

# Davis Technical College

## Reduction in Force Policy

Effective Date: 22 September 2022

### 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. Utah System of Higher Education Policy and Procedure R843, Guidelines for Reduction in Force Policy
- 2.2. Utah System of Higher Education Policy and procedure R845, Guidelines for Payment in Lieu of Notice Policy
- 2.3. Davis Technical College Employee Definitions Policy

### 3. Definitions

**3.1. Reduction in Force-** a reduction in force occurs when a position is eliminated with no intention of replacing it and results in a permanent cut in headcount. Reductions in force may be required by circumstances including inadequate funds, insufficient enrollment, budget constraints, grant elimination, change of workload, lack of work, departmental/program reorganization, or other business reasons.

**3.3 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 Positions to be Terminated –** Employees may be terminated as a result of a decision to effect a reduction in workforce. Decisions will be made by the supervisor and the appropriate Vice President, with final decision made by the College President. The identification of personnel to be terminated due to a reduction in force will be based first on position elimination. After positions are identified within the organizational unit for reduction of force, when there are more than one incumbent holding such a position, the termination decision will be based upon 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 with a history of documented unsatisfactory performance or 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 rehiring 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. Terminated Employees with Educational Benefits:** Employees who have received educational benefits and are terminated as a result of a reduction in force will be held harmless from the repayment provision of section 5.5 of the Employee Educational Benefit policy.

**4.5. Notification** - A staff member affected by a reduction in force will be notified in writing, by electronic or written notice..

**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.

**Effect of Payments** - Payment in lieu of notice is not considered part of the regular rate used to compute overtime payments due upon termination and cannot be used to reduce any other payments due to the employee, such as accrued overtime, and accrued but unused vacation time. Payment in lieu of notice will be considered for the purpose of FICA and income tax withholding and does not extend the employment period to the end of the applicable notice period

## 5. Approval and Notes

Board Approval: 22 September 2022

Revised Expanded President’s Council Approval: 12 September 2022

Revised Board Approval: 26 March 2015

Revised Board Approval: 28 February 2013

Revised Board Approval: 30 January 2003