

<b>Policy:</b> Reduction in Force	<b>Number:</b> 624.01
<b>Date Revised:</b> 09-01-17	<b>Supersedes:</b> H-16
<b>Cross Reference:</b> <i>Alabama Community College System Policy 624.01</i>	<b>Issued:</b> 07-12-17

The following policy has been adopted by Ingram State Technical College for the purpose of 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).

Upon approval, this policy will form the basis for an update to the existing College policy, number 624, *Reduction in Force*, effective July 12, 2017.

A reduction in force (RIF) 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, shortage of revenues, programs or courses are impractical or economically unreasonable, or changes in academic mission, administrative or ministerial function that necessitates significant organizational changes.

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 organization 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.

The College shall develop and submit to the Chancellor or Board of Trustees its guidelines to implement the reduction-in-force policy.

**INGRAM STATE TECHNICAL COLLEGE  
REDUCTION IN FORCE POLICY 624 GUIDELINES  
EFFECTIVE JULY 12, 2017**

1. Purpose of Guidelines. The following guidelines have been adopted by J.F. Ingram State Technical College for the purpose of 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 Students First Act of 2011 found in Alabama Code §16-24C-6(h)(3).

Upon approval, these guidelines will form the basis for an update to the existing College policy, number 624, *Reduction in Force*.

2. Listing of Organizational Units. For the purpose of these Guidelines, the College has designated the organizational following units:
  - a. President's Office
  - b. Administration
  - c. Instruction
  - d. Students and Support Services
  - e. Special Education Services
3. Listing of Each Position within Each Organizational Unit. At the College level, each employee will be identified by organizational unit of assignment, plus 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. Conditions Under which a RIF May be Taken by the College. A reduction in force 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, shortage 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. An isolated employee termination or non-renewal, particularly if done for just cause or as the result of a lack of satisfactory performance, shall not be considered a reduction in force for the purposes of these Guidelines.

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*.

5. 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:
  - i. Temporary and/or part-time employees performing the same duties as non-temporary, full-time personnel will be released first. The exception to this would be adjunct faculty members who are in the midst of teaching a semester course.
  - ii. If need exists to remove employees beyond those who are temporary and/or part-time, those employees who are on probationary status, performing the same job as persons who are on non-probationary status, will be released before those who are non-probationary.
  - iii. The following factors will be considered in this order, should the action warrant release of full-time, non-probationary employees.
    1. The requirements of any applicable court order or consent decree.
    2. Seniority in the respective employee classification taking into consideration minimum qualifications for the respective position.  
An "employee classification" is 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.")
    3. Seniority in the respective organizational unit.
    4. Seniority in general.
    5. Level of education acquired consistent with position requirements.
6. 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.
7. 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 part of a reduction-in-force action shall retain eligibility for the College's tuition assistance program for a period of twelve months after the effective date of release.
8. Placement and Rehiring. The following procedures apply regarding placement and rehiring for employees released due to RIF implementation.
  - a. The College's Human Resources office will provide to the employee(s) released the following assistance:
    - i. Information regarding unemployment benefits
    - ii. COBRA information
    - iii. TRS information

- iv. Information regarding employment opportunities via the *Alabama Community College System Employment Opportunities* site at <http://www.accs.cc>
  - b. If the College reopens the same position in the organizational unit that has been previously affected by a RIF within a two-year period from the date the employee was released, the College must offer the released employee first 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.
    - i. Full-time, non-probationary employees will be rehired first with those last released being the first to return.
    - ii. Full-time, probationary employees will then be rehired, to be followed by part-time employees. If the need still exists after the above have returned to work, temporary employees will be reinstated.
    - iii. 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 been 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.
  - c. If a released employee affected by a reduction in force declines reemployment into the same position in the organizational unit previously held when offered, the released employee will forfeit any right to preferential reemployment at the College based on the prior reduction in force.
  - d. There is no requirement for the College to transfer or find alternative placements or positions within the College for employees who are released pursuant to this policy.
9. Exceptions to the Guidelines. Should J.F. Ingram State Technical College impose a reduction-in-force action and 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 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.

# J.F. INGRAM STATE TECHNICAL COLLEGE

## REDUCTION IN FORCE POLICY

Number 624 Issued: 06-25-09

### 1.0 Statement of Purpose

To provide J.F. Ingram State Technical College a systematic and equitable procedure for reducing the number of full-time employees during situations where such reduction is made necessary by extraordinary circumstances such as, but not limited to, lack of sufficient funds; a decline in enrollment in a given course, program, or discipline to the extent that continuation of the course, program, or discipline, is, or will likely become, impractical or economically unreasonable; or a change in academic mission, or administrative or ministerial function, of such a nature or to necessitate significant organizational changes. The procedures developed pursuant to this policy shall only be used when circumstances justify the implementation of the procedures.

