

## **REDUCTION IN FORCE POLICY**

**THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE A BINDING EMPLOYEE CONTRACT BETWEEN THE EMPLOYEE AND THE UNIVERSITY. THE UNIVERSITY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY, IN WHOLE OR IN PART.**

### **I. Purpose and Scope**

The purpose of this policy is to prescribe the manner in which covered employees in State government are released in an equitable manner should a reduction in force become necessary. A reduction in force may require the separation, involuntary demotion, reassignment, or reduction in work hours of the University's covered employees. A reduction in force does not apply to non-covered employees (e.g., probationary employees, temporary employees, temporary grant employees, time-limited project employees, and faculty members.)

The University may implement a reduction in force for one or more of the following reasons:

- A. Reorganization
- B. Work Shortage
- C. Loss of Funding

### **II. Management Decisions**

The University shall determine the following items prior to developing the reduction in force plan:

- A. What is the reason(s) for the reduction in force;
- B. What areas(s) of the University are to be impacted by the reduction in force [Competitive Area(s)];
- C. What State class title(s) within the competitive area(s) are to be affected [Competitive Group(s)]; and
- D. How many positions in each State class title(s) are to be eliminated.

III. Competitive Area(s)

The University shall determine the competitive area(s) the reduction in force will impact. The University shall establish a competitive area that is clearly distinguishable from the staff in other areas and where the interchange of employees would not be practical. This competitive area may be the entire University, a department, a unit, or a geographical location.

IV. Competitive Group(s)

The University shall determine the competitive group(s) based on the State class title(s) within the competitive area(s) that the reduction in force will affect. If the reduction in force is to apply to more than one State class title, each State class title will be treated separately, except where the reductions are to be made in a State class title series (e.g., Auditor I, Auditor II, Auditor III, Auditor IV, Audits Manager I, Audits Manager II) or in State class titles that are part of the University's established normal career path using State class titles (e.g. Administrative Assistant, Communications Coordinator, Program Coordinator II, Program Manager I).

V. Affected Positions

The University shall identify the position(s) within the competitive area(s) and competitive group(s) that will be eliminated by identifying the following information:

- A. State Class Title;
- B. State Class Code;
- C. State Band Level (Note: This refers to Band only – not levels within band);
- D. Total number of positions in the State class title within the competitive area; and
- E. Total number of positions in the State class title within the competitive area to be eliminated.

VI. Retention Points

The University shall calculate retention points for covered employees in the competitive area(s) and competitive group(s) to be used in determining which covered employees are to be involuntarily demoted, reassigned, or separated. Retention points shall be based on the total scores of annual performance appraisals for the past three years and the length of continuous State service. The sum of the retention points for 1) performance, 2) length of continuous State service, and, when applicable, 3) additional retention points for competition in a lower band are the total retention points that an employee uses in the competition.

A. Performance Appraisal Points

The University will determine the total score for an annual performance rating by using the following numerical values assigned to the EPMS performance ratings:

Substantially Exceeds Performance Requirements	3
Exceeds Performance Requirements	2
Meets Performance Requirements	1
Below Performance Requirements	0

Explanation of Assigning Performance Appraisal Points when the University did not complete an EPMS evaluation.

- 1) For any year that the University did not complete an EPMS evaluation for a covered employee, the University will assign one point for Meets Performance Requirements.
- 2) However, for any covered employee that has been in a position in the same State class title for two or more continuous years, and if the covered employee received a higher than Meets Performance Requirement in the preceding year, the University will assign the points corresponding to the higher performance rating.
- 3) If the covered employee's most recent performance rating is a Below Performance Requirements rating (0) which is more than two years old, the University will assign the points equivalent to a Meets Performance Requirement rating.

#### B. Continuous State Service Points

Covered employees will receive two retention points for each year of continuous service after completion of a 12-month probationary period. Six months or more of continuous service will be considered as one year of service and less than six months of service will receive no retention points

#### C. Additional Retention Points for Competition in a Lower Band

When a covered employee is bumped from a position with a higher pay band in a state class title series or the University established normal career path of state class titles to compete with others for a position in a lower pay band, covered employees will receive an additional two (2) retention points.

### VII. Sequence of Reduction in Force

The order of the reduction in force of covered employees in each State class title(s) shall be determined by the total number of retention points for each employee.

If two or more employees affected by a reduction in force have the same number of retention points and not all are to be affected by the reduction in force, the University hire date will determine the order of the employees affected.

Bumping rights are provided for covered employees who have accumulated more retention points than those with whom they are competing. Under no circumstances can an employee gain from a reduction in force. Bumping rights are provided only downward.

