

12:02:02:00 DSCC Reduction in Force Policy

Purpose:

The purpose of this policy is to provide procedures in the event circumstances require the College to implement a reduction-in-force.

Scope:

This policy applies to all exempt and non-exempt DSCC employees except tenured and/or tenured track faculty.

Policy:

The College establishes the following policy and procedures to be applied in the event it becomes necessary to implement a reduction-in-force (RIF) plan due to economic conditions, financial exigency, programmatic considerations, or other circumstances. The policy is intended as a means to ensure that employees affected by any RIF will be treated with dignity and respect, as well as to assist the College in complying with all applicable laws and Tennessee Board of Regents (TBR) policies.

A. Coverage

This policy applies to all exempt and non-exempt employees, not including tenured and/or tenure track faculty employees addressed pursuant to DSCC Academic Policy 03:02:02 and TBR Personnel Policies 5:02:03:70 and 5:02:06:00

B. Procedures

The following procedures shall govern all RIF plans whether pursuant to a declaration of Financial Exigency pursuant to TBR Policy 5:02:06:00 or in the general course of College business:

1. Where it is determined by the President of the College that existing circumstances present the need to examine the operations of the College, or any sub-division thereof, to determine whether, and to what extent, a RIF and/or re-organization of the College is appropriate, the President shall direct the appropriate Vice President(s) and/or Division Director(s) to conduct a divisional analysis. That analysis shall include a review of operations and functions for each Division so tasked and describe the method and/or rationale developed for making the determination to eliminate or reorganize any duties or functions. Each Vice President's or Division Director's office so directed will provide the President with a report of their Division analysis setting

forth their recommendations for the reorganization and/or elimination of functions along with an analysis of the budgetary implications of the proposed plan. The President will thereafter review the report(s) and direct such supplemental analysis deemed appropriate and/or necessary to arrive at a final plan. In preparing the Divisional analysis, the Vice President(s) or Division Director(s) may consider any reasonable alternatives including, but not limited to:

- a. Elimination of positions through attrition.
 - b. Reduced work hours (less than 100%).
 - c. Conversion from 12 month to 9, 10 or 11 month modified work schedules (MODFY).
 - d. A freeze in hiring of all non-critical positions.
 - e. Reassignment of employees.
 - f. The elimination of programs, services, and activities within the College.
 - g. The elimination of or reduction in the number of filled positions within identified departments.
 - h. The need to increase or decrease the use of temporary and/or adjunct staff.
 - i. The need to continue probationary employees.
2. After receipt of the Divisional analysis, the President will prepare a draft RIF plan with the assistance of the Vice Presidents, Division Directors, Director of Human Resources and other appropriate staff during which specific positions to be eliminated or re-organized will be determined. The President's final plan will include an explanation of the need for a RIF, the criteria used to determine which positions or functions will be affected, which positions are being eliminated, and the impact or benefit to be derived from implementation of the RIF. The plan will include organizational charts of the affected unit(s) both before and after the RIF along with profiles of the affected groups. The profiles will include information on the age, sex, race, and disability status of each individual and all criteria used in making the RIF determinations, i.e., longevity, performance evaluations, qualifications, position functions, etc. For positions being consolidated, updated job descriptions will be prepared and included. The determination of employees to be affected by position elimination will reflect documented consideration of the following preference hierarchy:
- a. Employees willing to voluntarily retire, resign, or transfer.
 - b. Termination of temporary employees.
 - c. Termination of employees performing non-essential, discontinued or reduced services/programs/activities within a department.
 - d. Termination of probationary employees.
 - e. Termination of lowest performing employees, based upon the most recent annual performance evaluations.
 - f. Termination of employees based upon longevity in current position.
3. The College will consult with the Office of General Counsel (OGC) with regard to matters related to nondiscrimination requirements set forth in TBR Policy 5:01:00:00(F) prior to a final decision regarding the implementation of the RIF plan or notice to affected employees. The College will provide statistical and numerical analysis of the impact on protected classes before and after the RIF plan sufficient to assist the OGC as part of that review.
4. The President will thereafter submit the proposed RIF plan to the TBR Central Office for review by the Chancellor and Senior Staff.
5. Following approval by the TBR Central Office and final approval by the President, each Vice President's office will provide the Office of Human Resources with a final list of all employees to be displaced as a result of a work force reduction.

