

Reduction in Force Procedure	Procedure Number	6.9P
	Effective Date	April 2, 2014

1.0 PURPOSE

In accordance with in Force Policy No. 6.9, this procedure is designed to create a clear and equitable mechanism for how the College handles reductions in force.

2.0 REVISION HISTORY

Adopted on: 4/2/14

3.0 PERSONS AFFECTED

All employment positions at Laramie County Community College (LCCC) may be subject to a reduction in force.

The Management or Administration Transfer, Recall/Re-Employment, and General Course of Reduction in Force procedures below will apply to all employees. However, the Severance Pay and Appeal procedures set forth herein are applicable only to the employees specified therein.

4.0 DEFINITIONS

- A. *Reduction-in-Force* – The elimination of existing employment positions due to the lack of or limited need for a curriculum, program, and/or service; the reallocation of funds by the Board of Trustees; or the Board of Trustees declaring a financial emergency caused by the withdrawal of current funding by the State Legislature, the Governor, or the Community College Commission.
- B. *Regular positions* – Positions for which the College has a routine and on-going need for as opposed to an intermittent or temporary position. The anticipated duration of institutional need for regular positions is more than six (6) months.
- C. *Intermittent positions* – Positions are positions for which the College does not have a routine and on-going need. Intermittent positions are usually temporary in nature. An Adjunct Faculty position is considered an intermittent position.
- D. *Contracted employees* – Employees are those who have an employment contract with the College which provides the employee a continued employment expectation for the duration of the contract (*as defined in HR Procedure 6.1.1P, employees holding “Legacy” status are considered contracted employees*).
- E. *At-will employees* – Employees have no continued employment expectation. For at-will employees, either the College or the employee may terminate the employment relationship at any time, and for any reason or without reason.

5.0 PROCEDURES

A. General Course of Reduction-in-Force

In the event a Reduction-In-Force (RIF) is deemed necessary, and after any Management or Administration Transfer set forth below has been implemented, the criteria listed below will be applied to determine the number and types of employees that may be impacted by a RIF action that has resulted in the elimination of position(s).

1) Employees Reduced Due to Impact of a RIF Action

The number and types of positions that may be subjected to a RIF action, resulting in a reduction in employee(s) incumbent to such positions, shall be consistent with the need for a curriculum, program and/or service as determined by a review of a curriculum, program and/or service, or the amount of funds reallocated by the Board, or the amount of funds withdrawn in the event of a financial emergency.

2) Order of Retention of Impacted Employees

In the event of any RIF action, the manager over the functional/operational area will retain incumbent employees in descending priority order, according to the following criteria:

- a. Ability to meet the needs of a necessary curriculum, program and/or service based on education and experience related to a position necessary to meet the needs of the College and the quality of service as documented by the College's employee evaluation process.
- b. If a determination cannot be made from the criteria above, priority for retention will be made on the basis of length of service in the position's type of employment category (i.e., Administrator, Faculty, Professional, Classified Staff, etc.).

3) Notice of RIF Action

The College may attempt to informally notify in-person, an employee who is going to be impacted by a RIF action that has resulted in the elimination of the position they may be incumbent in; the informal notice would be provided as a professional courtesy and is not a requirement. In addition to any informal notice, the employee will also be formally notified of the RIF action in a written notice. The notice will notify the employee of the basis for the RIF and the last date that the position will exist and hence the last date of employment.

B. Management or Administration Transfer

In the event a Reduction-In-Force (RIF) is deemed necessary, management/administration reserves the right to transfer an employee whose position will be subject to a RIF action to an alternate, vacant existing position for which the employee meets minimum qualifications. The decision to effectuate an administrative transfer must be submitted to, and reviewed by Human Resources, and approved by the President.

C. Re-Call Of Employee Impacted By a RIF Action

If a position that was previously eliminated as a result of a RIF action is re-instated within one (1) calendar year from the date of the formal position elimination, an employee whose employment may have been terminated as a result of a RIF action, and was incumbent to the eliminated position, will be eligible for re-call within the parameters as defined below.

- 1) The reinstated position must be in the same operational/functional area.
- 2) While the position title may, or may not, be the same for the re-instated position, the position's essential functions must be clearly similar.
- 3) The minimum and preferred qualifications must be clearly similar.
- 4) The position may or may not be the same in expected work schedule and/or percentage of full-time assignment.

Human Resources will inform previous employee(s) whose employment relationship was terminated due to a RIF action via a written notification. The order of re-call and contact to previous employee(s) will be in reverse order of employment termination (i.e, last separated, first re-called). The written notification will provide relevant details regarding the terms of the re-employment offered. The window of opportunity for acceptance of a re-employment offer to a re-instated position will close ten (10) business days from the date of the written notice.

If a re-called previous employee accepts an offer of re-employment, leave accrual rates and any other institutionally provided longevity-related benefits will also be re-instated.

One (1) calendar year from the date of any RIF action, re-call eligibility ceases.

D. Severance Pay

An employee whose position has been eliminated due to a financial emergency, as declared by the Board of Trustees, shall not be entitled to any severance pay.

An employee who has been notified of a RIF action, but whose position will not be eliminated as a result of the RIF action until at least thirty-one (31) business days from the effective date of the RIF action notification, shall not be entitled to any severance pay.

If a RIF action results in the elimination of an employee's position within thirty (30) days of the notice, this subsection regarding severance pay shall apply **ONLY to contracted employees in regular positions** (i.e., Administrator, Faculty, Professional, and Legacy Classified Staff). At-will employees and employees in intermittent positions (e.g., Adjunct Faculty, Classified Staff, etc.) are not eligible for severance pay.


Employees whose employment is discontinued because of a RIF action, and who are eligible and entitled to severance pay, shall receive severance pay valued as identified below:

- 1) One (1) month wage/salary value for individuals employed five (5) consecutive years or less with the College.
- 2) Two (2) months wage/salary value for individuals employed more than five (5) consecutive years with the College.

E. Appeal of Employment Termination Due to Impact of a RIF Action

Contracted employees in regular positions (i.e., Administrator, Faculty, Professional, Legacy Classified Staff), whose employment is discontinued because of a RIF action, have the same rights to appeal as if their employment had been terminated in accordance with the Policy and Procedure for Employee Discipline (6.10 and 6.10P).

At-will employees and employees in intermittent positions (e.g., Adjunct Faculty, Classified Staff, etc.) have no right to appeal employment termination due to a RIF action.

REQUIRED APPROVALS	NAME/SIGNATURE	DATE
Originator(s) Name(s)	Peggie Kresl-Hotz, Human Resources Executive Director Debb Roden, Legal Counsel	1/14/14
Approval by President's Cabinet		1/21/14
Ratified by College Council	Kari Brown-Herbst, College Council Co-chair	3/17/14
Approval by President (Signature)		4/2/14