### 1.1 Reduction-in-Force Determination

The State Board of Education, upon the recommendation of the Chancellor, shall determine when it is necessary for an Alabama Community College System institution to implement its reduction-in-force procedure. Upon the formal approval by the State Board of the implementation of a reduction-in-force action by a respective institution, the president of the institution shall, as soon as possible, notify all employees affected by the action of its implementation.

### 1.2 Definitions

**Institution:** An Alabama Community College System college or university; or any other Alabama Community College System agency, entity, or department, including CITY Program, Alabama Industrial Development Training Institute, Alabama Technology Network, and the Alabama Skills Training Consortia.

**Chancellor:** The Chief Executive Officer of Postsecondary Education for the State of Alabama. See Code of Alabama (1975), Sec. 16-160.-111.1.

**Non-probationary:** The legal right, under State law and/or State Board of Education 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 Alabama Fair Dismissal Act and/or State Board of Education rules, regulations, and/or policies.

**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.”)

**Full-time:** Employment for the number of hours designated by the respective institution as being “full-time” for the position held by the respective employee. (Examples: Forty hours of an “accountant” or “secretary,” or thirty-five hours for an English “instructor.”)

**Part-time:** Employment for fewer than the number of hours considered by the respective institution to be full-time. (Examples: Fewer than forty hours for a “maintenance worker” or fewer than 35 hours per week for an English “instructor.”)

**Probationary:** That period of employment prior to the receipt of non-probationary status as defined by the Alabama Fair Dismissal Act and/or State Board of Education rules, regulations, and/or policies.

**Reduction-in-Force:** A reduction in the total number of full-time equivalent employees at a respective college made necessary by extraordinary circumstances such as, but not limited to, a lack of sufficient funds; declining enrollment in a given course or program to the extent that further offering of the course or program is, or will likely become, impractical or economically unreasonable; or a change in academic mission, or administrative or ministerial function, of such a nature as to necessitate significant organizational changes. Not every release of an employee shall be considered a “reduction-in-force.” An isolated employee termination or non-renewal, particularly if done for just cause or as a result of a lack of satisfactory performance, shall not be considered a reduction-in-force for the purposes of this policy. Reduction decisions will be made without regard for the employee’s race, color, sex, religion, national origin, age, or any other unlawful reason.

**State Board:** The State of Alabama Board of Education. Code of Alabama (1925), Sec. 16-3-1.

**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.

## **POLICY**

### **1.0 Guidelines to be Prepared by Each College**

Each institution of the Alabama Community College System shall develop, utilizing input from a committee representative of its employees as well as information from all other appropriate sources, and submit to the Chancellor its operational guidelines for the implementation of the reduction-in-force policy adopted by the State Board. The Chancellor shall review the guidelines and determine their readiness to be recommended to the State Board for approval. The Chancellor shall within 30 days of receipt of the respective guidelines, make a determination of their readiness to be recommended to the State Board. Upon a determination of readiness for State Board action, the Chancellor shall recommend the respective guidelines for approval at the next scheduled State Board meeting at which such recommendation may be considered. The Chancellor shall also review, every three years, or more often if necessary, the procedures of each institution and recommend to the State Board any changes made necessary by law, rule, policy, or obsolescence.

The State Board hereby authorizes the Chancellor to approve any required revision made during the interim between the State Board's approval of any respective college's guidelines and any ensuring three-year review.

## **2.1 Elements of Institutional Guidelines:**

Each institution shall develop and submit to the Chancellor guidelines to implement the reduction-in-force policy adopted by the State Board. These guidelines shall include at least the following elements:

**a.** That the institution shall identify each of its employees in terms of each employee's job description (to include minimum qualification) and organizational unit and shall make this information available to each employee.

**b.** That, in the event of a proposed reduction-in-force, the institution 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.

**c.** That, in the event of an approved reduction-in-force action, 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 full-time employee(s).

**d.** That, in the event of an approved reduction-in-force action affecting non-temporary full-time personnel, a probationary employee performing the same duties as a respective non-probationary employee shall be released prior to the release of the non-probationary employee.

**e.** That, 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 the following order:

- 1.** The requirements of any applicable court order or consent decree;
- 2.** Seniority at the respective college in the respective job classification taking into consideration minimum qualifications for the respective position.
- 3.** Seniority at the respective college in the respective organizational unit;
- 4.** Seniority in general at the respective college; and

**f.** That, in the event of a termination of employment to which the Alabama Fair Dismissal procedures apply, there will be strict adherence to the proscribed procedures.

**g.** That there shall be guidelines for placement and rehiring opportunities, including the possibilities of retraining, for all full-time non-probationary employees released as a result of a reduction-in-force action.

**h.** That when the respective institution imposes a reduction-in-force action and 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 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.)