C. Notification of Affected Employees

Notice will be provided to affected employees at the earliest reasonable time and, at minimum, consistent with the requirement set forth in their employment contracts and in compliance with TBR Personnel Policy 5:01:00:00. Although no notice is required to terminate temporary employees, a letter notifying them of the termination will be issued. The determination of the affected employee's last working day is reserved to the College President or his/her designee. Department heads will schedule a personal meeting with affected employees to deliver the written notice prepared by the Office of Human Resources. The notice will contain information on final benefits and rehire procedures. Displaced employees will be granted reasonable leave to interview for other employment, on or off-campus, during their notice period.

D. Reassignment

Pursuant to TBR Policy 5:01:00:00, the College may, at its discretion and as part of a RIF plan, reassign employees to other positions for which the employee is qualified. The Office of Human Resources will be responsible for coordinating such reassignments. An employee reassigned to a new position due to a RIF will receive a salary based upon the classification of the new position and in-line with the College's Compensation Plan guidelines. Reassignments will be governed by DSCC policy.

Procedures:

1. Following approval of the RIF plan by the President and TBR Central Office, each Vice President's office will provide the Office of Human Resources with a final list of all employees to be displaced as a result of a RIF.
2. The Office of Human Resources will provide a letter of notification to all affected employees explaining the RIF and the reassignment process.
3. The Office of Human Resources will identify and maintain a list of all currently advertised position vacancies. Positions becoming vacant during the RIF period will be reviewed for reassignment prior to approving the position(s) for advertisement.
4. Displaced employees will be matched against position vacancies based on the following criteria:
 - a. Employee must meet all minimum qualifications to be considered for a reassignment to a position vacancy.
 - b. Employee must have the potential to perform the position's essential functions and, if possible, to positions with similar title, level and/or salary.
 - c. Employee with unsatisfactory performance evaluations will not be recommended for interview or reassignment.
5. The Office of Human Resources will assist all displaced employees with updating their DSCC application and resume.
6. If a displaced employee is not selected for reassignment after a competitive interview process with other qualified affected employees, the Vice President supervising the department must submit written justification for non-selection to the Office of Human Resources. Human Resources will review the justification with the guidelines for Affirmative Action/Equal Employment Opportunity and make a recommendation to the President before advertising the position. The President will be the final authority to approve advertising.
7. Reassigned employees will be placed under a six (6)-month probationary status in their new position.

A Personnel Action Form will be prepared by the appropriate Vice President/Director for all reassignments and forwarded to the President for approval. The Office of Human Resources will then prepare the appropriate

employment contract and provide benefits counseling to the employee as required. If unsuccessful in making appropriate reassignment matches, Human Resources will prepare (upon receipt of a Personnel Action Form) and deliver final termination notifications and provide final benefits counseling to affected employees.

E. Final Benefits and Payouts

Termination due to a RIF is considered a final separation from the College. In accordance with DSCC Personnel Policy 06:10:01 and the TBR Personnel Policy 5:01:01:01, employees will be eligible for a lump sum payment of accrued annual leave. Employees terminated pursuant to a RIF will be eligible for unemployment compensation, COBRA insurance coverage, and retirement plan benefits provided in accordance with the terms of their retirement plan. An employee who is receiving tuition scholarship benefits for the employee, spouse or children prior to the day of separation will continue to receive the benefit through the end of the semester in which the termination occurs.

Sick Leave: Employees shall be credited with all sick leave in accordance with DSCC Personnel Policy 06:10:07 and TBR Personnel Policy 5:01:01:07. An employee's adjusted longevity date will be established utilizing all eligible prior service in accordance with TBR Personnel Guideline P-120.

