

NUMBER: HR 1.45
SECTION: Human Resources

SUBJECT: Reduction-in-Force

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POLICY FOR: All Campuses
PROCEDURE FOR: All Campuses

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ISSUED BY: Division of Human Resources

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I. Purpose of Policy

This policy describes the manner in which classified and unclassified non-academic employees of the University of South Carolina will be released in a reduction-in-force (RIF), pursuant to regulations of the South Carolina Office of Human Resources.

II. Policy Statements

A. The reduction-in-force policy will be applied in a fair and equitable manner to affected employees without regard to race, color, religion, sex, age, national origin, disability, sexual orientation or veteran status.

B. Administrative Responsibility

1. Planning the work program and organizing the work force to accomplish University of South Carolina objectives within available resources are administrative responsibilities.

2. The administration must determine which positions are required, where they are to be located, vacated, or eliminated.

3. The administration may reassign, demote, reduce the work hours or pay basis of an employee, or eliminate an employee's position whenever it is necessary. Reasons may include, but are not limited to shortages of work or funds, organizational change or restructuring, outsourcing, privatization, or other material change in duties.

C. Reduction-in-force may affect the positions of all employees in a department, or within a unit of a department or college, or may require the elimination of some positions and the reassignment of other positions. A reduction-in-force may be temporary or permanent.

D. A reduction-in-force is not the appropriate method to use for resolving job performance or disciplinary problems.

E. An employee adversely affected by a reduction-in-force may grieve the action through the University Grievance policy only if the grievance is based on an allegation of inconsistent or improper application of the reduction-in-force policy, or plan. (See University policy HR 1.42, "Grievance")

III. Procedure

A. The order in which an employee's position is to be eliminated or otherwise affected will be determined by a reduction-in-force plan.

B. Prior to the separation, reassignment, or involuntary reduction in hours or pay basis, or demotion of any employee by reduction-in-force, the authorized administrator will prepare a reduction-in-force plan with the assistance of the Division of Human Resources. The plan must include:

1. a statement of circumstances requiring the reduction-in-force that identifies the positions to be affected.
2. the proposed area of reduction-in-force that includes:
 - a. the competitive area(s) and the competitive state class titles within the area
 - b. a list of employees in each competitive state class title by race, sex and age that shows the computation of retention credits and the preliminary order of retention;
 - c. the justification of any retention that may be applicable under "Retention of Necessary Qualifications", Section III. J. of this policy;
 - d. a current organization chart of the competitive area(s);
 - e. a sample letter to employees affected by the reduction-in-force.
 - f. a description of the efforts that will be made to assist employees whose positions are being eliminated find other employment.

C. The Office of the Vice President for Human Resources will verify the details on which the plan is based and review the plan for compliance with policy. The

plan must be procedurally approved by the USC Division of Human Resources and the South Carolina Office of Human Resources prior to implementation of the plan or notice being given to the affected employee(s).

D. Written notice will be given to the affected employee(s) by the authorized administrator before any action is taken to implement the plan. The written notice must include:

1. the reason for the reduction-in-force;
2. the competitive area(s) and the competitive state class titles within the area;
3. the effects of the reduction-in-force upon benefits;
4. efforts that will be made to assist the affected employee find other employment, including notification to the South Carolina Office of Human Resources, if applicable;
5. the employee's recall and reinstatement rights and the method by which the employee will be notified of recall or reinstatement;
6. the employee's grievance rights.

E. Employees or former employees adversely affected by the reduction-in-force may review the portion of the reduction-in-force plan that pertains to their employment. The plans will be available in the Employee Relations Office of the Division of Human Resources.

F. Competitive Areas

1. The authorized administrator is responsible for defining the competitive area(s) within which the reduction-in-force will apply.
2. The competitive area(s) may be limited to specific programs, projects, departments, colleges, campuses, or segments of the University.
3. In establishing the competitive area(s), it is permissible to consider that staff in some areas are separately organized and clearly distinguishable from staff in other areas so that an interchange or employees would not be feasible.

