REDUCTION IN FORCE

Purpose and Scope

The purpose of this policy is to prescribe the manner in which covered employees of South Carolina State University are released in an equitable manner should a reduction in force become necessary. A reduction in force may require the separation, involuntary demotion, reassignment, or reduction in work hours of the University’s covered employees. A reduction in force does not apply to non-covered employees (e.g., probationary employees, temporary employees, temporary grant employees, time-limited project employees, research grant employees and employees exempt from the State Employee Grievance Procedure Act).

South Carolina State University may implement a reduction in force for one or more of the following four reasons:

A. Reorganization;
B. Work Shortage; or
C. Loss of Funding; or
D. Outsourcing/Privatization.

Management Decisions

The following items shall be determined prior to developing a reduction in force plan:

A. The reason(s) for the reduction in force;
B. The area(s) of the University that will be impacted by the reduction in force [Competitive Area(s)];
C. The State class title(s) within the competitive area(s) that will be affected [Competitive Group(s)]; and
D. The number of positions in each State class title to be eliminated.
Competitive Area(s)

When circumstances dictate the necessity of a reduction in force, the President or designee, shall define the competitive area(s) within which the mechanics of the reduction in force are to apply. This competitive area may be the entire University, a division, department, office or other organizational unit, or geographical location of the University. The President or other appropriate authority may establish a more restricted area where the staff in that area is separately organized and clearly distinguishable from the staff in other areas and where interchange of employees of the class involved would not be practical. Under this procedure, different competitive areas may be established for different classes of positions.

Competitive Group(s)

Within a competitive area, competition shall be among all covered employees holding positions in the specified competitive State class title. If the reduction in force is to apply to more than one State class title, each State class title shall be treated separately, except where reductions are to be made in a State class title series (e.g., Auditor I, Auditor II, Auditor III, Auditor IV, Audits Manager I, Audits Manager II); or in State class titles that are part of the University’s customary career path (e.g., Administrative Assistant, Communications Coordinator, Program Coordinator II, Program Manager I).

Position Identification

The position(s) within the competitive area(s) and competitive group(s) shall be identified by the following information:

A. State Class Title;
B. State Class Code;
C. State Pay Band (if applicable);
D. Total number of positions in the State class title within the competitive area; and
E. Total number of positions in the State class title within the competitive area to be eliminated.

Retention Points

The University shall calculate retention points for covered employees in the competitive area(s) and competitive group(s) to be used in determining which covered employees are to be involuntarily demoted, reassigned, have reduced hours or separated. Retention points shall be based on the total scores of the two most recent annual performance appraisals and the length of continuous State service. The sum of the retention points for performance and length of continuous State service will constitute the total number of retention points that an employee uses in the competition.
A. For the purpose of establishing a total score for annual performance ratings which will be used in computing total retention points, the following numerical values shall be assigned for those employees receiving evaluations prior to October 17, 2012, effective date of this policy:

<table>
<thead>
<tr>
<th>Rating</th>
<th>Numerical Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantially Exceeds Performance Requirements</td>
<td>5</td>
</tr>
<tr>
<td>Exceeds Performance Requirements</td>
<td>3</td>
</tr>
<tr>
<td>Meets Performance Requirements</td>
<td>1</td>
</tr>
<tr>
<td>Below Performance Requirements</td>
<td>0</td>
</tr>
</tbody>
</table>

The following numerical values shall be assigned for any evaluation completed on or after October 17, 2012 effective date of this policy:

<table>
<thead>
<tr>
<th>Rating</th>
<th>Numerical Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exceptional</td>
<td>5</td>
</tr>
<tr>
<td>Successful</td>
<td>3</td>
</tr>
<tr>
<td>Unsuccessful</td>
<td>0</td>
</tr>
</tbody>
</table>

The point values for each rating will be computed using the rating scale that was in effect at the time of the specific EPMS evaluation.

Performance ratings will be recognize as follows for current state employees transferring to the University for reviews conducted on or after the effective date of this policy:

<table>
<thead>
<tr>
<th>Rating Prior to the Effective Date of this Policy</th>
<th>Rating on or After the Effective Date of this Policy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substantially Exceeds Performance Requirements</td>
<td>Exceptional</td>
</tr>
<tr>
<td>Exceeds Performance Requirements</td>
<td>Exceptional</td>
</tr>
<tr>
<td>Meets Performance Requirements</td>
<td>Successful</td>
</tr>
<tr>
<td>Below Performance Requirements</td>
<td>Unsuccessful</td>
</tr>
</tbody>
</table>

For any year in which the employee does not receive an actual evaluation with a rating, the employee will receive a “Successful” rating for that year; however, if in the previous year, the employee received a higher than “Successful” rating the employee will receive the points for the higher rating.

B. Covered employees will receive one retention point for each year of continuous State service after completion of a 12-month probationary period. Six months or more of continuous State service will be considered as one year of service and less than six months of service will receive no retention points.
C. If every position in the competitive area is being eliminated, retention points will not be calculated. For positions reestablished within one year of the RIF, in the same competitive area and in the same State class title, retention points must be calculated at the time of recall or reinstatement. Retention points must be calculated using continuous State service and performance appraisal points based on the effective date of the reduction in force.

**Sequence for Reduction in Force**

The order of the reduction in force of covered employees in each State class title(s) shall be determined by the total number of retention points for each employee. If two or more employees affected by a reduction in force have the same number of retention points and not all are to be affected by the reduction in force, the employees’ hire dates with the University will determine the order of the employees affected. The covered employee with the earlier University hire date will be retained. If after using the University hire date to determine the order of affected employees a tie still exists, the University will use a computer generated random number method to break the tie. The employee with the lowest position number will be assigned the first random number. If there are more than two employees tied, random numbers will be selected in position number sequence. If possible, employees with tie scores will be present for the breaking of the tie. The employee(s) that is assigned the lower random number(s) will be retained.

