



POLICIES *and* PROCEDURES

Board of Trustees Policy Number:
HR 9.06

Date of Adoption/Revision:
April 10, 2015

SUBJECT	REDUCTION IN FORCE POLICY
AUTHORITY	Human Resources
APPLICABILITY	Faculty, Staff and Student Employees
PURPOSE	<p>To ensure compliance with:</p> <p>Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employment discrimination based on race, color, religion, sex, or national origin;</p> <p>The Equal Pay Act of 1963 (EPA), which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;</p> <p>The Age Discrimination in Employment Act of 1967 (ADEA), which protects individuals who are 40 years of age or older;</p> <p>Title I and Title V of the Americans with Disabilities Act of 1990, as amended (ADA), which prohibit employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments;</p> <p>Sections 501 and 505 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified individuals with disabilities who work in the federal government;</p> <p>Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), which prohibits employment discrimination based on genetic information about an applicant, employee, or former employee; and</p> <p>The Civil Rights Act of 1991, which, among other things, provides monetary damages in cases of intentional employment discrimination.</p>
POLICY	A reduction in force may occur due to budget constraints, funding reductions, reorganizations or other operational reasons. Employees will receive at least a two weeks advance notice of the layoff.

PROCEDURES

Determining Affected Employees

Individuals who hold positions that, due to budget considerations, reorganizations or other operational matters, are eliminated are subject to layoff. In making the decision for a layoff, where the choice is not clearly dictated by the work to be eliminated and range of skills engaged in it, the department head should carefully consider an employee's length of service, performance evaluation and experience. No one criterion automatically outweighs the other. They must be judged and balanced in such a way as to be as fair as possible to the individuals concerned while serving the needs of the College for an effective staff.

Advisory Review

A vice president must submit to the Office of Human Resources an analysis and explanation that sets forth the reason for the reduction and explains why these positions were selected. When some, but not all, of the positions of the same job title are being eliminated, the vice president must provide to the Office of Human Resources the overall evaluation ratings for the persons holding the position being eliminated. Before the reduction in force occurs, representatives from human resources, the Office of the President and such other persons as may be designated by the president will meet to ensure compliance with this policy and will forward their approvals and the plan for staffing reduction to the area vice president for his or her approval.

Insurance Benefits

Under the Consolidated Omnibus Budget Reconciliation Act (COBRA), laid-off employees may continue group health benefits by paying the total cost of the premium. An employee's COBRA benefits must be initiated within thirty (30) days of the date of the layoff or buyout. Affected employees may contact the benefits office for further information.

Vacation and Sick Leave

Affected employees will be paid for accrued but unused vacation. Accrued but unused sick leave benefits will be re-credited to any laid-off employee who is reemployed within six (6) months.

Retirement/Withdrawal of Employee Contributions

Laid-off employees are urged to speak with the College's benefit representative about the consequences of withdrawing employee contributions.

Responsible Party Action

President

1. Request vice presidents to develop plans for making major reductions in their areas.

Vice Presidents

1. Plan budget reduction and/or reorganizations, including reduction in staffing within the unit.
2. Prepare a written explanation for the reduction and the basis for determining the positions to be eliminated. Submit the plan to the president.

	<p>3. Prepare a reduction in force (RIF) analysis on the affected employees, including the evaluation ratings of the incumbents in the positions to be eliminated.</p> <p>4. Upon approval by the President, the RIF analysis, justification letter and organizational chart may be submitted to the Director of Human Resources for review.</p> <p><u>Advisory Review</u></p> <ol style="list-style-type: none">1. Review the reduction plan and the completed RIF analysis to determine that appropriate procedures were followed and that selection of employees to be severed was determined appropriately.2. Sign the RIF form and submit it along with the plan to the appropriate vice president for review and signature.3. Instruct Human Resources Director to prepare notice letters, for the signature of the area vice president, to affected.
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Replaces policy: <i>Date</i>