G. Competitive State Class Titles

1. Within a competitive area, competition will be among all employees holding positions in a particular state class title.
2. If the reduction-in-force is to apply to more than one state class title, each title will be treated separately except where reductions are to be made in a series of related state class titles.
 - a. In such cases, permanent employees who are to be laid off from a higher state class title will compete with employees in the lower titles in the series.
 - b. If employees in the higher state class titles of a series have sufficient retention credits, they will replace employees with fewer retention credits and lower titles if they have the necessary training, experience and education to perform the duties of the lower level position.

H. Sequence for Reduction-in-Force

1. The order of the reduction-in-force in each state class title is determined by the total number of retention credits.
2. If two or more employees affected by the reduction-in force have the same number of retention credits, the date the employee began work for the University will determine their order, the most recent appointee being laid off, reassigned, or otherwise affected first.

I. Retention Credits

1. Retention credits are based upon the length of continuous State service and the score of the annual performance appraisal for the preceding year. Continuous State service means service since the first date of state employment without a break in service.
2. One credit will be added to the retention score for each full year of continuous state service, or major fraction thereof. For purposes of this policy, six months or more will be counted as one year; less than six months will be disregarded.
3. Annual performance ratings used in computing retention credits will be assigned the following numeric values:

<u>Rating</u>	<u>Credits</u>
Substantially Exceeds Performance Requirements	6
Exceeds Performance Requirements	5
Meets Performance Requirements or Meets by Default	4
Fails to Meet Performance Requirements	0

If an annual performance rating was not completed 4 credits will be given as a Meets by Default.

4. When employees in higher state class titles in a series are competing with employees in lower titles in that series, 2 points will be added to the retention credits already computed for employees in the higher titles. (See Section III.G.2.)
5. The total number of retention credits for an employee is determined by the sum of credits for the annual performance rating, level of state class title as provided in Section III.I.4. above, and length of continuous State service.
6. The calculation of retention credits is not required if every position in the competitive area is being eliminated.

J. Retention of Necessary Qualifications

1. An employee may not be retained in preference to another employee whose retention credits within the competitive area and class are higher in the order of reduction-in-force except when needed to retain necessary qualifications.
2. An employee with lower retention credits may be retained in preference to an employee with higher credits if the position is not being eliminated and if the employee with higher credits is not able to perform the job satisfactorily after a reasonable period of training, based on the lack of knowledge, abilities, skills,

supervisory responsibility, or necessary experience. In such cases, a statement of the circumstances must be included in the reduction-in-force plan.

K. Recall and Reinstatement

1. An employee who has been affected by a reduction-in-force will have recall status and reinstatement rights for one year from the effective date of the action. Employees will be recalled in inverse order of the reduction-in-force within the competitive area and state class title unless otherwise provided in the reduction-in-force plan.

2. The Employment Office on the Columbia campus and the Human Resources Officer on the regional and senior campuses will notify affected employees in writing if a vacancy occurs within one year within the same competitive area and state class title as the position held prior to the reduction-in-force, provided they meet the minimum qualifications. It is the responsibility of each separated employee to notify the Employment Office or campus Human Resources Officer of changes of address or absence from the address of record. The employee's recall rights will be forfeited if the employee refuses the position or fails to respond to the notice within ten University work days. The employee's recall rights will not be forfeited if the employee accepts a position within the University outside of the competitive area and state class title or another state agency.

3. Employees who are recalled or reinstated after a reduction-in-force will have their University hire date adjusted to reflect continuous University service minus the number of days lost due to reduction-in-force. Sick leave credit will be restored if an employee affected by the reduction-in-force is recalled or reinstated by any state agency within one year from the date of the reduction-in-force. The employee will have the option of buying back all, or a portion of their annual leave. State hire date, state service time, and leave accrual date will be adjusted in accordance with regulations of the South Carolina Office of Human Resources.

4. At the time of recall or reinstatement, all benefits to which the employee is entitled will be restored.

IV. Reasons for the most recent policy change:

1. Clarifies that a reduction-in-force may be used to reduce an employee's work hours and/or pay basis.

2. Clarifies the section on special case exceptions to include retention of necessary qualifications.