

OWENS COMMUNITY COLLEGE
PROCEDURES

Reduction in Force

Board Policy No.: 3358:11-5-10

PROCEDURES AND GUIDELINES:

(A) Introduction.

Whenever the College determines that a reduction in force shall occur, any layoff of employees shall be in accordance with these procedures. A reduction in force of college staff may occur any time during the year and may be based on lack of funds, lack of work, abolishment of positions due to reorganization for efficient operation, or reasons of economy. Layoffs or position eliminations and any resulting displacement of staff members will generally occur in accordance with the procedures below. In the case of faculty and staff covered by collective bargaining agreements, the applicable terms of such agreement will apply for purposes of a reduction in force.

(B) Approval.

- (1) The unit or department of the College planning a reduction in force must submit its request in writing to Human Resources and provide supporting information and justification. Human Resources may prescribe a form for this purpose. The submission must be made at least 30 days in advance of the proposed date for initiating a reduction in force. The documentation must state the reasons for the reduction in force.
- (2) The unit or department should review and reduce temporary staff prior to any reduction of non-temporary staff. Staff members to be laid off should be considered for vacancies within other units of the college for which they are qualified.
- (3) A unit or department may not implement a reduction in force until approval is obtained from the President or designee.

The College shall define those positions which will be subject to a reduction in force and the number of employees to be laid off. The order of layoffs within a title/classification will generally be determined by College seniority. A staff person's job performance, skills, training and qualifications will also be considered. Seniority is defined as the staff member's current continuous full time service with the College. Between employees with equal lengths of College service, ties will be broken by considering the lengths of service within the affected area, department, unit and title/classification.

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(C) Notice of Layoff or Abolishment.

In the case of a reduction in the workforce, the College shall notify the affected employee(s) in writing at least 30 calendar days prior to implementing layoff.

Each layoff or abolishment notice shall contain the following information:

- (1) The reason for layoff or abolishment;
- (2) The effective date of the layoff or abolishment;
- (3) The right of the employee to appeal a layoff or abolishment pursuant to the Non-Bargaining Employee Grievance Policy.

(D) Order of Layoffs.

Among those in the unit or department with the same title/classification(s) subject to layoff, the College will lay off staff in the following order provided the remaining department members have the necessary qualifications and present abilities to perform the remaining duties. Employees within the same title/classification shall be laid off in the inverse order of their length of continuous full-time service with the College.

- (1) Temporary staff in the same title/classification
- (2) Part-time staff in the same title/classification
- (3) Full-time staff in the same title/ classification

(E) Displacement Rights.

Staff members subject to layoff or staff members whose positions have been abolished may have certain displacement rights. Displacements rights are generally limited to the department involved in the reduction of force. These staff members may exercise any such displacement rights in the following order:

- (1) A staff member who is to be laid off or whose position is to be abolished may fill an available department vacancy within his or her title/classification.
- (2) If no available vacancy exists, the staff member will ordinarily displace the least senior department/unit staff member within the title/classification of the abolished position or from which he or she is laid off.

Staff members who are unable to exercise displacement rights will be laid off. In addition, no staff member may fill a vacancy or displace another employee where the position requires certain qualifications not possessed by the staff member or where the latter is not able to perform the required duties. Qualifications are established by a position description for the position, by title/classification specifications, or by bona fide occupational qualifications for the position(s).

A staff member exercising displacement rights to a position will be paid according to the pay range assigned to the classification into which the staff member moved.

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Staff members must notify Human Resources, in writing, of their intention to exercise their displacement rights within five calendar days after receipt of notice of layoff or displacement.

Staff members who do not provide timely notice of their intention to displace, who decline placement into a vacant position, or who otherwise decline any displacement rights to which they may be entitled, waive such rights.

(F) Reinstatement.

Laid-off employees will be offered, in accordance with their seniority, reinstatement if, within a period of one (1) year from the date of layoff, an appointment becomes available in the same or equivalent academic department or non-instructional unit and in the same title/classification to which they were assigned at the time they became subject to layoff. The College will maintain a recall-of-laid-off-staff-members list by title/classification in descending order of seniority. A staff member offered recall from layoff will be notified of the offer of reinstatement or reemployment by certified letter. It is the staff member's responsibility to verify that Human Resources has an accurate mailing address on file, and to notify Human Resources of any change in the staff member's mailing address. Absent extraordinary circumstances, a recalled staff member who does not report to work within ten (10) calendar days of written notice of recall waives any reinstatement rights and will be removed from the recall list.

A staff member's right to reinstatement will immediately cease if he or she secures another position at the College, retires from the college, refuses or waives reinstatement, does not successfully complete any applicable pre-employment screening process in place, or if a year has passed since the layoff.

The College will not directly replace a laid-off employee, or an employee whose position has been abolished, with a new hire into the same title/classification in the department or unit involved within one (1) year of his or her termination of employment.

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