

**SOUTHWEST TENNESSEE COMMUNITY COLLEGE**

**SUBJECT:** Reduction-in-Force/Realignment of Non-Tenured Employees Policy

**EFFECTIVE DATE:** December 18, 2008

Southwest Tennessee Community College values the contributions of its employees. The College strives to provide a stable work environment by retaining good and productive employees whenever possible. The College’s commitment in this area is subject to adverse economic circumstances, as well as curriculum and program changes, as determined by the President. In the event it becomes necessary for the College to reduce or realign the work force because of economic conditions, programmatic considerations, or other circumstances, this policy establishes procedures to ensure fair and equitable treatment.

**Definitions**

**Reduction-in-force (RIF):** The elimination of an occupied position or positions resulting from an administrative decision to reduce the work force because of economic conditions, programmatic consideration, or other circumstances. A suspension, termination, or discontinuance of temporary or grant-funded employment does not constitute a reduction-in-force.

**Realignment:** The lateral transfer or demotion of employees to unfilled open positions or new positions for which they meet the minimum qualifications as a result of a departmental reorganization or the reassignment of functions or duties. Salary rates are based upon the salary of the new job classification and in-line with the College’s Compensation Plan Guidelines. The Office of Human Resources will be responsible for coordinating reassignments.

**Final Benefits:** Termination due to a reduction-in-force is considered a final separation from the College. The discretion to determine the employee's last working day is reserved to the College President or his/her designee. In accordance with Tennessee Board of Regents Personnel Policy No. 5:01:01:01, employees will be eligible for a lump-sum

Source of Policy: \_\_\_\_\_  
Related Policy: \_\_\_\_\_  
Approved: \_\_\_\_\_  
President

Responsible  
Administrator: \_\_\_\_\_  
TBR Policy Reference: 5:01:01:00;  
5:01:01:01; 5:01:01:07; 5:02:03:07;  
5:02:03:02  
TBR Guideline Reference: P010; P110;  
P111; P120

payment of accrued annual leave. Employees will be eligible for unemployment compensation, COBRA insurance coverage, and retirement plan benefits provided in accordance with the terms of their retirement plan. An employee who is receiving tuition scholarship benefits for the employee, spouse, or children prior to the day of separation will continue to receive the benefits through the end of the semester in which the termination occurs.

**Recall:** If a position is restored within 12 months, the College will have the option of offering the position to the former employee prior to advertising. If an employee does not respond to a recall notice within 10 working days, the employee will have no additional recall rights. Individuals recalled to their former position will not be required to serve a probationary evaluation period.

Employees shall be credited with all sick leave, in accordance with Tennessee Board of Regents Personnel Policy No. 5:01:01:07. An employee's adjusted longevity date will be established utilizing all eligible prior service in accordance with Tennessee Board of Regents Personnel Guideline No. P-120.

**Rehire:** An employee terminated due to a reduction-in-force must submit an employment application to be considered for a vacant position. If qualified and chosen for the position through the standard hiring procedures, the new salary rate will be based on the salary of the new job classification.

Employees shall be credited with all sick leave, in accordance with Tennessee Board of Regents Personnel Policy No. 5:01:01:07. An employee's adjusted longevity date will be established utilizing all eligible prior service in accordance with Tennessee Board of Regents Personnel Guideline No. P-120.

### **Coverage**

This policy applies to all exempt and non-exempt employees. It does not pertain to those faculty addressed by Tennessee Board of Regents Policy 5:02:03:00.

Southwest Tennessee Community College is an equal opportunity/affirmative action employer and will not permit discriminatory implementation of this policy. The fulfillment of affirmative action/equal employment opportunity objectives and goals will be monitored to remain in compliance with applicable laws and commitments. This policy will ensure the fair and equitable treatment of all employees without regard to race, creed, color, religion, sex, age, national origin, disability, veteran status, or sexual orientation. Employees affected by this policy will be treated with dignity and respect.

### **Procedures**

The College, at its discretion, may consider alternatives to a reduction-in-force whenever possible; however, the administration explicitly notes that certain alternatives may not be

feasible if the College is to pursue its priorities effectively. Alternatives that may be considered include, but are not limited to:

Elimination of positions through attrition

Reduced work hours (less than 100%)

Nine, 10 or 11 month modification of work schedules (MODFY)

A freeze in hiring of all non-critical positions

Reassignment of employees

The College will evaluate the need to hire or rehire all temporary and/or adjunct employees.

The College will evaluate the need to continue probationary employees.

The College will evaluate, at its discretion, the elimination of programs, services, and activities. When such elimination takes place, consideration will be given to reassigning employees to vacant positions within the College.

The College may reduce or eliminate the number of filled positions within identified departments. The determination of employees to be affected by position elimination will be based upon the documented administrative consideration of several factors including but not limited to the following:

- a. The employee's documented performance history
- b. The degree to which an employee possesses the knowledge, skills, abilities, and personal characteristics required to achieve the goals of the unit or for open positions for which the employee is qualified
- c. The employee's performance based upon recent documentation and performance evaluations completed within the preceding twelve months
- d. The employee's disciplinary status, i.e. whether the employee has active discipline and/or unresolved behavioral or performance issues
- e. Whether the employee is performing services not directly related to the unit mission or goals, discontinued or reduced services/programs/activities within the department.
- f. The employee's experience and service with the college
- g. An employee's willingness to voluntarily retire, resign, or transfer

The priority of each of the factors and considerations used may differ depending on the situation. Consideration must be given to the programs, services, and activities to be continued within the department. Duties and responsibilities to be maintained must be reassigned to employees capable of performing the tasks. The department may provide job training. However, departments must be cautious in reassigning duties that require an employee to possess a license, a certification, specialized training, or proficiency in the use of equipment, etc.

### **Notification of Affected Employees**

Written notice will be given to affected employees at a minimum in accordance with their College contracts and in compliance with TBR Personnel Guideline P-010: 30 days notice for administrative/professional employees, 14 days notice for clerical/support positions. Additional notice may be provided at the discretion of the President. Although no notice is required to terminate temporary and adjunct employees, a letter of termination will be issued. Department heads will schedule a personal meeting with affected employees to deliver the written notice, prepared by the Office of Human Resources. The notice will contain information on final benefits and rehire procedures.

### **Appeal Process**

Clerical/support employees have no right to appeal their termination under Personnel Policies and Procedures, Tennessee Board of Regents Guideline P-111, unless performance is deemed a significant factor in their termination.

Administrative/professional employees under certain circumstances may have the right to appeal their termination using Personnel Policies and Procedures, Tennessee Board of Regents Personnel Guideline No. P-110.

An appeal does not affect the effective date of the reduction-in-force.