

UNC Pembroke Reduction in Force (RIF)
Human Resources Policy: **HR 08 95 (Revised 3/01/2011)**
March 1, 2011 Archived Version
(Effective March 1, 2011 through June 17, 2019)

Purpose: To provide a process for downsizing the workforce due to shortage of funds or work, abolishment of a position, or other material change in duties or organization.

Scope: Such actions apply campus wide and are taken only after examining all other available alternatives.

Policy: When normal attrition does not produce the desired results and no other measures seem feasible, The University of North Carolina at Pembroke may terminate the employment of employees subject to the State Personnel Act.

Reduction in Force will not be used as a means of separating employees who should be separated for poor performance or unacceptable conduct through the disciplinary process.

Retention of employees in classes affected shall be based on systematic consideration of the following factors: type of appointment, relative efficiency, actual or potential adverse impact on protected group individuals (minorities and female), and length of service*. However, 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. The University of North Carolina at Pembroke will inform the employee in writing of separation as soon as possible giving the reasons for the reduction in force, his/her eligibility for priority reemployment consideration, appeal rights, and other benefits available.

The University must provide employees with a 30-day notice of separation. For career status employees (24 months of State service) who are notified of a reduction in force and desire priority re-employment consideration, they must apply for any and all vacancies during the job posting period, meet the minimum qualification requirements, and identify their status as a RIF State employee. The University will report the names and classifications of all SPA RIF employees to the Office of State Personnel (OSP), for inclusion in the OSP RIF Priority Verification List.

In addition to factors previously mentioned, the following criteria may be used:

1. The number of positions which must be deleted to meet the established goal;
2. The feasibility of eliminating entire programs or parts of programs;
3. Identification of areas where positions must be reduced or eliminated;

4. Identification of the classification of positions to be eliminated to determine whether personnel can be interchanged with other work units. (Before deletion, attention should be given to using vacant positions to utilize employees who would otherwise be separated.);

5. Exploration of all measures which would avoid the involuntary separation of employees.

* NOTE: In situations where seniority or years of service is one of the considerations in retention, the 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.

Procedures: EEO (Equal Employment Opportunity): 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 departmental 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.

Identification of Positions for Reduction of Force: After specific positions are identified by the divisional Vice Chancellor, a review is conducted by a committee appointed by the Chancellor, to complete a comparison between employees in the same or related band within the divisional work unit. The analysis must include a systematic consideration, at a minimum, of the following factors:

1. Employee's types of appointments;

2. Employees' relative efficiencies. This includes an evaluation of the relative competencies (knowledge, skills, and abilities) and documented performance evaluation of the recommended employee(s) and all others in related classification bands in the divisional work unit in comparison to operational need;

3. Employees' length of service which includes the employee's total state service (including one year of State Service for each year or fraction thereof of military service, up to a maximum of five (5) years for eligible Veterans); 4. The Chancellor's Committee will be responsible for further analysis before recommending the final university decision;

5. The written recommendation must include the analyses described in (1), (2) and (3) above and the method by which each specific employee or employees are identified for being reduced in force. The result may necessitate some reassignments within the divisional work unit prior to the final recommendation regarding the identified employee(s).

Leave and Salary Increases: Vacation Leave - Employees will be paid a lump sum for the balance of their vacation leave up to 240 hours in the final paycheck and any balance above 240 will be reinstated if the employee comes back into state government within 12 months.

Sick Leave - Employees sick leave balance at the time of separation due to reduction in force shall be reinstated if employed in any State agency within five years.

Severance Salary Continuation: Severance salary continuation (subject to the approval of Office of State Budget Management) shall be paid to a permanent State employee who is separated as a result of reduction in force and for whom there is no foreseeable opportunity for reemployment at the time of separation.

Severance pay does not apply to employees who are probationary; who are separated at the end of time-limited appointments; whose reduction in force is temporary; or who are separated due to retirement.

Benefits: Employees with at least one year of cumulative State service who are participating in the State Health Plan at the time of separation due to a reduction in force will receive university-sponsored individual health insurance coverage for one year from the date of separation or until reemployed in another permanent State position, whichever is sooner. Dependent coverage is not included but may be purchased by the former employee under COBRA.

Priority Re-Employment:

1. Priority re-employment is only afforded to “career status” state employees who have been separated due a reduction in force and have not retired. A career status state employee is one who is in a permanent position appointment *and* has been continuously employed by the state of North Carolina in a position subject to the State Personnel Act for the immediate preceding twenty-four (24) months.

2. A RIF state employee shall have priority for positions in the same banded classification at the same competency level or lower as held at the time of notification, or for positions in a different banded classification with the same or lower journey market rate as held at the time of notification.

3. A RIF state employee with more than ten (10) years of service shall receive priority consideration over a RIF state employee with less than ten (10) years of service in the same or related position classification band competency level.

4. Once the career state employee is separated (not retired) from the university, priority reemployment consideration over non-state (non-SPA) applicants is afforded for the duration of eligibility. However, to receive this consideration, the employee must apply for the vacancy prior to the deadline date. The burden is on the employee/applicant to apply for any and all positions for which they may meet the minimum requirements within the specified posting period.

Continuation of Priority Re-Employment Rights: If a career banded employee accepts a position that has the same banded classification and a lower competency level, salary rate, or appointment status than that held at the time of RIF notification, or if the employee accepts a position that has a different banded classification with a lower journey market rate, salary rate, or appointment status than that held at the time of notification, the priority reemployment consideration will continue for the remainder of the twelve (12) month(or as amended by the Legislature) priority period or until priority is otherwise satisfied. Otherwise, an employee may accept the following employment and retain priority consideration throughout the priority period:

A. employment outside State government, B. a State position not subject to the State Personnel Act, C. a temporary position, or D. a contractual arrangement.

Loss of RIF status and Priority Re-employment rights: An employee, after receiving RIF notice of separation, who does any one of the following forfeits RIF priority status, including any remaining severance salary continuation, benefits continuation, and re-employment priority:

1. Refuses an interview or offer for a position within 35 miles of the employee's original work station if the position is at a the same banded classification and has a competency level, salary rate, and appointment status equal to or greater than that held at the time of notification;
2. Refuses an interview or offer for a position within 35 miles of the employee's original work station if the position is at a different banded classification and has a journey market rate, salary rate, and appointment status equal to or greater than that held at the time of notification;
3. Accepts a position at the same banded classification equal to or greater than the competency level, salary rate, and appointment status of the position held at the time of notification;
4. Accepts a position at a different banded classification equal to or greater than the journey market rate, salary rate, and appointment status of the position held at the time of notification;
5. Accepts a position with the same banded classification at a lower competency level and/or lower salary rate and is subsequently terminated by disciplinary action; or
6. Accepts a position with a different banded classification at a lower journey market rate and/or lower salary rate and is subsequently terminated by disciplinary action.

Appeals: A career State employee with a permanent appointment and with 24 months of continuous service who is separated due to reduction in force shall have the right to appeal the separation if it is alleged that the separation is in retaliation for the employee's opposition to alleged discrimination against the employee on account of the employee's age, sex, race, color, national origin, religion, creed, political affiliation, or disabling condition as defined by Chapter 168A of the General Statutes. An employee may also appeal the separation if it is alleged that the separation is a denial of the veterans' preference granted in connection with a reduction in force for an eligible veteran. The appeal may be made either through the University's internal grievance procedure or may be filed directly with the Office of Administrative Hearings.

Provisions of the appeal procedure will be followed.