

# Davis Technical College

## Reduction in Force Policy

**Effective Date: 26 March 2015**

Board Approval: 25 April 2002

Revised Board Approval: 30 January 2003

Revised Board Approval: 28 February 2013

Revised President's Council Approval: 16 March 2015

Revised Board Approval: 26 March 2015

### 1. Purpose

To define policy and procedure on the terms and conditions of a reduction in force, including layoff and recall of personnel in the Davis Technical College (College) and the procedures by which such actions are initiated and processed.

### 2. References

- 2.1. Board of Regents Policy and Procedure R843, Guidelines for Reduction in Force Policy
- 2.2. Board of Regents Policy and procedure R845, Guidelines for Payment in Lieu of Notice Policy
- 2.3. Davis Technical College Employee Definitions Policy

### 3. Definitions

**3.1. Layoff** - Layoff refers to termination of hours and/or reduced wages caused by reduction in force due to lack of funds, elimination or reduction of funding from outside agencies, lack of work, or the dissolution or reorganization of programs. Layoff is not a disciplinary action.

**3.2. Seniority (Senior)** - Seniority refers to the number of years as a full-time (40 hours per week) benefited position at the College in the most recent period of service. Prior periods of employment interrupted by termination of employment, temporary, provisional, or part-time employment will not be considered. Seniority is not restricted to time employed within one unit or department.

### 4. Policy

**4.1. Identification of Salaried Positions and Non-Salaried Positions to be Terminated** - The identification of personnel to be terminated due to a reduction in force will be based first on position elimination. After identification of the positions have been made, priority for termination will be based on the following criteria:

**4.1.1. Position** - Non-benefited positions, part-time, or temporary personnel will be terminated before regular benefited positions.

**4.1.2. Individual performance** - Personnel whose performance was rated unsatisfactory on their most recent evaluation and who are on an Employee Plan for Improvement (EPI).

**4.1.3. Individual qualifications**. Individuals who do not have the appropriate and current certifications, licensures, education, training and related experience for the position identified for elimination.

**4.1.4. Seniority** - In situations where the seniority of benefited positions in programs or classifications identified for reduction is equal, relative competence and experience, or any job-related factor at the discretion of the supervisor, will be the determining factor for reduction. Layoffs among persons of equal seniority will be managed so that the numbers of women and minorities are not disproportionately reduced. The Director of the Human Resource Office will review any reduction in force affecting the College's affirmative action goals.

**4.1.5. Equal opportunity** - Termination or salary reductions of benefited positions due to a reduction-in-force must not be based on impermissible grounds such as race, color, religion, sex, national origin, age, disability, or the exercise of first amendment rights.

**4.2. Effort to Place Personnel in Other Positions** - In the event of reduction-in-force, hiring authorities may interview the affected qualified personnel for open positions at an equal or lesser grade. Administrators are not required to hire such individuals, but the qualified personnel will receive priority-interviewing status before the position is opened for career enhancement opportunity or to the general public. The College is not required to create a position for or retrain personnel who are laid off. There are no "bumping rights" at the College.

**4.3. Recall** - Recall is required only if a position for which personnel are qualified occurs within six months. Application and subsequent selection for a different position is not considered recall. Individuals rehired within six months will be reinstated without loss of benefits based on longevity of employment. Recall does not apply to part-time, temporary, probationary personnel or employees who were under an Employee Plan for Improvement (EPI) at the time of layoff.

**4.4. Benefits in Layoff Status** - Personnel in layoff status do not receive payment or benefits from the College.

**4.5.** In cases where funding may not be available beyond the layoff date to pay for accumulated vacation, supervisors are authorized to require personnel who are to be placed in layoff status or for whom there is a high likelihood of layoff to take accrued vacation before the layoff occurs.

**4.6. Notice and Pay in Lieu of Notice** - When it is necessary for the College to implement a reduction-in-force, or to terminate personnel for reasons other than cause, each classified employee who is to be laid off will be given a two weeks notice of termination. For Faculty and Professional/Administrative employees, the notice will be given at least four calendar weeks before the effective date of termination. If the full required notice is not given, personnel may be given pay in lieu of notice on a full or partial basis.

**4.6.1.** An employee is not eligible for payment in lieu of notice if (a) he or she is a part-time, temporary or probationary employee, or (b) the termination is for just cause.

**4.6.2.** Payment in lieu of notice is not available to employees whose termination is voluntary.