

## 13.2.5. REDUCTION IN FORCE/LAYOFFS (Staff Only)

March, 1990; Rev/July, 2000; Rev/September 2010 (Effective December 01, 2010)

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### 13.2.5.1. PURPOSE

13.2.5.1.1. The terms of this policy shall govern termination and salary reduction of non-faculty employees for reasons of reduction in force, recall of employees and the procedures by which such actions are initiated and processed.

### 13.2.5.2. PRIORITY FOR TERMINATION

13.2.5.2.1. Reductions through normal attrition, including voluntary resignations, involuntary terminations for cause, retirements, and transfers shall be undertaken prior to reduction of any permanent staff employees.

13.2.5.2.2. Whenever it is necessary to reduce the number of employees in any College department because of lack of work or lack of funds, the College will release temporary and probationary employees within that department first. Further reduction in force will be determined through the evaluation process. Employees who were given a written performance review which documents relative performance substantially lower than other employees with the same classification, or who have been given a written warning for unsatisfactory job performance or discipline for cause within the preceding 12 months, may be considered for reduction in force before other employees. The preceding 12 month period means the 12 months preceding the date on which the reduction in force situation exists.

13.2.5.2.3. Employees may be terminated, or their hours and/or their salaries reduced, without any demonstration of incompetence, poor performance, or malfeasance, as a result of a decision to effect a reduction in force due to financial exigency or lack of work or discontinuation of programs or departments or similar reasons deemed in the best interests of the College, with the approval of the appropriate Vice President, , and the President. After a declaration of financial exigency or other extreme situation, the President shall present a plan for reductions to the Board of Trustees for approval.

13.2.5.2.4. The identification of personnel to be laid off due to a reduction in force in any budgeted department will be based primarily upon seniority within the targeted program and employment classification. When conditions necessitate a force reduction of non-faculty staff, the affected department's administrator should arrange layoffs in order of seniority, with less senior employees being laid off first, unless important, job-related considerations dictate a different order of layoffs. (See [13.2.5.2.2.](#)) Any time an administrator discharges employees out of the order of seniority, he or she shall provide written reasons for departure from the general practice upon request by any person so laid off. In situations where the seniority of staff members in programs or classifications identified for reduction is equal, then relative competence and experience, or any job-related factor at the discretion of the supervisor (see [13.2.5.2.2.](#)), will be the determining factor for reduction. In such circumstances the supervisor/administrator will follow the Affirmative Action policy of the College.

### 13.2.5.3. GIVING NOTICE

13.2.5.3.1. The President 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 Trustees' action to declare a financial exigency, 4) the basis, procedures, and the criteria used to layoff staff, and 5) 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.

#### 13.2.5.4. EFFORT TO PLACE EMPLOYEE IN OTHER POSITION

13.2.5.4.1. The College will attempt to minimize layoffs by reassignment of personnel and/or duties. In the event that a reduction in force by means of layoffs is undertaken in any operating unit, College hiring administrators will, upon application, consider the affected staff member(s) for other suitable and open positions at the College for which they are qualified. This does not mean that administrators are required to hire such individuals, but does mean that such persons should receive priority interviewing status on an open position. If the affected staff member is not hired after interviewing for an open position for which he or she is qualified, the appropriate hiring administrator should, upon request from such person, supply him or her specific reasons for not being hired. Such reasons may include legitimate questions concerning competence, past performance, or any other job-related consideration.

13.2.5.4.2. Employees targeted for layoff do not "bump" other employees with less seniority in other departments of the College or within the same department in different employment classifications. Transfer to a vacant position elsewhere on campus should be favorably considered by the supervising administrator.

13.2.5.4.3. The College is not required to create a position for an employee who is being laid off, nor is the College obligated to retrain laid-off employees.

13.2.5.4.4. Employees remaining after the reduction in force must have the necessary skills and capabilities to accomplish the duties of the remaining positions. If the tasks to be performed in a remaining position are such that the remaining employee may be perceived to have difficulty in performing them in a satisfactory manner, the Vice President or Assistant Vice President shall consider approving the following: (a) Allow the remaining employee(s) to complete short-term training to acquire necessary skills. (b) Allow the remaining employee(s) a probationary period (See Policy **13.2.9** Probationary Period) to assume all duties and responsibilities and to perform at a satisfactory level. At the end of the probationary period, if it is demonstrated by the supervisor to the appropriate Vice President or Assistant Vice President that the performance is substandard, the employee may be placed in layoff status and another employee recalled, if the employee to be recalled is considered to have the necessary skills and capabilities to accomplish the job.

#### 13.2.5.5. RECALL

13.2.5.5.1. When employee positions are eliminated, the affected employees' names will be held on a job retention list for possible re-employment for one year. Priority consideration will be given such employees for any positions that are announced externally within that year. Recall factors will be the following: evaluation of previous job performance, seniority in eliminated position, job qualifications and established EEO/AA College policy. Seniority will not necessarily take precedence over the other factors. If rehired within 365 days of separation, the previous sick leave balance and vacation accrual level will be reestablished to the termination date levels. Rehire after 365 days results in a sick leave balance and service credit balance of zero.

13.2.5.5.2. Re-establishment of a position which has been subject to a reduction-in-force action will require prior approval of the President 13.2.5.5.3. Staff members laid off due to a reduction in force, will be recalled without advertising to the same program and employment classification within the operating unit from which they were laid off, if the recall takes place within one year from the date of reduction and the position from which they were laid off is reinstated as discussed in **13.2.5.5.2.** above. If more than one person has been laid off from the same employment category and operating unit, they must be recalled in order of length of previous service. Recall to the same operating unit within one year after the layoff will allow the employee to retain prior service credit.

13.2.5.4. Application and subsequent selection for a position in another department on campus is not considered recall.

#### 13.2.5.6. BENEFITS

13.2.5.6.1. Salaried employees who have been laid off and are subsequently recalled will be given their prior seniority benefits providing funds are available and that the new job description calls for a comparable appointment/contract salary.

#### 13.2.5.7. OUTSIDE FUNDED PROGRAMS

13.2.5.7.1. Employees whose salaries are funded from sources outside the College are employed for the term of their funded appointments/contracts only. During the term of their employment, they are covered by the same policies and possess the same benefits as other College employees with the exception of the right to advance notice of termination at the conclusion of their funded appointments/contracts.

#### 13.2.5.8. PAYMENT IN LIEU OF NOTICE OF TERMINATION

13.2.5.8.1. If the full required notice is not given, an employee may be given "Pay in Lieu of Notice of Termination" (See Policies [13.2.13](#) and [13.2.14](#))