

Reduction in Force

1. Statement of Purpose

To provide Gadsden State Community College (the College) systematic and equitable procedures for stating the conditions under which, and the means by which, the College will implement a reduction-in-force (RIF) action should such an action become necessary and appropriate under Alabama's Student First Act of 2011 found in Alabama Code § 16-24C-6(h)(3).

2. Conditions Under Which a RIF May be Enacted

A reduction-in-force action is defined as:

Layoffs or other personnel actions that are unavoidable reductions in the workforce beyond normal attrition due to extraordinary circumstances such as but not limited to decreased student enrollment, shortages of revenues, programs or courses are impractical or economically unreasonable; or changes in academic mission, administrative or ministerial function, that necessitates significant organizational changes.

A RIF may be proposed for any of the reasons set forth by the President of the College.

Not every release of an employee shall be considered to be a reduction-in-force. Reduction-in-force decisions will be made without regard for the employee's race, color, sex, religion, national origin, age, or for any other unlawful reasons, including discrimination against any employee covered by the Americans with Disabilities Act of 1990.

3. Definition of Terms

Employee Classification: A designation by which a group of employees at a given institution having the same or substantially the same type of job duties and functions will be identified. (Examples: "clerk-typist," "secretary," "cafeteria worker," "accountant," "security guard," "counselor," "mathematics instructor," and "maintenance worker.")

Non-probationary: The legal right, under State law and/or Alabama Community College System rules, regulations, or policies, of a full-time employee of a State two-year college to retain his/her full-time employment status on a permanent basis until such time as the employee voluntarily terminates such employment or until such employment is terminated pursuant to the Students First Act and/or Alabama Community College rules, regulations, and/or policies.

Probationary: That period of employment prior to the receipt of non-probationary status as defined by the Students First Act and/or Alabama Community College System rules, regulations, and/or policies.

Temporary Employee: An employee hired to fill a position on a "temporary" basis for a period not to exceed one year. Temporary employment status is generally used to: (1) fulfill a personnel requirement of a non-renewable grant; (2) fill a vacant permanent position for the period during which a search for a "permanent" employee is being conducted; (3) temporarily fill a new position for the period during which it is determined whether or not the position should be made permanent; or (4) conduct a class, program, or project on a "one-time" basis. A temporary employee shall also include, for purposes of this policy, an individual employed in a temporary, part-time, substitute, summer

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school, occasional, seasonal, supplemental, irregular, or like forms of employment, or in positions that are created to serve experimental, pilot, temporary, or like special programs, projects, or purposes, the funding and duration of which are final.

Seniority: Status obtained through length of continuous service to which are attached certain rights and privileges. Seniority at the College will be established beginning with employment date as entered in the payroll records.

4. Reduction-in-Force Determination

Upon determination by the President that a RIF is warranted, the following factors will be considered in determining those employees who will be affected by the action:

- 4.1 The College shall identify each of its employees by organizational unit of assignment, full-time or part-time status, permanent or temporary status, salaried or hourly status, salary schedule, date of appointment to current position, date first employed with the College, and source of funding for the position.
- 4.2 The College shall identify each organizational unit and each employee to be affected by the reduction-in-force to the Chancellor and the manner in which unit and employee shall be affected.
- 4.3. Temporary and/or part-time employee(s) performing the same duties as non-temporary full-time personnel shall be released prior to the release of any of the non-temporary fulltime employee(s). The exception to this would be adjunct faculty members who are in the midst of teaching a semester course.
- 4.4 Probationary employee(s) performing the same duties as a respective non-probationary employee(s) shall be released prior to the release of the non-probationary employee(s).
- 4.5 In the event of an approved reduction-in-force affecting a full-time, non-probationary employee, the following factors shall be taken into consideration in this specific order:
 - 4.5.1 The requirements of any applicable court order or consent decree;
 - 4.5.2 Seniority at the College in the respective job classification taking into consideration minimum qualifications for the respective position;
 - 4.5.3 Seniority at the College in the respective organizational unit; and
 - 4.5.4 Seniority at the College in general.
 - 4.5.5 Level of education acquired consistent with position requirements.

5. Request to the Chancellor

The President of the College must submit a written request for approval of a RIF action to the Chancellor of the Alabama Community College System indicating the reason for the RIF, the current employee roster of the affected organizational unit with employee classifications, and how the employee roster is proposed to be affected and the manner in which the unit and employee will be affected. Before proceeding with the RIF, the President must obtain written approval to proceed with the proposed RIF action.

6. Retraining of Released Employees

In order to assist released employees in retraining for other job opportunities, any former employee who was eligible for the Alabama Community College System's tuition assistance program prior to release by the College as a part of a RIF action shall retain eligibility for the College's tuition assistance program for a period of twelve months after the effective date of release.

7. Placement and Rehiring

The following procedures apply regarding placement and rehiring for employees released due to RIF implementation.

7.1 The Office of Human Resources will provide to the employee(s) released the following assistance:

7.1.1 Information regarding unemployment benefits

7.1.2 COBRA information

7.1.3 TRS Information

7.1.4 Information regarding employment opportunities at other Alabama Community College System institutions, and other affiliated agencies and organizations via the *Alabama Community College System Employment Opportunities website at www.accs.cc*.

7.2 If the College reopens the same position in the organizational unit that has been previously affected by a RIF within a one-year period from the date released, the College must offer the released employee the opportunity to return in the reverse order in which they were released, but the return order will always be consistent with the needs of the College.

7.2.1 A full-time, non-probationary employee terminated pursuant to this procedure shall have rehire rights to the position from which he/she was terminated for one (1) calendar year from the effective date of his/her termination. If the terminated employee refuses an offer of employment, his/her rights of rehire are forfeited; and

7.2.2 If another position in the same job classification becomes available within one (1) calendar year from the effective date of a full-time, non-probationary employee's termination, he/she may request placement in the position with retraining opportunities provided as needed; and

7.2.3 Reverse order of termination applies to all rehiring.

7.2.4 If multiple employees were released at the same time from the same position in an organizational unit, and there are multiple released employees interested in the position that has reopened, then the President or his/her designee shall offer the position to the former employee whom the President deems to best meet the needs of the College.

7.3 There is no requirement for the College to transfer or find alternative placements or positions within the College for employees who are released.

8. Exceptions to the Procedures

If the President determines that a full-time non-probationary employee who is not the senior person in a given job classification or occupational area possesses a certain license, certification, or job skill, the loss of which would be severely detrimental to the operation of the College, the President may request review and approval by the Chancellor

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of an exception to the general guidelines relating to the release of full-time personnel on continuing service status.
(This exception shall not be available for part-time, temporary, or probationary employees.)

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