned to work less than 75% or in a position considered temporary or expected to be less than six months, or a newly hired employee in a regular position but still in the probationary status. A temporary position is one expected to last up to six months.
- D. Faculty. Those who teach full-time (75% FTE or more) for a nine or twelve month appointment.
- E. Adjunct Faculty. Those who do not have a nine or twelve month appointment.
- F. Bona Fide Financial Exigency. An existing or imminent financial crisis which, if uncorrected, would threaten the survival of the institution as a whole and which could not be alleviated reasonably by less drastic means. The Board of Regents, after consulting with the College President and the Board of Trustees, makes declaration of financial exigency for the College.
- G. Employee of "Key Importance". An employee whose layoff would result in a serious distortion of the specific program or function to which that employee is connected.

IV. POLICY

Faculty and staff members may be terminated as the result of a decision to effect a reduction in force subject to the provisions below.

- A. If the President of the College determines that reduction in force is necessary, after a declaration of financial exigency or other extreme situation, the President shall, with Board of Trustees approval, recommend to the Board of Regents a plan for reductions. When developing this plan, the President shall consult with the Attorney General's Office and with College recognized faculty and staff organizations and established policy advisory committees of the College. The plan shall include discussion of the necessity and procedures for personnel reductions, the appropriate organizational units or subunits within the College identified for personnel reductions, and the criteria for identifying the faculty and staff members considered of key importance and those who are to be laid off. Before any layoffs become effective, the Board of Regents must first consider and approve the plan for personnel reductions.

- B. In recommending a reduction in force, the first priority of the President shall be the maintenance of the academic and educational programs central to the mission of the College. Of high priority will be the preservation of the quality and effectiveness of all essential non-instructional, maintenance, administrative, or support functions of the College. Employees who are deemed of key importance to the specific program or function will be retained in preference to other employees, whatever their status (Board of Regents Policy R482, sections 3.8 and 3.8.3).
- C. Part-time, temporary, probationary employees or non-tenured faculty will be terminated before tenured faculty and regular staff members in any affected operating unit.
- D. The identification of employees to be terminated as the result of a reduction in force, in any operating unit (distinct budget centers with distinct functions), will be based on position elimination. Criteria that should be considered include, but are not limited to quality and essentiality of service and work, field of specialization, maintenance of necessary programs or services, tenure, rank, time in rank, length of service, and maintenance of affirmative action programs.
- E. Giving Notice
1. The College shall make every effort to give as much notice as practical to each affected employee in advance of the effective date of the layoff. The granting of adequate notice, and where possible, full notice should be afforded high priority by the College. The College requires the following minimum written notice of layoff: regular staff members will ordinarily be given written notice of termination at least two calendar weeks before the effective date of termination. Administrators will ordinarily be given four weeks notice. Tenured and Tenure Track Faculty members will receive notice in accordance with the Faculty Tenure Document.
 2. The President or a designee must give notice in writing to employees who are affected by a personnel reduction. The notice must include: 1) the effective date of layoff, 2) a statement of the reasons for a reduction in force, 3) if a financial exigency is declared a statement of the reasons for the Board of Regents' action to declare a financial exigency, 4) the basis, 5) the procedures, and the criteria used to lay off faculty and staff, 6) any opportunity available for reconsideration or appeal including access to appropriate documentation and the issues that may or may not be considered, and the reinstatement rights of the employee.
 3. Eligibility for payment in lieu of notice upon termination for reduction in force shall be determined in accordance with Personnel Policy No. C2S03.09, "Payment In Lieu of Notice."

G. Reassigning Employees

1. In the event that a reduction in force is required in any operating unit, the College will undertake to make available to an affected faculty and/or regular staff member other suitable vacant College positions for which he or she qualifies. According to existing hiring procedures, the affected employee must apply for and be selected by the hiring supervisor. "Bumping" of regular members with less seniority is not permitted.
2. An employee to be laid off will not displace another faculty or staff member from his or her position. A good faith effort to reassign employees need not extend beyond the effective date of the layoff.

H. Contesting Termination

1. An affected faculty or regular staff member may contest a layoff only for violation of academic freedom or constitutional rights, failure to comply with this policy, with related College policy, or with the plan for reduction in force approved by the Board of Regents.
2. Unless otherwise required by law or regulation, the College's grievance procedure for staff or due process procedure for full-time faculty shall not delay the effective date of the layoff.

I. Recall and Replacement

1. In the event that the original position from which a regular staff member was released becomes available within six months, the affected employee will be recalled. This can occur only in the organizational unit from which the regular staff member was released. Where more than one affected employee is eligible for recall, priority will be given to the last one terminated. Where two or more eligible employees from the same department were released on the same date, recall will be based on performance and length of service. Recall does not apply to part-time, temporary or probationary staff members.
2. Faculty and/or regular staff members who are terminated due to a reduction in force, and who thereafter are rehired within six months, will be reinstated without loss of accrued benefits based on length of employment other than the period of non-employment. The hire date prior to the reduction in force will be used in determining time-related rights concerning date of original hire, vacation accrual rate, accrued sick leave, medical/hospital coverage. Benefits which may not be within the power of the College to grant, may be an exception, (for example, waivers of pre-existing conditions for medical coverage).

3. In cases of layoff of non-tenured faculty and executive personnel, the position concerned may not be filled by replacement within a period of one year from the effective date of the layoff unless the person has been offered a return to employment in that position and the person has not accepted the offer within thirty calendar days after the offer was extended. If an offer of reinstatement is not accepted within the timelines stated above, the College has no further obligation to the person laid off.