### VIII. Retention of Necessary Qualifications

No employee with a lower number of retention points shall be retained in preference to another employee in a competitive area(s) and group(s) with a higher number of retention points except when the University determines that a Retention of Necessary Qualifications applies.

If an employee is competing for a position that is not being eliminated and the University asserts that an employee with higher retention points who has rights to be placed in that position cannot satisfactorily perform the duties of the position within a reasonable training period, the employee with lower retention points may be retained in preference to the employee with higher retention points. The University may determine that the employee with higher retention points will not be able within a reasonable training period to satisfactorily perform the duties of the job based on the lack of knowledge, abilities, skills, supervisory responsibilities, or necessary experience.

When a Retention of Necessary Qualifications is used in a reduction in force plan, justification for this retention must be documented and approved by the University prior to submitting the reduction in force plan to the Budget and Control Board's Office of State Human Resources for review and approval for procedural correctness. The University should retain documentation to support any retentions made on this basis.

IX. Writing the Reduction in Force Plan

Once the University has made the decisions outlined above and prior to the implementation of a reduction in force, the Vice President for Administration or his designee shall develop the reduction in force plan. This plan must include the following:

- A. The reason for the reduction in force;
- B. The identification of the competitive area(s);
- C. The identification of the competitive group(s) [State class title(s)];
- D. The number of position(s) to be eliminated in each State class title;
- E. A list of the covered employees, in order of retention points, in the competitive area(s) and competitive group(s) to include the following:
  - 1. Name;
  - 2. Age, Race, and Gender; and
  - 3. Retention Points;
- F. Justification of any Retention of Necessary Qualifications used in the reduction in force plan;
- G. A list of Employee's Reinstatement and Recall Rights;
- H. The University's Procedure for Recall of Employees;
- I. The University's efforts to assist employees affected by the reduction in force; and
- J. The Employee's Grievance Rights.

X. Approval Process

Once the reduction in force plan has been completed, the University shall submit the following information to the State Human Resources Office for review and approval for procedural correctness:

- A. The reduction in force plan as outlined in Section IX;
- B. An organizational chart including each position (designated with the State class title and incumbent's name) within the competitive area(s);
- C. A copy of the University's reduction in force policy; and
- D. A sample letter to employees affected by the reduction in force including information as outlined in Section XI, along with:
  - 1. A list of the employee's reinstatement rights;

2. The University's procedure for the recall of an employee; and
3. The employee's grievance rights.

XI. Implementation of the Reduction in Force

The University shall communicate the following information to each affected employee after the State Human Resources Office approves the reduction in force plan for procedural correctness and before the reduction in force becomes effective:

- A. The reason for the reduction in force;
- B. The competitive area(s) and competitive group(s) in which the employee competed;
- C. The benefits to which the employee is entitled and the manner in which the reduction in force will affect the employee's State benefits, (e.g., health insurance, optional life insurance, retirement);
- D. The employee's reinstatement rights, (e.g., reinstatement of all sick leave; option of buying back all, some, or none of the annual leave at the rate at which it was paid out);
- E. The employee's recall rights to any position, within the competitive area, that becomes available in the same State class title as the position the employee held prior to the reduction in force;
- F. The manner in which the University will notify the employee of any such vacancies; and
- G. The requirements of S.C. Code of Laws Ann. Section 8-11-185, which requires the University to report information about the employees affected in a reduction in force to the State Human Resources Office.

XII. Recall and Reinstatement Rights

An employee affected by a reduction in force has recall and reinstatement rights to a position in State government for one year after the effective date of the reduction in force. At the time of recall or reinstatement, the University will reinstate all employee benefits, including the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his annual leave at the rate it was paid out at the time of the separation.

A. Recall Rights

If a vacancy occurs within the competitive area, which is in the same State class title as the position the employee held prior to the reduction in force, the University will recall employees in the inverse order of the reduction in force. The University will notify the employee in writing of the job offer and recall rights. If the employee does not accept the job offer within ten days, the employee's recall rights are waived.

B. Reinstatement Rights

An employee affected by a reduction in force may apply for any State job for which he meets the minimum training and experience requirements. Should the employee accept a job offer to a State position which receives benefits, he is entitled to the restoration of employee benefits, including the employee's accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his

annual leave at the rate it was paid out at the time of the separation. If the employee accepts a position in a lower pay band than the one from which he was separated, he still retains his recall rights to a position in the same State class in the competitive area.

XIII. Grievance Rights

A covered employee who is affected by a reduction in force has the right to file a grievance to the University and an appeal to the State Human Resources Director only if the grievance or appeal is based on improper or inconsistent application of a reduction in force policy or plan.