Bumping rights are provided for covered employees who have accumulated more retention points than those with whom they are competing. Under no circumstances can an employee gain from a reduction in force. Bumping rights are provided only downward.

**Retention of Necessary Qualifications**

No employee with a lower number of retention points shall be retained in preference to another employee in a competitive area(s) and group(s) with a higher number of retention points except when it is determined that a Retention of Necessary Qualifications applies.

If an employee is competing for a position that is not being eliminated and the employee with higher retention points who has rights to be placed in that position cannot satisfactorily perform the duties of the position within a reasonable training period, the employee with lower retention points may be retained in preference to the employee with higher retention points. The University may determine that the employee with higher retention points will not be able within a reasonable training period to satisfactorily perform the duties of the job based on the lack of knowledge, abilities, skills, supervisory responsibilities, or necessary experience.
When a Retention of Necessary Qualifications is used in the reduction in force plan, justification for this retention must be documented and approved by the President prior to submitting the reduction in force plan to the Budget and Control Board’s Human Resources Division for review and approval for procedural correctness. The University’s Office of Human Resource Management will retain documentation to support any retentions made on this basis.

Reduction in Force Plan

Once the decisions are made as outlined above and prior to the implementation of a reduction in force, the President or designee, shall develop the reduction in force plan which must include the following:

1. The reason for the reduction in force;
2. Identification of the competitive area(s);
3. Identification of the competitive group(s) [State class title(s)];
4. The number of position(s) to be eliminated in each State class title;
5. A list of the covered employees, in order of retention points, in the competitive area(s) and competitive group(s) to include the following:
   a) Name;
   b) Age, Race and Gender, and
   c) Retention points;
6. Justification of any Retention of Necessary Qualifications used in the reduction in force plan; and
7. The University’s efforts to assist employees affected by the reduction in force.

Approval Process

Once the reduction in force plan has been completed, the following information shall be submitted to the Human Resources Division for review and approval for procedural correctness.

A. The reduction in force plan as outlined above;
B. An organizational chart including each position (designated with the State class title and incumbent’s name) within the competitive area(s);
C. A copy of the University’s Reduction in Force Policy; and
D. A sample letter to employees affected by the reduction in force including information as outlined in the “Implementation of Reduction in Force” Section of this Policy, along with:

1. A list of the employee’s recall and reinstatement rights;
2. The University’s procedure for the recall of an employee; and
3. The employee’s grievance rights.

Implementation of the Reduction in Force

The following information shall be communicated to each affected employee after the Human Resources Division approves the reduction in force plan for procedural correctness and before the reduction in force becomes effective:

A. The reason for the reduction in force;
B. The competitive area(s) and competitive group(s) in which the employee competed;
C. The benefits to which the employee is entitled and the manner in which the reduction in force will affect the employee’s State benefits, (e.g., health insurance, optional life insurance, retirement);
D. The employee’s reinstatement rights (e.g., reinstatement of all sick leave; option of buying back all, some or none of the annual leave at the rate at which it was paid out);
E. The employee’s recall rights to any position, within the competitive area, that becomes available in the same State class title as the position the employee held prior to the reduction in force;
F. The manner in which the University will notify the employee of any such vacancies; and
G. The requirements of S.C. Code of Laws Ann. Section 8-11-185, which requires that agencies report information about employees separated in a reduction in force to the Human Resources Division.

Recall and Reinstatement Rights

An employee affected by a reduction in force has recall and reinstatement rights to a position in State government for one year after the effective date of the reduction in force.

A. Recall Rights

If a vacancy occurs within the competitive area which is in the same State class title as the position the employee held prior to the reduction in force, the University will recall employees in the inverse order of the reduction in force. The employee will be notified in
writing of the job offer and recall rights. If the employee does not accept the job offer within ten days, the employee’s recall rights are waived. Should the employee accept the job offer, the University will reinstate the employee’s accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his or her annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full-Time Equivalent (FTE) position, the employee will also be offered insurance benefits as a new hire. The recalled employee may purchase retirement service credit under the leave of absence provision in Section 9-1-1140(D) for the period of time that the employee was not employed by State government, at the cost specified in Section 9-1-1140(D). When an employee is recalled, this time will not be considered punitive in the determination of retiree insurance eligibility.

B. Reinstatement Rights

An employee separated by a reduction in force may apply for any State job for which he or she meets the minimum training and experience requirements. Should the separated employee accept a job offer to a Full-Time Equivalent (FTE) position, the University will reinstate the employee’s accumulated sick leave, and will provide the employee the option of buying back all, some, or none of his or her annual leave at the rate it was paid out at the time of the separation. Upon returning to employment in an insurance eligible Full-Time Equivalent (FTE) position, the employee will also be offered insurance benefits as a new hire. The reinstated employee may purchase retirement service credit under the leave of absence provision in Section 9-1-1140(D) for the period of time that the employee was not employed by State government, at the cost specified in Section 9-1-1140(D). When an employee is reinstated, this time will not be considered punitive in the determination of retiree insurance eligibility. If the employee is reinstated to another position, he still retains his recall rights to a position in the same State class in the competitive area.

Grievance Rights

A covered employee who is affected by a reduction in force has the right to file a grievance through the University’s Non-Faculty Employee Grievance Procedures policy and an appeal to the State Human Resources Director only if the grievance or appeal is based on improper or inconsistent application of the reduction in force policy or plan.