

Reduction in Force

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Policy

An agency has the authority to separate an employee whenever it is necessary due to shortage of funds or work, abolishment of a position, or other material change in duties or organization. Retention of employees in classes affected shall be based on systematic consideration, at a minimum, of the following factors:

- type of appointment
- relative efficiency
- actual or potential adverse impact on the diversity of the work force
- length of service

Neither temporary, probationary, nor trainee employees in their initial six months of training shall be retained in classes where employees with a permanent appointment (those who have satisfactorily completed a probationary or equivalent trial period) must be separated in the same or related class.

In determining the length of service, an eligible veteran shall be accorded one year of state service for each year or fraction thereof of military service, up to a maximum of five (5) years credit.

Agency Responsibility

Each agency shall develop written guidelines for reduction-in-force that meet its particular needs and provides assurance to employees that potential reductions shall be considered on a fair and systematic basis. These guidelines must be openly available for review by any employee of the agency at a publicized location. The guidelines for each agency shall also be filed with the Office of State Human Resources as a public record.

Reduction in Force (continued)

It is the employing agency's responsibility to inform the employee of separation as soon as possible, and to inform the employee, in writing, of the reasons for the reduction-in-force, their eligibility for priority reemployment consideration, applicable appeal rights, and other benefits available.

The separating agency must provide employees with a minimum of thirty (30) calendar days official written notification. For employees desiring priority consideration, the releasing agency must submit an application to the Office of State Human Resources requesting priority consideration. If the employee does not want assistance in finding another State job, the agency shall get a written statement to this effect and share a copy of the Office of State Human Resources.

Appeals

An employee separated through a reduction in force may appeal the separation only on the grounds listed in the Employee Grievance Policy found in Section 7 of this Manual.

Affirmative Action

In accordance with federal guidelines affecting equal employment opportunity and affirmative action, all decisions concerning reduction-in-force must be analyzed to determine their impact on agency utilization goals by race and sex and to avoid adverse impact in violation of Section 4.d of the Uniform Guidelines on Employee Selection Procedures

Leave

Vacation Leave: Employees may elect, subject to approval by management, to exhaust vacation leave after their last day of work and be paid in a lump sum for the balance not to exceed 240 hours. If an employee had over 240 hours of vacation leave at the time of reduction in force, the excess leave shall be reinstated when reemployed within one year.

Reduction in Force (continued)

Sick Leave: Employees separated due to reduction-in-force shall be informed that their sick leave shall be reinstated if employed in any agency within five years.
