

Reduction in Force

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Policy

An agency has the authority to separate an employee whenever it is necessary due to shortage of funds or work, abolishment of a position, or other material change in duties or organization. Retention of employees in classes affected shall be based on systematic consideration, at a minimum, of the following factors:

- type of appointment,
- relative efficiency,
- actual or potential adverse impact on the diversity of the work force, and
- length of service.

Neither temporary, nor probationary employees in their initial 12 months of employment (or 24 initial months of employment for sworn law enforcement officers) shall be retained in classes where employees with a permanent appointment (those who have satisfactorily completed a probationary or equivalent trial period) must be separated in the same or related class.

In determining the length of service, an eligible veteran shall be accorded one year of state service for each year or fraction thereof of military service, up to a maximum of five (5) years credit.

Reduction in Force (continued)

Office of Human Resources Responsibilities

The Office of State Human Resources (OSHR) shall include, but not limited to:

1. Establish the Reduction in Force (RIF) Plan Requirements and Program Guidelines to be followed by all agencies, department, and universities, to ensure commitment to and accountability throughout State Government;
2. Review, approve and monitor RIF plans and updates;
3. Provide technical assistance, training, oversight, monitoring, evaluation, and support the RIF program; and
4. Develop, update, and maintain the RIF Priority Verification List database system.

Agency Responsibility

Each Agency Head, Department Head and University Chancellor shall:

1. Adhere to the RIF policies and program that have been adopted by the State Human Resources Commission and approved by the Governor;
2. Submit RIF plan and updates when necessary for approval to OSHR; and
3. Submit employee information within 30 days of RIF notification to OSHR.

Notification Requirements

The employing agency shall notify the employee in writing of separation as soon as possible and in any case not less than 30 calendar days prior to the effective date of separation. The written notification shall include the reasons for the reduction-in-force, expected date of separation, the employee's eligibility for priority reemployment consideration, applicable appeal rights, and other benefits available.

Appeals

An employee separated through a reduction in force may appeal the separation only on the grounds listed in the Employee Grievance Policy found in Section 7 of this Manual.

Reduction in Force (continued)

Affirmative Action

In accordance with federal guidelines affecting equal employment opportunity and affirmative action, all decisions concerning reduction-in-force must be analyzed to determine their impact on agency utilization goals by race and sex and to avoid adverse impact in violation of Section 4.d of the Uniform Guidelines on Employee Selection Procedures

Leave

Vacation Leave: Employees may elect, subject to approval by management, to exhaust vacation leave after their last day of work and be paid in a lump sum for the balance not to exceed 240 hours. If an employee had over 240 hours of vacation leave at the time of reduction in force, the excess leave shall be reinstated when reemployed within one year after separation.

Sick Leave: Employees separated due to reduction-in-force shall be informed that their sick leave shall be reinstated if employed in any agency within five years.