G. Appeal Process

Clerical/support employees have no right to appeal their termination pursuant to a RIF under DSCC Personnel Policy 06:18:00 and TBR Guideline P-111 unless performance is deemed a significant factor in their termination. Administrative/professional employees, under certain circumstances, may have the right to appeal their termination under DSCC Personnel Policy 06:18:00 and TBR Personnel Guideline P-110. An appeal does not affect the effective date of the RIF.

H. Implementation of MODFY Appointments During a RIF

As set forth above in the procedures applicable to a RIF, the College may consider the conversion of certain non-academic personnel from twelve (12) month to modified fiscal year (MODFY) appointments in lieu of the termination of those employees and/or the elimination of their positions. The following procedures will be utilized to implement the conversion of affected employees/positions from twelve (12) month to MODFY appointments.

Procedures

1. Upon the final approval of a RIF plan, each Vice President's office will provide the Office of Human Resources with a list of all non-academic positions to be converted to modified fiscal year appointments. The list will identify the new MODFY service base (9, 10, or 11 months) and work schedule (off-time/non-work time) and the name of the current incumbent for each affected position.
2. The Office of Human Resources will notify all affected employees that the position they occupy has been converted and provide them the option to voluntarily agree to convert their employment contract to reflect a MODFY service base at a proportionately reduced salary.
3. If the employee accepts the conversion, they will be terminated in accordance with their present contract and a new Personnel Action Form will be prepared by the appropriate Vice President/Director to be forwarded to

Human Resources. At that time, after approval by the President, a new MODIFY service contract will be executed. Human Resources will also provide any requested benefits counseling.

4. If the employee declines the conversion, the employee will be terminated in accordance with their DSCC contract and in compliance with TBR Personnel Guideline P-010/Form S-4. Human Resources will prepare and deliver the termination notice and provide the employee final benefits counseling.
 - a. Thereafter, the terminated employee will be permitted five (5) working days from the date of the termination notice to reconsider acceptance of MODIFY employment contract. If the employee does reconsider, Human Resources will prepare and execute a MODIFY service contract. If the employee does not reconsider, the department will be cleared to advertise or fill the position through transfer, promotion, advertisement, etc.
 - b. The Office of Human Resources will notify departments when their vacated re-designated MODIFY positions are clear for advertisement, transfer, promotion, etc.

Employees immediately converting to MODIFY appointments without a break in service will not be subject to a new six (6)-months probationary period.

I. Recall

Employees terminated pursuant to a RIF will receive notice, at their last known address, for a period of one (1) year from the date of his/her termination when a vacancy occurs in a like position at the College.

Where a RIF results from a declaration of Financial Exigency pursuant to TBR Policy 5:02:06:00, no resulting vacancy shall be filled for a period of three (3) years from the time of notice of termination without first offering the position to the person terminated during the RIF. This notification shall be mailed to the former employee's last known address. If a former employee does not respond to a recall notice within ten (10) working days, the employee will have no additional recall rights.

J. Rehire

Any former employee of the College who has been previously terminated due to a RIF or re-organization is subsequently eligible to apply for employment at the College in any open/posted position. In order to be considered for employment in a new position, the former employee must submit an employment application. If qualified and chosen for the position through the standard hiring procedures, the new salary rate will be based on the salary of the new job classification.

Compliance:

All employees of Dyersburg State Community College must comply with this policy.

Definitions:

Attrition– a gradual reduction in the size of a workforce by not replacing personnel lost through retirement or resignation.

Financial Exigency-formal declaration by the Tennessee Board of Regents that one of its institutions faces an imminent financial crisis and that there is an absence of sufficient funds to maintain current programs at a level sufficient to fulfill its educational goals without extraordinary means.

Reduction-in-force– the permanent termination of employment of a group of employees.

Reassignment– displaced employee obtains a new position.

Revision History:

Policy approved by the Tennessee Board of Regents during September 2009.

Policy approved by Administrative Council on 05/30/2014.